

**P/2011/0289/MPA**

**Ellacombe Ward**

**16 Market Street, Torquay**

**Extend time limit - Formation of 13 additional residential flats (to make 14 in total)  
application P/2008/0124/MPA**

### **Site Details**

16 Market Street is an existing 3 storey building with a retail unit on the ground floor and additional sales and storage on the first floor. There is an existing 2 bedroom flat at second floor level. The building is located on the eastern side of Market Street, north of the junction with Pimlico. The site is not within a conservation area, however the market buildings on the opposite side of Market Street are listed. The property is within a secondary shopping frontage and it is adjoined to the rear by Stentiford Hill which is a Local Wildlife Site and an Urban Landscape Protection Area.

### **Relevant Planning History**

1986                    2 applications approved for alterations to the shop front and to form a fire escape.  
P/1987/1583    Alterations to shopfront and second floor rear elevation. Approved 28/10/87.  
P/1994/0657    Erection of non-illuminated ultravision sign. Approved 1/8/94.  
P/2008/0124    Formation of additional residential flat (to make 14 in total). Approved 31/7/08

### **Relevant Policies**

*Torbay Local Plan 1995-2011*

HS    Housing strategy  
H2    New housing on unidentified sites  
H3    Residential accommodation in town centres  
H9    Layout, design and community aspects  
H10   Housing densities  
SS    Shopping strategy  
S1    Town centres  
S2    Town centre mixed use developments  
S4    Secondary shopping frontages  
CFS   Sustainable communities strategy  
CF6   Community infrastructure contributions  
LS    Landscape strategy  
L5    Urban landscape protection area  
NCS   Nature conservation strategy  
NC3   Protected sites - locally important sites  
EP1   Energy efficient design  
EP8   Land Stability  
BES   Built environment strategy  
BE1   Design of new development  
BE6   Development affecting listed buildings  
TS    Land use transportation strategy  
T1    Development accessibility  
T2    Transport Hierarchy

Urban Design Guide

PPS1 "Delivering Sustainable Development"

PPS3 "Housing"

PPS6 "Planning for Town Centres"

## **Proposals**

This application seeks to replace the permission granted under P/2008/0124 therefore effectively extending the time limit to implement the permission.

The application involves the retention of the ground floor retail premises and the demolition of the remainder of the building. 4 Further floors would be constructed containing a total of 14 flats. 4 Per floor at first, second and third floor levels with a further 2 flats on the fourth floor. Each flat would contain 1 bedroom, bathroom and open plan kitchen/living room. A stairwell, lift shaft and open court would be provided in the centre of the building. The proposed materials are off white render, lead cladding, white UPVC windows with a lead roof.

## **Consultations**

None

## **Representations**

None

## **Key Issues/Material Considerations**

When the proposal was considered previously it had been recommended for refusal by officers on the grounds that it was considered to be a poor quality design and was considered to be an overdevelopment which resulted in a poor standard of accommodation. Members, however, approved the application against officer recommendation. Officers concerns still remain in relation to the above mentioned issues. However, in accordance with planning regulations it is only acceptable to come to a different view on an application for an extension of time when there has been a change in physical circumstances or a change in policy. Therefore any such changes are the key issues in determining this application.

The physical circumstances at the site have not materially changed since the scheme was previously approved. There have also not been fundamental changes in local planning policy. However, the coalition government has issued a revised version of PPS3 "Housing", in June 2010. One key change in this revised version was a removal of the density targets. This signalled a move towards allowing LPAs more flexibility in setting density ranges across the plan area, consistent with the aim of creating sustainable, inclusive and mixed communities in all areas, both urban and rural.

The significance of this change and its relevance to this application needs to be considered in the light of evidence of deprivation in the area. The 2008 and 2011 versions of the Joint Strategic Needs Assessment for Torbay both show Ellacombe to be a deprived Ward. For example over 70 of dwellings in Ellacombe are council tax band A or B, compared to about 41% in England and 51% in Torbay as a whole. 61.5% of the private rented housing stock in Ellacombe fails to meet the decent homes standard (compared to 37% in England). 22% of households in Ellacombe receive out of work benefits. Indices of Deprivation from 2010 show that Torbay is becoming more not less deprived, whereas Devon as a whole is becoming less deprived. Torbay is the 49th most deprived district in England and the highest in the South West. In the 2007 indices Torbay ranked 71, with a ranking of 94 in 2004. Whilst Ellacombe is within the top 20% most deprived wards in England, Market Street itself is close to a cluster of town centre wards that are within the top 10% most deprived.

The application is for 14 flats of 40 sqm in size (English Partnerships advise that 1 bedroom flats should be over 51 sqm). The units are closely packed together with the bedrooms that front the internal courtyard, being under 4m from window to window. This is considered to be an unacceptable living environment which would detract from the amenities of future occupiers. Housing of this standard and size will exacerbate the issues highlighted above and do nothing to contribute towards the Government's objective of achieving mixed and balanced communities. They also do nothing to stem the tide in terms, which could be achieved by a step change in the provision of quality sizeable accommodation for people living and moving into the area.

Therefore it is considered that this change in central government policy, allied with the worsening socioeconomic conditions in the area provides sufficient weight to recommend the refusal of the application in order that a better arrangement of dwellings can be sought on this site.

The design is still considered to be unacceptable by officers, however, there are no significant changes in policy which would lead officers to recommend that members refuse the application on design grounds, given the previous decision of the Authority to approve this scheme.

The S.106 requirements, were the application to be approved, would be slightly lower than when the earlier application was considered due to the updates which have been issued in the mean time. Now the requirements would be:

Waste Management	£ 650
Sustainable Transport	£16,380
Stronger Communities	£ 1,170
Lifelong Learning	£ 2,080
Greenspace	£ 7,150
<b>TOTAL</b>	<b>£27,430</b>

**Sustainability** – Although high density, the proposal is not considered to be sustainable as it does not contribute to the needs of a mixed and balanced community. No commitment has been made to using green technologies.

**Crime and Disorder** – No issues.

**Disability Issues** – Building Regulations only for the flats. Level, street access provided to the shop.

### **Conclusions**

There has been a change in the direction of central government policy since the application was approved in 2008. It is considered that this change in policy, is of sufficient weight to recommend that members refuse the application on the basis that it results in a poor standard of accommodation which would worsen deprivation in the area.

### **Recommendation:**

Refusal

### **Condition(s):**

01. The proposal results in a poor standard of accommodation, as a result of the high density form of development proposed. The size of the units and their relationship with one another would result in a poor residential environment to the detriment of future occupiers. Therefore the proposal is contrary to the advice contained in PPS3 "Housing", updated in June 2010.