

## Appeals Progress Report

### 1. New Appeals

1.1 There are no new appeals to report.

### 2. Appeal Decisions

2.1 Written representations appeal against the refusal of prior approval under Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for a proposed change of use of the ground floor of 55 High Street from a shop (Class A1) to a use falling within Use Class C3 (dwellinghouses) namely two flats at **55 High Street Aldershot, 17/00707/PRIOR**.

Prior approval was required and refused under delegated powers for the following reasons:

- 1 The proposal does not make adequate parking provision to serve the proposed development. As a consequence the proposed development would be likely to give rise to conditions prejudicial to the safety and convenience of highway/pedestrian users which conflicts with the objectives of policy CP16 of the Rushmoor Core Strategy and "saved" local plan policy ENV17 and the Council's supplementary planning document Car and Cycle Parking Standards 2012
  - 2 It is considered the introduction of a residential use in this location and the lack of an active frontage will fail to maintain or enhance the vitality and viability of this part of the secondary shopping frontage. Furthermore, the piecemeal approach to the development of the site would fail to contribute to the regeneration strategy for Aldershot Town Centre. As such the proposal conflicts with "saved" local plan policy TC1 and policy SP3 of the Rushmoor Core Strategy and the objectives of the Aldershot Town Centre Prospectus supplementary planning document. Regard has also been had to policies SP1, SP1.2 and SP1.5 of the Rushmoor Local Plan Draft Submission 2017.
  - 3 The proposal fails to provide mitigation for the impact of the development on the Thames Basin Heaths Special Protection Area in accordance with the Council's Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy and is therefore contrary to Policy CP13 of the Rushmoor Core Strategy
- 2.2 The Inspector disagreed with the Council with regard to the provision of car parking advising that:

“The proposal does not provide any on-site parking. However the site is within Aldershot town centre and there is no dispute that it is conveniently located for a wide range of shops, services, facilities and public transport. The Council’s Car and Cycle Parking Standards Supplementary Planning Document November 2017 (SPD) recognises that a reduction from the normal parking provision may be acceptable in exceptional circumstances where development involves the re-use of buildings within the defined town centre and where suitable alternative off-street or on-street parking is available within 200m.

The appellant has identified a number of opportunities for on- and off-street parking in the vicinity of the site. The Council advises that the High Street car park may no longer be available. However, based on the appellant’s evidence, this would still leave more than 1500 spaces in car parks as well as on-street parking. Although the Council also states that some of the car parks are not in its control, there is nothing to suggest that they would not be available for use by future occupiers of the proposed dwellings. It also points out that the proposal is not supported by a parking stress survey. However, there is no substantive evidence to show that, collectively, the number and range of parking opportunities in the area could not accommodate the parking demand generated by two studio flats.

Moreover, there is nothing to suggest that parking arrangements in the area have led to highway safety issues.”

The Inspector did not agree with the Council with regard to the impact on the shopping frontage advising that:

“With regard to sub-paragraph (d)(ii), the parties disagree over whether the appeal site falls within a ‘key shopping area’. This term is not defined in the GPDO or the Framework. Whilst not directly analogous, the Framework classifies ‘Primary Shopping Areas’ as defined areas where retail development is concentrated and which generally comprise the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage.

Policies TC1 of the Rushmoor Local Plan Review (2000) (LPR), SP3 of the CS and SP1 of the Draft Submission Rushmoor Local Plan (DSLPL) seek to maintain the vitality and viability of the town centre, whilst Policy SP1.2 of the DSLPL sets out measures for secondary frontages and Policy SP1.5 seeks the redevelopment of Union Street East. This scheme is also promoted in the Aldershot Town Centre Prospectus Supplementary Planning Document.

The LPR pre-dates the Framework and does not define primary and secondary frontages. Rather, the appeal site is within the Town Centre, but outside of the Shopping Core, as defined by the Plan. The DSLPL has been informed by the findings of the Rushmoor and Hart Retail, Leisure and Town Centres Study (2015) (the Study) and follows the Framework’s approach. The appeal site is within a secondary frontage for the purposes of this Plan. The Study defines the primary frontage based on the main shopping circuit through the Wellington Centre, Union Street (east side) and the north part of Wellington Street.

This circuit comes closest to the appeal site at the junction of Union Street and Wellington Street. However, the appeal site is detached from it by the corner of Wellington Street and High Street and the unit at 57 High Street. I saw on the site visit that this results in a marked change in the character of the area. Compared with Union Street and Wellington Street, there appears to be significantly less foot-fall in the High Street, there is less evidence of recent investment and a much greater proportion of vacant units. Of the units which are occupied, a smaller proportion is in Class A1 use.

Consequently, I consider that the appeal site does not fall within a 'key shopping area' for the purposes of Class M of the GPDO. As such, the impact of the proposal on the sustainability of the shopping area is not a matter for determination in this appeal. In reaching this conclusion I have had regard to the Framework and relevant provisions of the LPR, CS and DSLP."

With regard to the issue of the Thames Basin Heaths Special Protection Area, the Inspector did not uphold the Council's objection advising that:

"Regulation 75 provides that it is a condition of any permission granted by a general development order that development which is likely to have a significant effect on a European site must not be begun until the developer has received written notification of the Local Planning Authority's approval under Regulation 77. If, as in this case, the condition has not been complied with, Regulations 75-78 allow for it to be discharged through a separate process. This is the approach which the appellant seeks to follow. The application must be made before any development granted under an application for prior approval begins. As such, a prior approval application can be approved, but it would be subject to the condition in Regulation 75 that a separate application is made under Regulation 77 before works commence".

## **DECISION : APPEAL ALLOWED**

### **3 Recommendation**

3.1 It is recommended that the report be **NOTED**.

**Keith Holland**  
**Head of Planning**