

SUPERSEDED



PLANNING STATEMENT

by **Robert Young Associates (Hungerford) Ltd**
on behalf of **Mr Simon Butterworth, Aleeda Limited**

in respect of planning application LPA ref: 22/00532/FUL for:

Use of front part of the ground floor for Class E use post LPA permission as per ref: 19/00403/FUL dated 4th August 2020, retention of 2-bedroom flat ground floor with associated external alterations new shop front and other minor alterations as approved in principle under the 2020 permission. Plus, repositioned front door and revised external concrete staircase to provide access to existing 1st floor 2 bedroomed flat. Plus, a maximum of 5 rear parking spaces, cycle storage, and bin stores as per the 2020 permission and post 22/00532/FUL submission.

at:

12 Dukes Ride, Crowthorne, RG45 6LT



Robert Young Associates (Hungerford) Ltd

December 31st 2023

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1 INTRODUCTION

- 1.1 12 Dukes Ride had a long-established residential use on the first floor as a 2 bedroomed flat. On the ground floor, the retail use (as a pharmacy) ceased in 2016, since when the ground floor has been vacant. The first-floor flat was already in existence for many years and the use only ceased when the 2020 planning permission was granted and prior to its refurbishment has still retained the same internal arrangements. The 1st floor extension approved under LPA ref: 19/00403/FUL was not implemented but this does not invalidate the spirit and purpose of the permission. When the practice originally architecturally surveyed in February 2018 the property was in poor condition particularly on the ground floor and the vacating leaseholder had to carry out stripping out works as part of the break clause in the lease. The first floor was also clearly in need of substantial refurbishment.
- 1.2 The permission granted in 2020¹ for a part change of use of the ground floor to provide a 1 bedroomed flat subsequently converted as a two bedroomed unit (to the rear) and involved a 50m² retail unit (of reduced depth) to the front of the property. The retail element was converted in mid-2022 to a 1 bedroomed flat in advance of a prior approval application being determined. The previous applicant had carried out works in July 2022, in advance of a prior approval application decision altering the front element to a residential flat. The practice did not provide any supervision on these works.
- 1.3 The Council refused the prior approval by default and subsequently the applicant at that time agreed to revert the front element back to a retail unit under LPA ref:22/00532/FUL which was larger than that permitted in 2020. The Council reviewed the amendments, but initially decided not to accept them after a 3-month delay. However, the Council subsequently did not refuse permission on those grounds, but on access and parking, as in reality it broadly reflected the 2020 permission. At that time the applicant considered that the works he completed were broadly in line with the 2020 permission which was subject to a s106 agreement.

¹ [19/00403/FUL](#) (also included extension of the first floor flat)

- 1.4 This practice had also submitted an application to the Council which was granted permission for a change of use of the adjoining retail unit and a rear dormer and the refurbishment of upper floors at no. 14-16 Dukes Ride (the former Post Office). The ground floor was to be used as a dog grooming parlour with ancillary facilities very similar to that proposed at no 12 Dukes Ride i.e., a retail area supported by washing wc and kitchenette facilities as a revision.². The retail character and context of the site has thus been altered, but efforts to market the application property (no. 12) for the retail use since 2018 has been unsuccessful.
- 1.5 After the refusal of the prior approval application, the previous applicant had then agreed in December 2022, to revert to a front retail element of 62m2 plus the wc shower and kitchenette required to meet retail occupier requirements, thus omitting the front ground floor flat. The rear ground floor flat had already been converted but to a 2 bedroomed layout, but broadly in line with the 2020 permission in terms of living space configuration . A set of revised drawings were provided at that time.
- 1.6 The 1st floor flat use is very well established and has also been refurbished. The 1st floor minor rear extension (1.5m projection) has not been built approved under the 2020 permission. The only change to the first floor is the replacement of the unsightly metal external staircase with a new concrete surfaced external side access and a repositioned 1st floor front door.
- 1.7 The Council does not dispute the planning status of the 1st floor flat. However, following an exchange of correspondence, the Council then relied upon the original planning status of a ground floor shop and 1st floor flat, even though there was a live application for 2 flats and a smaller ground floor retail unit. The applicant at that time (2022) also carried out external changes new windows and resurfaced the side access with pavements to a good standard and removed the unsightly external steel staircase.
- 1.8 The applicant's property was the subject of an initial enforcement investigation and a planning contravention notice was issued, which was duly completed. This practice was not instructed in this matter by the previous applicant and not provided with a copy of any further enforcement documents by the Council. This

² [20/00872/FUL](#)

practice is not aware of any further action taken by the Council's Enforcement Officer. In any event the applicant at that time submitted an application broadly in line with the 2020 permission. The application was submitted in July 2022 comprising part retail 62m2 net. In summary the Council initially refused to accept the part reversion to retail as an amendment in line with the extant 2020 permission.

- 1.9 14 months went by before the Council refused permission in September 2023 which referred to a parking/access deficiency and related to a dismissed appeal for a new dwelling for 2 flats in the rear plot. Reason for Refusal 2 concerned the lack of a s106 agreement, although this was agreed under the 2020 permission. This appeal was dismissed, it is accepted, but solely on access matters. No further application has since been submitted until the current freeholder took possession in November 2023. The previous owner had carried out substantial improvements to the vehicular access with resurfacing using pavements in August 2022 some considerable time after the Inspector's appeal site visit in December 2021.
- 1.6. The unsightly steel staircase has been removed to facilitate access to the rear, and the side access has been completely resurfaced, since the appeal site visit and subsequent planning refusal. It is evident that the appeal scheme was not refused on design, position, or scale, but solely on the access issue. As no further application has been submitted, it is contended that the 2020 permission is the most important material consideration granted permission by the Council not the appeal decision.
- 1.10 The previous planning application dated 8th July 2022 followed refusal of a previous application for this change to front residential use under 'Class MA' under permitted development rights. That application was refused principally as due to a misunderstanding by the applicant, the works were commenced before the application had been determined, thus effectively invalidating the prior approval application.
- 1.11 This statement considers the details and merits of the part retail/ part residential (ground floor) proposal against National and Local Development plan policies and other material considerations.

2 2024 PROPOSAL

2.1 As stated, the new applicant now seeks permission to revert to a Class E use from the front part of the ground floor in converted 2022 and retaining the rear ground floor flat as a 1 bedroomed at the rear and to retain the repositioned concrete staircase and new front door for the 1st floor flat. The existing side access is wider and properly surfaced with a parking area is provided to the rear plus a cycle store.

2.2 Submitted drawings:

<u>Ref</u>	<u>Title</u>
RYA CR010A	Existing Survey Plans and Elevations
RYA -CR011 A	Proposed Plans and Elevations
RYA CR012	Garden/Cycle Store and rear layout
RYA CR015A	Shopfront Elevation

3 PLANNING POLICY

The Development Plan

3.1 The development plan so far as relevant comprises:

- South East Plan (Policy NRM 6)
- Bracknell Forest Borough Local Plan 2003,
- Core Strategy 2008 and
- Crowthorne Neighbourhood Plan 2021

3.2 Policies identified of relevance are:

3.3 Bracknell Forest Borough Local Plan 2003 (saved policies)

- EN3 Nature conservation
- EN20 Design considerations
- EN22 Design for accessibility
- E5 Hierarchy of shopping centres
- E9 Non retail uses in Crowthorne retail core
- E11 Village and neighbourhood centres
- M4 Highway measures expected in association with new development
- M9 Vehicle and cycle parking

3.4 Core Strategy 2008

- CS1 Sustainable development principles
- CS2 Locational principles
- CS7 Design
- CS10 Sustainable Resources
- CS14 Thames Basin Heaths Special Protection Area
- CS16 Housing needs of the community
- CS21 Retail development in town centres
- CS23 Transport
- CS24 Transport and new development

3.5 Crowthorne Neighbourhood Plan 2021

- CR1 High quality design
- DM22 Trees and Landscaping
- CR4 Managing design in Crowthorne High Street
- CR9 Crowthorne High Street

Supplementary Planning Documents

Character Area Assessment
 Parking Standards
 Design
 Designing for Accessibility
 Thames Basin Heaths Special Protection Area
 Planning Obligations

4 **CONSIDERATIONS**

The change of use/and works.

- 4.1 The site is located on/within the northern edge of the Crowthorne Retail Core Area as designated in the 2003 Local Plan, and similarly the 'Crowthorne High Street' area designated within the neighbourhood plan. As such, policies presume against non-retail uses that do not contribute towards vitality and viability of the centre.
- 4.2 As noted above, the retail use of the ground floor ceased in 2016. This practice was commissioned by the original owners of the property, and we had conducted an architectural survey in February 2018. Over the 6-year period prior to the flat works in mid-2022, the condition of the premises had detracted from the

character and vitality of the street and has done nothing to contribute towards town centre viability. Efforts to market the property during that time had not attracted any retail interest, or interest for other uses under Use Class E that could contribute towards town centre viability.

- 4.3 The previous owner Ayyaz Homes Ltd then sought to put the property into good order in providing an additional residential unit on the ground floor that would contribute towards the local supply of housing in a highly sustainable location. Refurbishment works progressed rapidly, and following the prior approval invalidation, the Council then took a somewhat adversarial position on this approach. This was concerning as the property has been in a very poor state and had clearly needed modernising. Photographs of the property were submitted following the lease break clause being exercised by Lloyds Chemists confirmed this.

The 2024 Proposal

- 4.4 The amended scheme now submitted by the new freeholder delivers as per the 2020 permission, one medium sized refurbished flat in the rear part of the ground floor with the upper flat as previously refurbished in 2022 in a sustainable location for rent or purchase much needed in the locality. The Class E use element now currently proposed, is compatible with that approved in 2020 and national and development plan policy compliant.
- 4.5 The Council's development plan policies as before are the starting point for assessment, of the new proposal. A significant material consideration is the context of changing national town centre policies, aimed at avoiding vacant premises within town centres, and whereby planning permission is typically not needed for a change of use of retail and other business premises.
- 4.6 The government thus advises that residential uses can be complementary to other town centre uses and can also help support the vitality of town

centres.³ Having said this, the current freeholder applicant wishes to work with the Council and local community in effect to implement the key elements of the 2020 permission and address the key reasons for refusal from 2022 application.

- 4.7 The new owner is taking a more positive approach and will replace the outdated shop front to a good standard and the front flat to revert back to ground floor Class E use. This also involves retaining the in-situ ground floor flat which takes the planning situation back to 2020 permission, subject to a s106 agreement. The proposed layout is set in Drawing no RYA -CR011 A
- 4.8 Given that the site is on the periphery of the town centre area, and on the end of a small cluster of commercial premises, and with the reversion back to Class E use to replace the in-situ front flat, it is respectfully suggested that material circumstances in this case, broadly reflect the 2020 permission. As agreed at the pre-application stage in 2018 the Council accepted at that time that the demand for a larger retail unit on the edge of the town centre, in its entirety was not realistic so initially a 40m² proposal was rejected then a 50m² retail unit was agreed. Notwithstanding permitted development changes, a new Class E use complementing the two flats is a positive way forward in planning terms.
- 4.9 The Class E use will now be reintroduced, and the ground floor front flat replaced and refurbished to a good standard. It will therefore improve the opportunity for the new owner to rent/lease the two flats whilst occupying the front element for Class E use. This application as revised now delivers what the Council approved in 2020. It would also involve an upgraded retail frontage providing enhancement to the town centre environment and would also complement and support nearby retail/ commercial uses which occupy this local shopping parade which is otherwise fully occupied.

Design and impact on the character of the area

- 4.10 Externally the principal elevation will upgrade as per the submitted plans resulting in a more inviting front elevation at ground level. The existing shop front had been featureless since 2006, and its upgrading would make it fit for purpose and

³ Planning Practice Guidance Paragraph: 001 Reference ID: 2b-001-20190722 - Revision date: 22 07 2019

contribute towards the retail environment character of the street scene. This would provide an active frontage to the property complying with Policy CR4 of the Neighbourhood Plan and other design policies.

Occupier Amenity

- 4.11 The front retail unit would comprise Class E for the applicant's company as per the submitted plans.

Movement, access, and parking

- 4.12 The application site is within a town centre location that is well served both in terms of the services and facilities within easy reach, but also public transport links to elsewhere. Provision was made for 1 parking space to the rear as part of the 2020 permission. In reference to the appeal⁴ the current scheme does propose more than 1 car parking space but based upon an improved access arrangement and which was resurfaced and substantially improved by the previous owner in 2022. In the appeal decision related to the proposed additional dwelling to the rear of the property the Inspector thus similarly assessed that "*The appeal site is located close to a range of local shops and services within Crowthorne. These would meet the day-to-day needs of future occupants without reliance on the private car. The site also has access to public transport, including buses and a railway station. The station is some distance from the site at just under 2 kilometres walk, some 20 minutes or more walk from the site*" and "*Due to the frequency of these services and the distance to the station, I consider that access to larger settlements and a wider range of facilities by means other than the private car would be possible*".
- 4.13 The parking space cycle store and bin stores formed part of the permission granted in 2020. The current arrangement provides parking in excess of reflects the layout of the 2020 permission. However, it should be noted that there are also public transport options train and bus as well as all the town centre facilities within walking distance. Secure, covered cycle storage would also be provided to the rear and in accordance with the national aim of reducing reliance on

⁴ Appeal reference 3274877

transport by private car and the Inspector findings above, the proposal would provide for adequate access and transport for the prospective occupants.

- 4.14 The first-floor flat was used for many years with informal side parking on the side access which has now been significantly improved and upgraded with the removal of the unsightly steel cranked staircase. The development if granted permission will provide more rear parking at the rear for the Class E and residential uses.

Bin storage

Bin storage (6 in total) would be provided to the side of the building, with a collection point to the front of the side access. (No change from 2020 permission)

Biodiversity

- 4.15 As with the previous approval for a rearward ground floor flat the applicant accepts the need for a planning obligation to secure contributions towards mitigation, management, and monitoring in respect of the SPA. This was secured through a engrossed s106 agreement attached to the 2020 permission.

5 OTHER MATERIAL CONSIDERATIONS

The Council's latest Housing Land Supply Statement⁵ demonstrates a 4.2-year housing land supply which is below the HLS target. In accordance with paragraph 11 of the NPPF permission should thus be approved unless the adverse impacts resulting from approval would significantly and demonstrably outweigh the benefits of the development.

5.1 Benefits

The new scheme provides only 1 additional dwelling, so is a limited but significant benefit in the light of the local shortfall in housing land supply and the government's objective to 'significantly boost the supply of housing' as set out in the NPPF published in December 2023 . There is also the benefit in terms of

⁵ Dated 27th July 2021 with a baseline date of 1st April 2021

finally after several years of bringing a vacant property back into use; both in terms of the advice the 2023 Framework.

- 5.2 It states that decisions should promote an effective use of land in meeting the need for homes, and in terms of the resulting beneficial impact upon the street scene when compared to the previous appearance of this long-term vacant unit.

There would also be an economic benefit in terms of the reversion back to part ground floor Class E use complementing other small retailer in the local parade and the town centre. The application of NPPF 2023 and Development plan policy is consistent for this revised scheme when compared with the 2020 permission for the same. In terms of access and parking the Council has relied upon a separate appeal decision having previously granted planning permission. for 2 flats (1 existing) and 1 retail unit in 2020 on the large plot to the rear of the applicant's property.

5.3 Adverse impacts

From its previous decision in 2020, the local planning authority approved one rear parking space. Despite the changes to the quality of the side access the Council now considers that the provision of this space or more to be a negative aspect of the proposal, which involves a reversion back to part ground floor retail to meet Council policy. This should also be balanced against the complete refurbishment of the whole property in 2022 which at that time had been vacant for more than 5 years in total.

Planning balance

Applying current 2023 Framework and Development Plan policy, the latter which pre-dates many pd changes, is necessary to assess the planning balance, It is contended that the reversion back to a Class E use with a 1 or 2 bedroomed flat (ground floor) as per the 2020 permission, would not result in any adverse impacts likely to outweigh the clear benefits of the modified development. Therefore, permission with timeline conditions to ensure the reversion back to part Class E use is implemented should be granted as per the 2020 permission.

CONCLUSION

- 5.1 For the reasons above, it is concluded that the development as currently proposed brings a long-standing planning matter to a positive conclusion with the support of the local community both occupiers and residents. It has involved a major refurbishment of a semi derelict Victorian property. It is now to be amended back to part ground floor Class E use with the provision of one additional 1 or 2 bedroomed flat in line as granted permission 2020. From a planning policy perspective this scheme is in accordance with the newly published NPPF 2023 policy and the Council's Development plan. The latter contention is confirmed by the extant permission for August 2020 and previously the Council's pre-application response.
- 5.2 If the Local Planning Authority still considers there to be conflict with the development plan, specifically this would conflict with the positive outcome of the pre-application negotiations and LPA response and the terms and conditions of the 2020 permission.
- 5.3 To conclude, it is considered that there would be no significant and demonstrable adverse impacts sufficient to outweigh the benefit of the reversion to part retail with one additional dwelling in a central and sustainable location. By finally granting permission there would be associated social and economic benefit to Crowthorne town centre businesses, and the local community.

R Young January 2024



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