

2014/1016

Reg Date 21/11/2014

Bagshot

**LOCATION:** 67 HIGH STREET, BAGSHOT, GU19 5AH  
**PROPOSAL:** Change of Use of the ground floor from a Class A3 restaurant to a Class C3 two bedroom residential unit.  
**TYPE:** Full Planning Application  
**APPLICANT:** Mr Richard Waple  
Lovelace Homes Limited  
**OFFICER:** Michelle Fielder

**RECOMMENDATION: REFUSE**

**1.0 SUMMARY**

- 1.1 The application proposes the change of use of a ground floor premises last used for A3 purposes to a two bed unit of residential accommodation. This report notes there is no amenity, CIL or highways objection, however, it is considered that the application would be harmful to the pattern of use, viability and vitality and character of both the designated district centre and the Conservation Area and is recommended for refusal.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is located within the settlement of Bagshot. The site also lies within the designated shopping district centre and the Conservation Area.
- 2.2 The application site is currently occupied by a semi-detached building with the adjoining neighbouring property to the north east in residential use.

**3.0 RELEVANT HISTORY**

- 3.1 For 67 High Street:

SU/93/0218 - Change of use from retail (Class A1) to professional and financial services (Class A2). Approved in May 1993.

SU/98/0476 - Change of use of ground floor from retail (Class A1) to food and drink (Class A3). Approved in August 1998.

The officer report for SU/98/0476 confirms that the ground floor unit is self-contained, with access to the first floor offices provided from 69 High Street offices.

Across the application property (the whole of 69 High Street and first floor of 67 High Street), it can therefore be confirmed that it has been lawfully used for office purposes (under Class B1a of the Use Classes Order), also with the property being last used by chartered accountants.

3.2 For both 67 and 69 High Street:

SU/14/0233

Application under Class J, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for prior notification of Change of Use of Offices (Class B1a) at 69 High Street and first floor of 67 High Street to provide 2 one bedroom and 1 two bedroom flats.

#### 4.0 THE PROPOSAL

- 4.1 Permission is sought for a change of use of the ground floor of the property from A3 to a 2 bedroom residential unit. The submitted details indicate that there will be no alteration to the physical appearance of the building.
- 4.2 The application is supported by a planning statement and marketing information. The applicant submits that the application should be approved because:

- The premises have been actively and continuously marketed with very limited interest;
- The premises are located in a low footfall area, the premises are small and have poor servicing arrangements;
- Policy DM12 allows for a change of use where the balance of retail to non-retail uses would be unaffected;
- Neighbouring properties have changed to residential use and this provides an indication of the acceptability of residential uses in Conservation Areas; and,
- The existing vacant unit is harmful to the vitality and viability of the centre and this part of the Conservation Area.

#### 5.0 CONSULTATION RESPONSES

- 5.1 Surrey County Council Highway Authority No highway comments.
- 5.2 Windlesham Parish Council Comment: concern regarding the loss of a retail unit and the resulting impact on the vibrancy of the High Street as a retail destination.
- 5.3 Historic Buildings Officer Object: the proposal would result in a loss of vibrancy and street activity which is an important characteristic of this part of the retail high street. In addition subsequent alterations by the future occupiers could also be harmful to the street scene. The proposal would fail to preserve the character of the Conservation Area.

## **6.0 REPRESENTATIONS**

6.1 At the time of writing of this report no representations had been received.

## **7.0 PLANNING CONSIDERATION**

7.1 The National Planning Policy Framework (NPPF); Policies CP14, DM9, DM11, DM17 and DM12 of the Surrey Heath Core Strategy and Development Management Policies 2012 (CSDMP); the Infrastructure Delivery Supplementary Planning Document and Policy NRM6 of the South East Plan are material considerations in this application.

7.2 It is considered that the main issues to be addressed in determining of this application are:

- The principle of the change of use, including the loss of a unit in a 'A' use class;
- The proposal's impact on the character of area;
- The proposal's impact on Thames Basin Heaths SPA;
- The proposal's impact on residential amenities;
- Whether the development is acceptable in terms of parking and highway safety; and,
- The proposals impact on Infrastructure.

### **7.3 Principle of change of use, including loss of employment use**

7.3.1 Paragraph 17 of the NPPF states that one of the overarching roles of the planning system is to "encourage the reuse of existing resources, including conversion of existing buildings." Policy DM12 of the CS&DMP 2012 also supports the reuse of buildings but caveats this with a need retain a balance between retail and non-retail uses in district centres.

7.3.2 The applicant argues the proposal is compliant with Policy DM12 because the premises have been vacant and marketed since May 2012 and the loss of an A3 use would not affect the overall balance of retail and non-retail uses. In this regard while it is noted that the existing lawful use of the premises is A3, the applicant fails to have regard to the fact that the premises could also be used, without the need for planning permission, for any A1 – A3 use and on this basis the applicant's simplistic assessment fails to have regard to the wider picture, that is, that the loss of this unit to a residential use would result in the permanent loss of an unit in a 'A' use class in a designated district centre. This would affect the long-term balance of uses.

7.3.3 At the time of the officers site visit there did not appear to a proliferation of empty units on the High Street, within the designated district centre. There also appears to be a viable mix of 'A' class units and office uses interspersed with limited examples of residential uses. It was also noted that a recently let unit was being fitted out. Accordingly, at street level, the area does not appear to be particularly unattractive to either shoppers or businesses.

7.3.4 In addition while the premises appear to have been marketed since 2012, it must be noted that this marketing has been successful with the property being sold to its current owner in July 2014. The marketing information submitted since this change in ownership is however lacking with the following matters being of particular concern:

1. The site is advertised on Right Move as being 100sqft. (This is assumed to be an error and the size of the premises is nearer 1000sqft);
2. The duration of the properties marketing is limited to approximately 6 months (for sale) and 4 months (to let);
3. The annual market rental value of £226.48 per m<sup>2</sup> does not compare favourably with other premises located in similar district centres (by way of examples, a premises in the primary shopping area of Bagshot has an annual rental value of 160 per m<sup>2</sup> (this unit has been let), in addition a premises in Frimley shopping parade is currently being marketed at an annual rent of £151.79 per m<sup>2</sup>);
4. Much is made of the application site's location in what is reported to be an unviable location with comparisons being made with Camberley, Bracknell and Farnborough; however it must be noted (and is commonly accepted) that district centres fulfil a different function to town centres and as such it is considered the premises should be more competitively priced and marketed.

7.3.5 In summary, it is acknowledged that both the previous and current owners have made efforts to advertise the property for sale via a commercial agent. During the previous ownership, the property generated significant interest, which eventually resulted in its purchase by a new (the current) owner. This essentially demonstrates that the marketing of the property during that period was successful. The ground floor of the property has again been marketed for sale since its purchase. It is noted however, that the premises has not been advertised on the rental market until more recently. Nonetheless, the marketing information states there have been 9 viewings since August 2014, which fails to imply a lack of prospective interest in the premises. Realistically, it is considered that following the sale of the property a period of at least 18 months marketing (with the matters of concern outlined above addressed) will be necessary in order to demonstrate a lack of interest. On this basis, the evidence provided is not considered to support an exception to the loss of an 'A' class use at ground floor level. As such, an objection on the basis of DM12 is raised.

#### **7.4 The proposal's impact on the character of area**

7.4.1 The applicant argues that the proposal is acceptable in conservation terms because the use would not result in any changes to the fabric of the building and because, the residential uses have been shown to be acceptable in conservation areas. In respect of this latter matter the applicant relies on the approval of a residential unit at the ground floor of the premises next door and at Heath House (No.44), however both of these units were in office use and the more recent of the two, no.69, was a Class J prior approval in which the LPA was unable to assess the proposal's impact on the retail function of the district centre.

7.4.2 The Historic Buildings Officer has reviewed the proposal and objects to it noting that a residential use is of a different character in terms of its pattern of activity and adds that any potential reduction in vibrancy and street activity should be avoided. This is perhaps even more relevant given the adjacent building has been the subject of a Class J change of use to residential and places even greater emphasis on the need for decisions likely to impact on the retail function of an area to be fully justified.

7.4.3 A further more tangible concern is that notwithstanding the assertions made by the applicant that the proposal will not require any change to the fabric of the building, it must be noted that the premises features a large glazed shop window with the pedestrian high street immediately abutting it. It is plainly clear from the adjacent property that such a frontage will require some form of alteration if the occupants are to be afforded any kind of privacy. This concern is raised because at the time of the officers site visit a clear view of the entire living accommodation provided in the recently converted residential accommodation at the ground floor of No.69 was obtained from the pedestrian highway. In this regard it is considered that even measures as simple as hanging net, or obscure glazing the remaining clear glazed windows and door, would give rise to a largely dead frontage along this part of the High Street, which coupled with a lack of daytime activity, often associated with a residential use, would be at odds with and harmful to the character and appearance of the historic High Street within the Conservation Area. The proposal is therefore considered to be contrary to the aims and objectives of Policy DM17 of the CS &DMP 2012.

## **7.5 Impact on Thames Basin Heaths SPA**

7.5.1 The application site is located within approximately 1.1 km of the Thames Basin Heaths Special Protection Area (SPA). Natural England are currently advising that new residential development within 5km of the protected site has the potential to significantly adversely impact on the integrity of the site through increased dog walking and an increase in general recreational use. The application proposes a net increase of 2 units, which in combination with other development, to have a significant adverse impact on the protected site.

7.5.2 In January 2012 the Council adopted the Thames Basin Heaths Special Protection Area Avoidance Strategy SPD which identifies Suitable Alternative Natural Green Space (SANGS) within the Borough and advises that the impact of residential developments on the SPA can be mitigated by providing a financial contribution towards SANGS. The Council's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As SANGS is considered to be a form of infrastructure, they are pooled through CIL. The Council currently has sufficient SANGS capacity to mitigate the impact of the development on the SPA.

7.5.3 Policy CP14B requires that all net new residential development provide contributions toward strategic access management and monitoring measures. As such, subject to payment received in respect of SAMM or the completion of a legal agreement to secure this contribution by the 9 March 2015, the proposal would accord with Policy CP14B of the Core Strategy and the Thames Basin Heaths Special Protection Area Avoidance Strategy Supplementary Planning Document.

## **7.6 Impact on residential amenities**

7.6.1 The NPPF seeks a good standard of amenity for all existing and future occupants of land and buildings. Policy DM9 (Design Principles) ensures that the amenities of the occupiers of the neighbouring properties and uses are respected.

7.6.2 The proposal would provide a small unit of residential accommodation with a small rear private amenity area. The size of both elements is considered acceptable in context of the nature of the proposal and this sites location. While it is noted that privacy to the unit would be compromised by the existing part clear glazed shop front and the footpath proximity it is noted that this concern could be overcome by netting or obscure glazing (notwithstanding the LPA's concerns about what such measures would have on the character of the Conservation Area).

7.6.3 It is not considered the proposal would have an unacceptable impact on nearby residential occupiers. The proposal is therefore considered to be acceptable in terms of Policy DM9.

#### **7.7 Whether the development is acceptable in terms of parking and highway safety**

7.7.1 Policy DM11 (Traffic Management and Highway Safety) seeks all development ensures that no adverse impact on the safe and efficient flow of traffic movement on the highway network results.

7.7.2 The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway.

#### **7.8 Impact on Community Infrastructure**

7.8.1 Surrey Heath's Community Infrastructure Levy (CIL) Charging Schedule was adopted by Full Council on the 16th July 2014. As the CIL Charging Schedule came into effect on the 1st December 2014 an assessment of CIL liability has been undertaken. Surrey Heath charges CIL on residential and retail developments where there is a net increase in floor area of 100 square metres or more. The proposal would not result in a net increase in floor space and accordingly the development is not CIL liable.

### **8.0 ARTICLE 2(3) DEVELOPMENT MANAGEMENT PROCEDURE (AMENDMENT) ORDER 2012 WORKING IN A POSITIVE/PROACTIVE MANNER**

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included:

- a) Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.
- b) Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.
- c) Have communicated with the applicant through the process to advise progress, timescale or recommendation.

### **9.0 CONCLUSION**

9.1 The proposed development would not have an adverse impact on residential amenity or, highway safety. However, it is considered the proposal would give rise to a loss of an 'A' class unit in the designated district centre which, in the absence of a robust marketing report, would, be harmful to the viability and vitality of the district centre. Moreover, the introduction of a residential use at ground floor would be harmful in terms of the character and pattern of use in the historic High Street and at odds with the prevailing 'A' use classes and commercial uses. In addition, in light of the existing part clear glazed shop frontage and the proximity of the public highway to the premises, the residential use would, by any reasonable expectation, require the future occupier to provide some form of screening, netting or obscure glazing which would compound the loss of daytime activity and lead to a

dead frontage along this part of the High Street. The application is therefore considered to be contrary to the aims and objectives of Policies DM17 and DM12 of the CS&DMP 2012 and is recommended for refusal.

## **10.0 RECOMMENDATION**

REFUSE for the following reason(s):-

1. The proposal would result in a loss of unit in which could be used for any Class A1 to A3 use. The loss of this unit has not been justified by the submission of an accurate and robust marketing report. In addition it is considered that the proposed residential use would result in a change in the character and pattern of use and associated activity in this part of the historic High Street which would, in combination with the steps reasonably required to provide a satisfactory level of privacy to future occupiers, result in a dead frontage to this part of the High Street. The proposal is therefore considered to be harmful to the character, viability and vitality of the designated district centre and wider Conservation Area and contrary to aims and objectives of Policies DM12 and DM17 of the Core Strategy and Development Management Policies 2012 and the NPPF.

### Informative(s)

1. The applicant is advised that in respect of the reason for refusal the market evidence submitted is not accurate (the property is marketed as being 100sqft on the Right Move website); is not considered to be competitively priced in comparison with other premises located in similar district centres; and, has not been undertaken over a long enough period (in terms of time since the property was purchased in July 2014).