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Our ref: PL00800651

Your ref:

Telephone: 020 – 7973 3279

Date: xx February 2026

Via email: [REDACTED]

Dear Spatial Planning Team

Torbay Council draft Local Plan – Regulation 18 Consultation

Thank you for consulting Historic England on the proposed Regulation 18 Local Plan consultation. Thank you also for the extension to the consultation period to allow us to be able to respond fully. As the Government's statutory adviser, Historic England is keen to ensure that conservation and enhancement of the historic environment is fully taken into account at all stages and levels of the planning process. Our comments relate primarily to the requirements in the National Planning Policy Framework (NPPF, 2025) for local plans to contain policies to conserve and enhance the historic environment (para 20), to set out a positive strategy for its conservation and enjoyment (para 203) and that they should be underpinned by relevant and up-to-date evidence (paras 32 and 205).

Overarching comments

The borough of Torbay contains a wide range of heritage, which plays a significant role in both creating the distinctive character and townscape that makes the area what it is today and is a substantial element of its continuing role as a leading tourist destination. In broad terms therefore, we welcome the emphasis on the historic environment that runs through key parts of the Plan, including in Strategic Priority 4 (bullet point 5), policy TOS Sustainable Tourism and policy ER7 Coastal Change Management and consider that this makes an important contribution to the positive strategy that the NPPF requires.

Nevertheless, as set out below, we have some concerns and therefore comments to make regarding the evidence base for the draft Plan and consequent implications for certain policies. We also consider that the historic environment is underplayed to an extent across some of the draft Plan's subject areas, while a number of our detailed comments relate to tensions between policies and the NPPF.

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Evidence base

We note the challenges in terms of the Plan facing Torbay, particularly in relation to delivering an increase in housing numbers within the context of environmental constraints and in a borough with relatively limited land supply. Similarly, we note the logic behind the broad continuation of the Spatial Strategy of the adopted local plan. However, we consider that in order to make the best and most effective use of available land in the borough, there are significant advantages to be achieved by further deepening and applying the available evidence base. As para 130 of the NPPF indicates, characterisation studies and design codes can be used to help reach decisions that ensure that land is used efficiently. Such an approach would be helpful in underpinning allocation decisions across the borough and ensuring development is directed to appropriate locations.

Conservation area appraisals are another element of the evidence base that are important given both the extent of the borough that is covered by such designation, and the likely development within them that the Plan envisages. This includes the emphasis on the 'hotels to homes' programme referenced at various points. However, we would point out that a number of conservation area appraisals for the borough are now some years old – Torquay Harbour conservation area character appraisal (within which several key draft site allocations are located) was produced over 20 years ago. We are aware that work is underway to update at least some appraisals, but a commitment to the revision of all within the borough would be a significant step in ensuring an up-to-date evidence base for the plan. As well as updating, the Plan should clearly signpost their use in terms of understanding key elements of local character and how development proposals can respond to their context. This is particularly true of the larger sites (in capacity terms) in Torquay town centre.

Tall buildings

We have some concern with the general approach to tall buildings in the draft Plan, including policy DE4 Building Heights and Urban Form. Strategic priority 5 includes a bullet point that indicates the Plan will 'allow tall buildings in appropriate locations where this secures wider regeneration benefits'. The inclusion of this text within a strategic priority infers that tall building proposals are a priority in terms of future development, while we note the references to potential locations for tall buildings elsewhere – for example within policy H1 Town Centre Regeneration Areas and at para 2.25 in relation to Paignton town centre (and with clear potential for impact on designated heritage assets). Given that the Plan does not identify which areas of the borough would be appropriate for tall buildings, this approach carries a risk that proposals will come forward in locations that are not appropriate in heritage terms and would conflict with other parts of the Plan.

We also note the reference to Torbay Council's Building Heights Strategy at para 11.19. However, we would point out that this was produced in 2010, and note that both national planning policy and the development context within the borough have changed significantly since that point. The NPPF's requirement for an up to date evidence base to underpin plans (para 32) is also relevant here.

Historic England has produced advice on planning for tall buildings: [Tall Buildings: Historic England Advice Note 4](#). We therefore consider that the draft Plan should go further in considering the likely effects of tall buildings on townscape and the historic environment, and work to identify both appropriate locations for tall buildings together with design and height parameters. As drafted, we consider there is ambiguity in where tall buildings may be located in the borough and therefore uncertainty as to effects on heritage significance. We would refer you to the work done by Exeter City Council on views, heights and capacity in underpinning their draft local plan's relevant policies and allocations as a helpful example of what can be achieved.

Further assessment would also help a clearer definition of what would be regarded as 'tall' in the borough (including across different locations and contexts), and which could then be included within Policy DE4. DE4 could also include a further clause explicitly requiring proposals to conserve heritage significance with a cross-reference to policy HES.

Heritage Impact Assessments

We note and welcome the heritage impact assessments (HIAs) that are available in relation to site allocations. Our comments in relation to specific site allocations are set out below, but where allocations are taken forward and where HIAs have identified specific mitigation measures, we would wish to see these reflected in site allocation policies in the next iteration of the draft Plan.

Site allocations

We have no specific comments on the majority of the draft site allocations included in the current consultation, although we note the basic level of detail in relation to each at this stage. Given that many of these may have effects to a greater or lesser degree on some element of the historic environment, we would expect to see appropriate design parameters that take account of any affected heritage asset, and where relevant how these have informed the approach to be taken to future development. Further advice can be found at [The Historic Environment and Site Allocations in Local Plans](#). Details of sites that would benefit from this detail are set out towards the bottom of the main body of this letter.

Site H3T.15 Meadfoot Beach Car Park

We note the HIA for this site is rated as red. The wider context for the site is the Lincombes conservation area which is characterised by villas set in relatively large gardens. The site is also within the setting of the Grade II* Hesketh Crescent, being located on the cliffside and prominent in views from the listed building. We agree with the conclusion of the HIA that development to the capacity envisaged in the draft Plan would cause harm to the open character of the conservation area and distract from the primacy of the listed crescent. We therefore object to the draft allocation as set out. We would be keen to discuss whether lowering the capacity of the site would ameliorate the effects on heritage significance and character.

Site H3P.9 Oldway Mansion

Given the existing Masterplan for the site and current repair works underway, we consider its continuation as an allocation in the draft Plan is potentially confusing and it should be removed.

H1T.5 Marina Car Park

This site is located within one of the most sensitive areas in terms of heritage in the borough, being within a conservation area and either adjacent to or within the setting of multiple other designated heritage assets. We note the emphasis in the HIA on the importance of the high quality of design of future proposals given the context, and as a result would wish to see detailed guidance on how to manage this in the site allocation policy. We would be pleased to discuss this approach and potential wording.

H3P.3 Stoke Road, west of Yalberton valley

We note the HIA status of red for this site, and again would wish to see clear guidance in the site allocation policy as to how harmful effects on heritage significance can be avoided, managed and mitigated. We would also point out the potential for combined/cumulative effects from other site allocations on designated heritage assets, including the listed buildings at Higher and Lower Yalberton. There will clearly need to be major infrastructure works, including highways requirements, in order to deliver the envisaged number of new homes in this location. These needs to be taken into account and assessed against their likely impact on the historic environment.

Site H3T.3 Land North of Brunel Manor (HIA 23T007)

Again, we note the HIA status of red for this site. Given its adjacency and relationship with the Manor building, conservation area and registered park and garden, it will be important to ensure that considerations around setting and historic character are taken into account when considering design and densities. These should be fully articulated in the site allocation policy.

H3T.22 Former Stoodley Knowle School, Ansteys Cove Road

We note that this site is now in development and as such was not subject to a Heritage Impact Assessment. However, Historic England wishes to discuss a potential assessment of hydrological changes in the catchment and in proposed drainage channels with regard to potential impacts on the Scheduled Monument (Kents Cavern). HE has produced guidance on this subject [Preserving Archaeological Remains: Decision-taking for Sites Under Development Guidance](#) (2016), Appendix 3: Water Environment Assessment Techniques. This is not specific guidance for the complexity of cave environments, but the principles of the guidance can be applied, particularly tiered or staged assessment process to understanding water/environment interactions with historic environment receptors.

Other site allocations that require further detail/guidance on design parameters in relation to effects on the historic environment, based on the conclusions of the relevant HIAs are:

H3P.2 Barton Pines	H3P.5 Summerhill Hotel
H3T.7 Land adjacent to Watcombe Hall	H3T.14 Maycliffe Hotel
H3T.25 Brampton Court Hotel	H1T1 Castle Circus
H1T2 Union Street	H1T.3 Temperance Street
H1T.4 Abbey Road	HCBCGC.3 Monksbridge

I trust these comments are helpful. Please note that this advice is based on the information that has been provided to us and does not affect our obligation to advise on, and potentially object to any specific development proposal which may subsequently arise from these documents, and which may have adverse effects on the environment.

Historic England strongly advises that the conservation team of your authority and your archaeological advisors are closely involved throughout the preparation of the local plan. They are best placed to advise on; local historic environment issues and priorities, including access to data held in the HER (formerly SMR); how the policy or proposal can be tailored to minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

In the meantime, please do not hesitate to contact me should you require any further information. I, or possibly a colleague from our South West region office, would be pleased to discuss further.



Yours faithfully

Tim Brennan MRTPI

Historic Environment Planning Adviser

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Appendix A – detailed comments

Ref	Comment
Strategic Priority 5, page 26.	As with our comments in the main body of the letter, we consider that the reference in bullet point 9 ‘to allow tall buildings in appropriate locations’ is ambiguous and requires clarification. Up to date analysis is required to underpin where within the borough any appropriate locations for tall buildings are located, together with potential design parameters and height ranges, taking into account relevant impacts on the historic environment.
Other housing allocations, page 35	We note the lack of reference to the historic environment is considerations relating to the location of potential future residential site allocations. Given the concentration of designated and non-designated heritage across the borough, there should be a reference to the historic environment in the first bullet point as per the natural environment.
Policies SDP4, SDP5 and SDB1	<p>We note references to the historic environment in policies SDP4 and SDP5 but the lack of such reference within SDB1. We would suggest that the use of the phrase ‘historic environment value’ in SDP5 is unclear, and that all three policies would be strengthened with the inclusion of terminology that better reflects policy and legislation. In the interests of consistency therefore we would suggest the inclusion of a clause in all three policies to the effect of</p> <p>‘Development is expected to deliver:</p> <ul style="list-style-type: none"> • <i>The conservation and enhancement of the local historic environment</i>
Policy HS Overall Housing Strategy, page 67	While we acknowledge the intentions behind the use of the phrase ‘maximise the use of land in this policy, we consider that this should be amended to ‘ <i>optimise</i> the use of land’ to reflect para 130 of the NPPF. This would allow for better consideration of the appropriate balance between competing objectives when allocating land for development and the impacts that such decisions would have.
Policy HS Overall Housing	We note para 3.2 and its subsidiary bullet points. Given the purpose here, we would suggest that these may be better located within the policy itself, subject to one amendment. Para 3.3 indicates that ‘strong reason’ (as per

<p>Strategy, page 68</p>	<p>NPPF para 11) is to be taken as causing substantial harm, which may stem from para 125c. However, and as you may be aware, the term ‘substantial harm’ also has a particular meaning in the NPPF in relation to the effects on heritage significance. We consider that there may be circumstances where harm that is less than substantial in terms of effects on heritage significance would still provide a reason strong enough to restrict the use of a particular area of land for housing. The text as set out here is therefore confusing.</p> <p>The PPG section on Effective Use of Land indicates that</p> <p>‘Paragraph 125(c) of the National Planning Policy Framework states planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. When determining such proposals, decision makers will need to take account of this policy alongside other policies within the Framework taken as a whole.’</p> <p>As a result, a reference to historic environment policies should be included at paragraph 3.2 (2) and para 3.3 should be removed.</p>
<p>Policy H5, page 85</p>	<p>As with our comment in relation to Policy HS, we would suggest the use of ‘optimum’ use of land, rather than best use at clause 7. We consider that a reference to conservation area appraisals as a helpful source of advice on local design and character would also be helpful in para 3.35.</p>
<p>Policies TO5 and TO6</p>	<p>There should be an inclusion of historic environment considerations in both policies to ensure consistency with references to landscape and nature conservation requirements.</p>
<p>Policy CER2, 204</p>	<p>We support this policy, although we would suggest that para 8.40 should in fact be included in the policy text itself rather than in the explanation section. We further consider that the phrase ‘considerable disrepair’ at 8.40 (f) could be open to a variety of interpretations, and is in fact superfluous to the objective of the policy. These words should be omitted.</p>
<p>Policy HE1, page 273.</p>	<p>We consider the policy as set out to be something of a missed opportunity. Rather than simply repeating the requirements of the NPPF, we consider the policy could also identify opportunities for enhancing the heritage</p>

	<p>significance of the designated assets within the borough (and listed in the Plan) and to put them at the heart of placemaking across the Plan period. The policy could also make clear that appropriate assessments should underpin and inform development proposals affecting individual heritage assets, while encouraging proposals that broaden access and address climate change issues.</p> <p>We would also suggest that the NPPF's requirement for a positive strategy for the historic environment could be significantly strengthened by the inclusion of a clause supporting proposals that identify solutions for assets on the Heritage at Risk register within this policy, rather than the reference within Policy HE3 Conservation Areas.</p>
<p>Policy HE3, page 278.</p>	<p>The first line of this policy does not appear to relate to the remainder or the explanatory text below.</p>
<p>Policy DE4, page 291.</p>	<p>Please see our comments elsewhere on potential tall buildings in the borough, and the lack of evidence as to where they may be located, the heights that may be allowed and the uncertainty as to effects on historic character and heritage significance. We consider that this policy is where the definition of a tall building should be set out, together with any appropriate locations for their development and how analysis of effects should inform design.</p> <p>We also consider that clause 8 is somewhat ambiguous – the statement that proposals should not 'seriously' harm views is open to interpretation and would suggest that a level of non-defined harm would be acceptable. All proposals should be fully justified, and the word 'seriously' should be removed.</p>