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AMENDMENT SHEET

DEVELOPMENT MANAGEMENT COMMITTEE - WEDNESDAY, 18TH AUGUST, 2021

The following amendment sheet was circulated at the Development Management Committee meeting. It sets out any proposed amendments and updates to reports since the agenda was published.

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AMENDMENT SHEET FOR
DEVELOPMENT MANAGEMENT COMMITTEE
18 August 2021

AGENDA ITEM No.3 :**Section A : Page 22****Add Items:**

3a	21/00483/FULPP	<p>First floor side extension and a single storey rear extension with creation of parking area to frontage of 183 Ash Road</p> <p>183 Ash Road, Aldershot Hampshire</p> <p>This application is referred for determination under paragraph (i)(f) of the Scheme of Delegation. The Head of Economy, Planning and Strategic Housing considers it to be potentially controversial, likely to be of significant public interest, and that it may have a significant impact on the environment.</p>
3b	21/00487/FULPP	<p>Retrospective change of use of part of land to rear of no.185 Ash Road from residential amenity space (C3) to tyre storage (B2) in connection with No. 183 Ash Road, and the proposed erection of single storey building for the storage of tyres and provision of staff facilities (kitchen with w/c)</p> <p>185 Ash Road, Aldershot Hampshire</p> <p>This application is referred for determination under paragraph (i)(f) of the Scheme of Delegation. The Head of Economy, Planning and Strategic Housing considers it to be potentially controversial, likely to be of significant public interest, and that it may have a significant impact on the environment.</p>

Section C : Item 6: Page 35

Application No. 21/00545/FULPP

Proposal Two storey and first floor rear extension to facilitate change of use of Public House (sui generis) with ancillary accommodation into 4 flats (2 x 1-bed and 2 x 2-bed) with associated amenity space and refuse and cycle storage

Address **The White Lion, 20 Lower Farnham Road Aldershot
Hampshire GU12 4EA**

Updates to the Report:

P37. Neighbours Notified and Comments

Ten additional responses to notification have been received. Eight from addresses in Stone Street, Waterloo Road, Gloucester Road, Newport Road and Lower Farnham Road, Aldershot; Reading Road, Farnborough; Underwood Avenue, School Lane, Farnham; and Winchester Road, Four Marks, Alton, raising objections in line with those set out in in the report.

A written Submission on behalf of the CAMRA (Campaign for Real Ale) Surrey Hants Borders branch draws attention to the conflict between the application proposal and National and Local Planning Policy and Supplementary Planning Guidance. It includes a detailed critique of the submissions supporting the application, in particular stating the applicants have submitted limited generic information which fails to demonstrate satisfactorily that the premises cannot operate viably as a public house, and that it closed as a result of Covid restrictions rather than because its operation as a business was unviable. It states that two offers to purchase the property were made by groups interested in running the public house but that they were rejected by the agents acting for the vendors:

A written submission from the Chairman of the Aldershot Community Pub Ltd. similarly critiques the submissions supporting the loss of the public house. It states that it represents a group formed ‘..to buy and run the White Lion as a Community Owned pub (and that) The pub will then not be under threat of redevelopment and will be able to provide a Community focused hub for all to use.’
The statement sets out the view that the planning application clearly does not meet the Council’s policy regarding the development of public houses. It rebuts statements in the application planning statement and marketing report, details the offer to purchase the property and concludes that the planning application clearly does not prove that there is no longer-term need for the facility.

P38. Councillor Porter who sits as a member of the Development Management Committee, has qualified the submitted objections from **Councillor Roberts** described as ‘on behalf of All Ward Councillors of Aldershot Park’ to confirm that they are not made on her behalf and that she has not as yet formed or expressed any opinion on the merits of the proposal.

A late representation has been received from the applicants’ agent requesting the following points are brought to Members’ attention:

- *No offer to purchase the property by local residents was made prior to our purchase of it. Throughout the planning process no-one has approached us regarding rental of the pub floorspace for the local community. The pub was making a loss prior to the pandemic and it is clear that post pandemic it cannot be a long term viable proposition.*

- *This is evidenced in the Marketing Report from Savills, a reputable and nationwide estate agency.*
- *We dispute the Officer's claims that the report does not sufficiently show adequate marketing of the premises - it was certainly something that the local community were aware of through its ACV (Asset of Community Value) designation and the 6 month moratorium on the sale of the property to allow the local community to acquire it. Despite the acknowledged efforts of the local community to raise funds to purchase or rent the property from the former owners, no offers were made.*
- *We fear that if this application is refused, then the ground floor of the building will remain empty.*
- *In refusing this application the Council will lose out on the provision of 3 flats that would otherwise make a contribution to the housing needs of the area.*
- *We do not believe that the replacement of a public house and a net gain of 3 residential units will result in any undue pressure on on-street parking in the area.*
- *We request that the Committee give consideration as to whether there are any longer term benefits in refusing this application, and whether an approval can be justified in the "planning balance" of providing new residential units. Alternatively a deferral of the decision on the application may be appropriate if further information or clarification is required.*

P39. Principle of Development and ACV Status

The Corporate Manager – Legal Services has advised that the White Lion is no longer listed as an ACV.

The Community Right to Bid contained within the Localism Act 2011 does not give a community group any preferential treatment in the bid process. The legislation essentially only provides for a delay to the owner to sell on the open market during which time a sale to a community group may proceed. The owner is not however obliged to sell to the community bidder.

The 6 month 'Full Moratorium' period relating to the White Lion started on 15 November and ended on 15 May 2020. The owner had 18 months in which to sell the property which includes the 6 month moratorium running concurrently within which time contracts could not be exchanged with any third party buyer UNLESS the buyer was a community group within the meaning of the Regs. This is called the 'Protected Period'. If the owner does not sell within that 18 months and then decides to put the asset up for sale again, the process starts again.

The owners sold the property within the Protected Period and outside the Moratorium Period.

The legislation states that an owner cannot enter into a relevant disposal UNLESS the following conditions are met:

- A The owner notified the council of their wish to enter into a relevant disposal. *This was complied with, the owners contacted the CM - LS in Nov 2019 when the property was put on the market for sale;*
- B The Interim Moratorium Period ended without notice of intended bidder or the Full Moratorium Period ended – *the latter is the case here;*
- C The Protected Period has not ended – *as is the case here.*

As the White Lion was sold within the Protected Period it is no longer an ACV.

P43. Public open Space

No further submission from the applicants has been made with regard to a financial contribution towards public open space provision. A fourth reason for refusal is therefore recommended on this basis.

P.46. Amended **Full Recommendation:**

'It is recommended that, subject to no further or substantive responses to notification and consultation being received by the end of 18th August 2021. The Head of Economy, Planning and Strategic Housing be authorized, in consultation with the Chairman, to REFUSE planning permission for the following reasons:'

Amend reason for refusal 1 to delete the final phrase '...with the status of an Asset of Community Value.'

Add reason for refusal:

- '4. The proposal fails to make adequate provision for the open space needs of future occupiers contrary to the requirements of Rushmoor Local Plan Policy DE6.'