

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of these time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comment. Any changes or necessary updates to the report will be made orally at the Committee meeting.

Case Officer	Katie Ingram
Application No.	22/00159/FULPP
Date Valid	24th February 2022
Expiry date of consultations	11th April 2022
Proposal	First floor rear extension to facilitate change of use of first ancillary accommodation of public house (Sui generis) to 2 self-contained flats (1no. 1-bed and 1no. 2 bed)
Address	<b>The White Lion Public House 20 Lower Farnham Road Aldershot Hampshire GU12 4EA</b>
Ward	Aldershot Park
Applicant	Mr A Jaman
Agent	Mr W Pierson
Recommendation	<b>Refuse</b> planning permission

### Description

The application site is occupied by a two-storey building which is a Public House with ancillary staff accommodation (a 2-bed flat) provided on the first floor. The property is at the end of a terrace of six properties, the other five are houses, and fronts Lower Farnham Road at the corner on to Stone Street. It is a yellow stock brick building with a pitched, tiled roof and white painted rear elevation. The rear of the building has been variously extended with single storey and two storey extensions. There is a rear yard the width of the site (10m) by approximately 6m deep, which is occupied by some outbuildings and partially serves as an off-road parking space and outdoor storage.

The main entrance to the pub is on the Lower Farnham Road frontage where there is also a small raised outdoor terrace, and there is side entrance from Stone Street. The public house has a bar and two public rooms, toilets at the rear, and servicing arrangements within the inner parts of the building. A central staircase behind the bar leads to the first-floor accommodation. At first floor level, there is a glazed door to an informal roof terrace on the flat roof of one of the single storey extensions.

Surrounding uses are predominantly residential in nature and characterised for the most part by two-storey terraced and semi-detached housing on Stone Street and Lower Farnham

Road. There is a vehicle sales premises and single storey warehouse building opposite on the south-east side of Lower Farnham Road which is part of the larger Blackwater Trading Estate. 40m north of the site is a supermarket, and parade of shops on Ash Road (A323).

The White Lion was registered by the Council as an Asset of Community Value In October 2019 however, the status was nullified when the owner sold the property within the 'Protected Period' as defined by s94 of the Localism Act 2011.

In August 2021, the Council refused planning permission 21/00545/FULPP for a '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)' for the following reasons:

1. The application has not been supported by sufficient evidence to demonstrate that there is no-longer term need for the public house. In this regard, the proposal conflicts with Policy LN8 of the Rushmoor Local Plan and the requirements of the adopted 'Development Affecting Public Houses' supplementary planning document and would thereby give rise to the loss of a community facility.
2. The development would fail to provide sufficient on-site car parking to the detriment of the free flow and safety of the surrounding highway network, the residential amenities of neighbouring properties and the living conditions of proposed occupiers. In this regard, it contravenes the requirements of Local Plan Policy IN2 and the Council's adopted Car and Cycle Parking Standards.
3. The proposal fails to address the likely significant impact of the development on the Thames Basin Heaths Special Protection Area as required by the Habitats Regulations in accordance with the Council's Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy, and is therefore contrary to Rushmoor Local Plan Policy NE1 and retained Policy NRM6 of the South East Plan.
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.

The applicant has lodged an appeal against this refusal. The Planning Inspectorate has confirmed that the appeal is valid, but the Inspectorate is yet to issue a 'start date'.

### *Proposed development*

The application is seeking planning permission to convert the first-floor staff accommodation into two self-contained flats (1x 2-bed 3 person flat and 1x 1-bed 2 person flat). To facilitate this, a first-floor rear extension measuring 5.4m long x 7.4m wide is proposed that would match the existing eaves and ridge height and would require some demolition of the storage buildings in the rear yard to install a cycle and bin storage area and a private garden area for Flat 2. The plans show the parking space in the rear yard retained. Access to the flats would be from the side entrance on Stone Street with a new internal staircase. The two lounges in the pub would be amalgamated into one with a new, set back bar area, and the toilets and kitchen modernised.

The application is accompanied by a Planning Statement and Marketing Report (the same marketing report submitted with refused application 21/00545/FULPP).

## Consultee Responses

Planning Policy	Raises objection due to non-compliance with requirements of Policy LN8
Environmental Health	Raises objection
Contracts Management	Raises no objection
Aldershot Civic Society	No comments received
HCC Highways Development Planning	Confirms the proposal would not lead to any material detrimental impact upon the public highway

## Neighbours notified and comments

Site notices were displayed and 14 letters of notification were sent to adjoining and nearby properties. At the time of writing there have been 37 representations objecting to the scheme from addresses in Stone Street, Lower Farnham Road, Herrett Street, Ash Road, Belland Drive, Waterloo Road, Elston Road, Shalden Road, Jubilee Road, York Crescent, Basing Drive, Wolfe Road, St Georges Road, Lysons Road, Boulters Road, Upper Weybourne Lane, Lower Newport Road, Newport Road, Haig Road, South Walk, Belle Vue Road, Reading Road and addresses each in Farnham, Ash, Ash Vale, Tongham, Church Crookham, Bentley, Bedford, London, Newport Bagnell and Spain.

Submissions have also been received from the CAMRA (Campaign for Real Ale) Surrey Hants Borders branch and from the Chairman of the Aldershot Community Pub Ltd.

An objection has also been received from Councillor Roberts.

Objections have been raised on the following grounds:

- a) This is way of converting the whole pub to residential by stealth, the applicant will claim the ground floor pub without accommodation is not viable
- b) This is not a credible attempt to retain the pub as it will be even less viable without on-site staff or family accommodation
- c) There will be no outside amenity space, no kitchen ventilation, no mobility access, no sufficient area for deliveries or drinks cooling, no empty cask storage and no fire exit and a pub cannot viably operate without these things
- d) Impact of noise from customers and operational noise (eg deliveries, plant noise) on new residents will impact viability of the pub
- e) The pub provides a much-needed opportunity to make friends and network locally
- f) The public house is an Asset of Community Value
- g) North Town (pop 6,700) has no surviving pubs.
- h) Policy LN8 of the Local Plan and Paragraph 20 of the NPPF protects public houses as community facilities so the Council should refuse the application
- i) Local places to socialise are important
- j) The Marketing report does not match the scheme
- k) The marketing report does not demonstrate there is no longer term need for the pub which is contrary to the Council's Public Houses SPD
- l) The pub was a viable thriving business and popular before Covid. Covid stopped the

- pub operating in the short term, and should not be sold for flats just because of Covid
- m) The new owner has not re-opened the pub and has ignored all approaches by Aldershot Community Pubs Ltd to discuss re-launching it (although the marketing report (5.12) says that no one has approached the applicant.
  - n) The new owner has made zero effort to operate the pub since they purchased it
  - o) The area is already very congested, and no parking is proposed for the two flats
  - p) The plans and planning statement are not consistent about what parking is proposed.
  - q) Staff need to be able to park adjacent to the pub, for safe late-night finishes and will not be able to do so
  - r) Will result in loss of employment
  - s) Commercial and residential refuse storage together poses a fire risk
  - t) There will be no accessible entrance
  - u) The roof terrace will be on a felt flat roof
  - v) The Aldershot Community Pub Ltd (ACP) has contacted the owner several times about the possibility of ACP running the White Lion but have not received a response, other than an acknowledgement of receipt from the agent
  - w) There is no obvious provision for cellar cooling
  - x) There are security concerns with no staff / management flat above
  - y) The extension would lead to the loss of outside smoking area and garden
  - z) Since purchasing the White Lion they have showed no intention of looking to reopen the pub and ignored several attempt by ACP to contact owner and suggest way of running the pub
  - aa) The same marketing report has been submitted with refused application 21/-00159/FULPP and this is redundant as the public house is retained

## **Policy and determining issues**

The site is located in the settlement boundary of Aldershot and relates to development affecting a public house. Policies SS1 (Presumption in favour of sustainable development), SS2 (Spatial Strategy), IN1 (Infrastructure and Community Facilities), IN2 (Transport), IN3 (Telecommunications), DE1 (Design in the Built Environment), DE2 (Residential Internal Space Standards), DE3 (Residential Amenity Space Standards), DE6 (Open Space, Sport and Recreation Facilities), LN8 (Public Houses), NE1 (Thames Basin Heaths Special Protection Area) and NE4 (Biodiversity) of the adopted Rushmoor Local Plan (2014-2032) are relevant to this application. The Council's adopted supplementary planning documents 'Car and Cycle Parking Standards' 2017 and 'Development Affecting Public Houses' 2015, and Thames basin Heaths Special Protection Area Avoidance and Mitigation Strategy (AMS) as updated April 2021 are also relevant to the determination of the application.

The main determining issues of this application are considered to be:-

1. Principle of development with regards impact on public house
2. Visual impact
3. Impact on neighbouring amenity
4. The living environment created
5. Highways considerations
6. Public Open Space
7. Impact on wildlife

## Commentary

### 1. Principle of development with regards to impact on public house

The National Planning Policy Framework (2021) recognises public houses as ‘community facilities’ (para. 93) and their importance for promoting social and cultural well-being in the community, and advises that planning policies and decisions should ‘plan positively for the provision and use [of such facilities] to enhance the sustainability of communities and residential environments’.

As the owners of the White Lion sold the property within the Protected Period, as defined by S93 of the Localism Act, the Asset of Community Value status which was listed in October 2019 was nullified. Rushmoor Council Legal Services have advised that another application to list the property as an Asset of Community Value has been received and they are in the process of issuing a decision on this. Whilst this meets the conditions for listing, the decision has yet to be issued and therefore at the time of writing the Public House is not yet listed as an Asset of Community Value.

Recognising the social and cultural value of public houses the Rushmoor Local Plan specifically deals with development proposals resulting in the loss of a public house in Policy LN8. This states *‘Development proposals resulting in the loss of a public house will be permitted where it can be proven that there is no longer-term need for the facility. The applicant will be required to provide evidence of effective marketing for a period of at least twelve months. In determining such applications, the Council will have regard to the content of the ‘Development Affecting Public Houses’ Supplementary Planning Document’.* Preamble to the Policy and the SPD set out details on how applicants can demonstrate that there is no longer-term need for a facility by way of marketing, viability and diversification evidence.

One of the reasons for refusal of planning application 21/00545/FULPP in August 2021 was that the application failed to justify the redevelopment of the public house into 4 flats and subsequent loss of the public house, in accordance with those requirements.

This application proposes to address that reason by facilitating a change of use of the first floor ancillary accommodation into 2 separate self-contained flats with a first floor rear extension, and leaving a public house at ground floor. The first floor is currently non self-contained and historically occupied ancillary to the public house use by management or staff.

The applicant’s planning statement (para 5.9) states that the revised application ‘puts forward a scheme that ..significantly provides re-configured floor space to make it more attractive to potential commercial or community occupiers, including new toilet facilities, bars stores and a kitchen. The current lack of facilities is a fundamental reason why the public house use in its current format is not a viable proposition’.

The toilets will be modernised and a small kitchen provided, although it is noted that there is no provision on the plans for extraction plant for the kitchen. There would be no disabled access, no dedicated delivery space and less external storage as well as no staff accommodation. The rear yard has been used as ‘garden’ and smoking area in the past as well and this would be removed. The planning statement or application does not offer any analysis on the viability of the public house without staff accommodation or these reduced facilities. Neither does it address the conflict between the retained public house use and private residential use above. It is considered that the viability of the continued operation of

the public house has not been adequately considered and the application fails to address the policy and SPD in this regard.

The applicant has submitted the same marketing report that was submitted in support of refused planning application 21/00454/FULPP. This evidence has not been tailored to the current scheme which is proposing to retain the public house at ground floor. The marketing evidence in this report was considered inadequate in providing sufficient evidence to demonstrate no long term need for the public house.

'Development Affecting Public Houses' SPD requires applicants to demonstrate that a public house has been marketed for at least 12 months as a public house 'free of tie and restrictive covenant' and that there has been no interest in either the freehold or leasehold and requires applicants. Annex A sets out the minimum requirements for a marketing exercise to be considered 'sufficiently thorough'. For example, it requires a 'For Sale' signboard to be affixed to the premises and advertisements to be placed in the local press, in appropriate trade publications and on trade websites, and copies of all approaches provided with reasons why any offer has not been accepted. The applicant is also required to demonstrate that 'reasonable efforts have been made to preserve the facility', including setting out evidence of any diversification options explored, and to prove that it would not be economically viable to retain the building or site for its existing use class' (section 5). The applicant is also required to provide evidence that there are alternative public houses with similar facilities within walking distance of the public house (provision 6).

The submitted marketing report states that the property was marketed from January 2019, but information as to the length of the marketing is provided. There also appears to be some uncertainty as to the number of viewings which have taken place, and it is not clear whether the marketing of the property was impacted by government-enforced lockdowns and the introduction of other COVID-19 restrictions. Although no formal offers were received from those looking on continue the current public house use, it is noted that various expressions of interest were received, including from a community group, and further details of these are not provided. The Report states the public house was advertised for sale 'on third party websites', on Savills' website and through Savills' monthly property mailing list available to operators/investors. Whilst the Report includes a copy of an advert from Savills' webpage, no other evidence of the marketing is provided.

It is considered that the marketing exercise is first, out of date, and secondly, not relevant to the current envisaged arrangement of a public house without ancillary staff accommodation and with residential occupiers on the floor above. The application has not been supported by sufficient evidence to demonstrate the viability of the public house without the staff accommodation and therefore conflicts with the Policy objectives of Policy LN8 of the Rushmoor Local Plan and the 'Development Affecting Public Houses' supplementary planning document.

## **2. Visual Impact**

The proposed works would not significantly increase the footprint of the building and the extension would have maximum projection, at first floor level, of 5m and would be flush with the rear elevation of the ground floor rear extension and match existing roof and eaves levels. The extension would tidy up the appearance at the rear of the site. There would be no change to existing external materials or features/detailing, and proposed fenestration would match the existing. It is considered the proposed extension would be on an appropriate scale and would respect the character of the site and surrounding area and have

an acceptable visual impact and comply with Policy DE1 of the adopted Rushmoor Local Plan.

### **3. Impact on neighbouring amenity**

The nearest properties are attached no.18 Lower Farnham Road to the north and nos. 2 and 4 Stone Street to the west separated by a private access road. The first-floor rear extension will increase the height of the building at the rear from 5.5m to 8m (at the ridge to match existing) and from 4.3m to 5.5m (at the eaves). The extension will, like the existing two storey part of the building, be 2.7m from the northern side boundary with no.18.

Given the orientation of the site to the south of no.18 this will cause additional overshadowing to the rear amenity space of no.18, however, because of the separation distance this is not considered to be materially harmful. The impact would be to the rear of the private garden area of no.18, and there is also a long outbuilding against the shared boundary in the garden of no.18 creating more separation.

There will be two windows in the northern first floor elevation replacing a glazed door, which will serve communal and private circulation space. It is considered these would not have a detrimental impact by way of loss of privacy to no.18 and the plans show that they will be partially obscure glazed.

A door has been installed at first level giving access to the roof of a single storey element of the building which is used as an informal roof terrace and abuts the northern side boundary of the site with no.18. A 1.2m high bamboo fence has been erected along the northern site boundary. The proposed application proposes to retain this outdoor terrace to serve as private outdoor amenity space for Flat 1 and erect a side and rear timber fence. It is considered that the fence, which has a depth of 5.5m and would be 1.5m high would have a materially harmful impact on the outlook and daylight access of a first-floor rear facing window of no.18 (not shown on the elevation plans) to a habitable room if the roof terrace were to be formalised in this way.

Two first floor windows on the rear elevation of the proposed extension, serving a bedroom and living areas, will be 8.3m from the side elevations of nos. 2 and 4 Stone Street to the west. There are windows in the side elevations of nos. 2 and 4 Stone Street but they are fixed shut high level obscure glazed windows serving bathrooms. The proposed windows do not overlook any private amenity space. It is considered that the extension will not cause harm to amenity of occupants of 2 to 4 Stone Street by way of overlooking or sense of enclosure.

There is a new first floor side window in the side elevation opposite the private amenity space of no.1 Stone Street on the southern side of Stone Street. It is considered that the separation distance across the highway of 13.5m would be acceptable and would not result in a materially harmful impact by way of overlooking.

The proposed development would have an unacceptable impact on the amenity of no.18 Lower Farnham Road by way of a 1.5m high close board timber fence with a length of 5.5m along the side boundary of a roof terrace, creating a loss of outlook from a rear facing window at first floor level and in this regard, the application would not comply with Policy DE1 of the Rushmoor Local Plan.

#### **4. The living environment created –**

Proposed Flat 1 is a 1 bed 2-person flat and flat 2 is a 2-bed 3 person flat.

With regard to residential space standards the application complies with the Rushmoor Local Plan. Flats 1 and 2 have gross internal floor areas of 50sqm and 65sqm respectively and therefore meet the minimum floor area requirements (Policy DE2) which are 50sqm and 61sqm. Bedroom sizes and storage areas are also compliant.

The minimum requirement for private outdoor space (Policy DE3) is a 5sqm balcony within flatted development accessible from the main habitable room. Subject to an acceptable impact on neighbouring amenity, it is proposed to provide a small area of open space for Flat 1 on a roof terrace that would meet the requirement. A private garden area in the rear yard approximately 4m x 4m is proposed to serve Flat 2. Although separated it is considered that it could provide adequately meaningful private amenity space.

The Council's Environmental Health Officer has raised concerns regarding the introduction of residential units above a licensed premises. There are a number of potential noise sources from the operation of a public house that could intrude on the amenity of future occupants, either via structure-borne transmission of noise through the fabric of the building or air-borne noise through opened windows. These include amplified music/TV, raised voices internally or patrons in external areas smoking or those leaving or entering the premises from Lower Farnham Road. The plans also do not show any external plant for the ground floor use and noise from the operation of any such plant impacting on residential amenity also needs to be considered.

Whilst it is technically feasible to improve the sound insulation capability of the existing floor structure, the application has not been supported with any further information as to the existing construction of the separating floor/ceiling and without further details, there is not considered to be sufficient information supporting the proposal for an informed judgement on whether sufficient mitigation is possible.

In the event of approval, for the flat overlooking Lower Farnham Road, the application would need to demonstrate that the sound insulating properties of the building are sufficient to mitigate noise from road traffic.

Whilst the application complies with residential space standards, it has failed to demonstrate the living environment created for the future occupants of the first floor flats would be acceptable by way of noise from the operation of the public house below and therefore the application fails to comply with Policy DE1 of the Rushmoor Local Plan which states that among other things, development will 'not cause harm to the proposed, existing and/or adjacent users by reason of: loss of light, privacy or outlook; or noise, light pollution, vibration, smell, or air pollution'.

#### **5. Parking and highways considerations –**

Residential development should provide parking spaces in accordance with the requirements of Appendix A of the Rushmoor Car and Cycle Parking Standards SPD, and there should be a minimum parking provision of one space per dwelling notwithstanding the size or location of the development (Principles 6 and 7). The site is not in a Town Centre location, so the development of 1 x 1-bed and 1 x 2-bed would require 3 parking spaces.



There is hardstanding at the rear of the building which serves as one parking space for the site, reached via a private access road. It can be presumed this is for staff or staff accommodation. The application proposes to retain this parking space, and no further spaces would be provided. It is noted however, that the floor plans contradict the Planning Statement (para. 5.33) which states that the space will be removed and no parking provided.

The Parking Standards recognise that where a change of use would result in a higher parking standard a development is not required to make up for any deficiencies in the existing provision (Principle 2) and it is recognised that the existing pub under the current Standards, expressed as maximum standards, represents a shortfall in parking provision. The public house has a bar area of approximately 30 to 40sqm and there is therefore an existing shortfall of 2-3 spaces on the site.

The applicant justifies the proposed shortfall in parking provision stating that the additional residential unit will not generate any significant demand beyond that which exists with the public house and ancillary residential accommodation. However, the public house use is also being retained in this instance and an additional 35sqm of floor space is required to facilitate the first-floor change of use from one flat into two flats. There is therefore a shortfall of proposed parking provision against the Parking Standards that would be contrary to Policy IN2 (Transport) of the Local Plan.

The County Highway Authority has stated that the proposal would not lead to any material detrimental impact upon the public highway in regard to traffic generation, but that parking is a matter for the Local Planning Authority to decide with a view to their adopted standards.

A cycle store is proposed in the rear yard that would accommodate the required number of cycles (minimum 3) in a secure and weatherproof location.

It is considered that the application provides insufficient on-site parking and therefore fails to comply with the requirements of Policy IN2 (Transport) of the Rushmoor Local Plan and the adopted Rushmoor Car and Cycle Parking Standards SPD.

## **6. Public Open Space**

The Local Plan seeks to ensure that adequate open space provision is made to cater for future residents in connection with new residential developments. Policy DE6 refers to the Council's standard and, in appropriate circumstances, requires a contribution to be made towards the enhancement and management or creation of open space, for part or all of the open space requirement.

The Council's Parks Development Officer considers a financial contribution of £4,312.00 (£1,940.40 for a 1 bed dwelling and £2,371.60 for a 2 bed dwelling) towards playground renewal at Aspect Grove Blackwater Way or infrastructure improvements at Aldershot Park would be appropriate, to be secured by way of a planning obligation. This application has not been accompanied by such an agreement and therefore the application fails to make adequate provision for the open space needs of future occupiers and therefore does not comply with Local Plan Policy DE6.

## 7. Impact on Wildlife

### Special Protection Area

The European Court of Justice judgement in 'People Over Wind, Peter Sweetman v Coillte Teoranta C-323/17' in April 2018 established the legal principle that a full appropriate assessment (AA) must be carried out for all planning applications involving a net gain in residential units in areas affected by the Thames Basin Heaths SPA, and that this process cannot take into account any proposed measures to mitigate any likely impact at the assessment stage. This process, culminating in the Council's Appropriate Assessment of the proposals, is overall described as Habitats Regulation Assessment (HRA). Undertaking the HRA process is the responsibility of the decision maker (in this case, Rushmoor Borough Council) as the 'Competent Authority' for the purposes of the Habitats Regulations. The following paragraphs comprise the Council's HRA in this case:-

### **HRA Screening Assessment under Regulation 63(1)(a) of the Habitats Regulations**

The Thames Basin Heaths SPA is designated under the E.C Birds Directive for its lowland heathland bird populations. The site supports important breeding bird populations, especially Nightjar *Caprimulgus europaeus* and Woodlark *Lullula arborea*, both of which nest on the ground, often at the woodland/heathland edge; and Dartford Warbler *Sylvia undata*, which often nests in gorse *Ulex* sp. Scattered trees and scrub are used for roosting.

Heathland is prone to nitrogen deposition due to increases in Nitrogen Oxide. Calculations undertaken for the Rushmoor Borough Council Local Plan found that there will be no incombination impacts on the habitats as a result of development in the Local Plan, including an allowance for 'windfall' housing developments. However within the screening process it will need to be ascertained whether development outside the Local Plan within 200m of the SPA will increase vehicle movements to above 1000 extra trips/day or exceed the Minimum Critical Page 27Load by over 1% either alone or in-combination with the Local Plan.

The bird populations and nests are very prone to recreational disturbance, with birds vacating the nests if disturbed by members of the public. This leaves the young unprotected and increases the risk of predation. Dogs not only disturb the adults, but can directly predate the young.

Visitor surveys have shown that the visitor catchment area for the Thames Basin Heath SPA is 5km, with any proposals for residential development within this catchment contributing to recreational pressure on the SPA. The research also evidenced that residential development within 400m of the SPA would cause impacts alone due to cat predation of adult and young birds.

The retained South East Plan Policy NRM6 and adopted New Rushmoor Local Plan (2014-2032) Policy NE1 (Thames Basin Heaths Special Protection Area) and Thames Basin Heaths Avoidance & Mitigation Strategy (2021), state that residential development within 400m of the SPA should be refused and development within 5km of the SPA should provide Strategic Alternative Natural Greenspace (SANG) of 8ha/1000 additional population and contributions to Strategic Access Management and Monitoring Measures (SAMM) dependant on the number of bedrooms.

It is considered that there is sufficient information available with the planning application provided by the applicants with which the Council can undertake the HRA process. In this

case the proposed development involves the creation of 1 net new residential unit within the Aldershot urban area. The proposed development is located within the 5km zone of influence of the SPA, but outside the 400-metre exclusion zone. The proposed development is neither connected to, nor necessary to the management of, the Thames Basin Heaths SPA. Furthermore, the proposed development would not result in a net increase in traffic movements in excess of 1000 vehicular movements per day in proximity to the SPA.

All new housing development within 5 km of any part of the Thames Basin Heaths SPA, is considered to contribute towards an impact on the integrity and nature conservation interests of the SPA. This is as a result of increased recreation disturbance. Current and emerging future Development Plan documents for the area set out the scale and distribution of new housebuilding in the area up to 2032. A significant quantity of new housing development also results from 'windfall' sites, i.e. sites that are not identified and allocated within Development Plans. There are, therefore, clearly other plans or projects for new residential development that would, together with the proposals the subject of the current planning application, have an 'in-combination' effect on the SPA. On this basis it is clear that the proposals would be likely to lead to a significant effect on European site (i.e. the Thames Basin Heaths SPA) integrity.

### **Appropriate Assessment under Regulation 63(1) of the Habitats Regulations**

If there are any potential significant impacts upon the Thames Basin Heaths SPA, the applicant must suggest avoidance and/or mitigation measures to allow an Appropriate Assessment to be made. The Applicant must also provide details that demonstrate any long-term management, maintenance and funding of any such solution.

The project the subject of the current planning application being assessed would result in a net increase of 3 dwellings within 5 km of a boundary of part of the Thames Basin Heaths SPA. In line with Natural England guidance and adopted Rushmoor Local Plan Policy NE1 and the Thames Basin Heaths Avoidance & Mitigation Strategy (2019), a permanent significant effect on the SPA due to an increase in recreational disturbance as a result of the proposed new development is likely. As such, in order to be lawfully permitted, the proposed development will need to secure a package of avoidance and mitigation measures.

Rushmoor Borough Council formally adopted the latest version of the Thames Basin Heaths SPA Avoidance & Mitigation Strategy (AMS) in April 2021. The AMS provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Thames Basin Heaths SPA arising from new residential development. This Strategy is a partnership approach to addressing the issue that has been endorsed by Natural England.

The AMS comprises two elements. Firstly the maintenance of Suitable Alternative Natural Greenspace (SANG) in order to divert additional recreational pressure away from the SPA; and, secondly, the maintenance of a range of Strategic Access Management and Monitoring Measures (SAMMs) to avoid displacing visitors from one part of the SPA to another and to minimize the impact of visitors on the SPA. Natural England raises no objection to proposals for new residential development in the form of Standing Advice provided that the mitigation and avoidance measures are in accordance with the AMS.

In order to meet the requirements of Policy NE1 and the AMS applicants must:-

- (a) secure an allocation of SPA mitigation capacity from either the Council's SANGS schemes, or from another source acceptable to Natural England and to the Council; and
- (b) secure the appropriate SANG and/or SAMM in perpetuity by making the requisite financial contribution(s) by entering into a satisfactory s106 Planning Obligation that requires the payment of the contribution(s) upon the first implementation of the proposed development.

These requirements must be met to the satisfaction of Natural England and Rushmoor Borough Council (the Competent Authority) before the point of the decision on the planning application.

The applicant is aware of the need to address SPA impact and has indicated in the Planning Statement they are prepared to make a financial contribution for SPA mitigation and avoidance (paragraph 5.51). However, based on the proposed scheme they have declined to enter into negotiation to secure an allocation of SPA mitigation to support their proposals by submitting a policy compliant scheme, nor have they demonstrated any alternative arrangement by which the requirements of the Habitats Regulations could be addressed. Since the applicant has not adequately addressed this policy requirement it is considered that they have not mitigated for the impact of the proposed development on the Thames Basin Heaths Special Protection Area. The proposals thereby conflict with the requirements of Rushmoor Local Plan Policy NE1. The conclusion of the Appropriate Assessment in this case is, therefore, that planning permission be refused on SPA grounds.

#### Site Specific Protected Species

The building is relatively old although it is not in a poor state of repair and there is no woodland or obvious bat foraging sites nearby. It is considered that the proposed development would not adversely affect the conservation status of priority species and would not be contrary to the requirements of Policy NE4 (Biodiversity) of the adopted Rushmoor Local Plan and in the event of approval, an informative can be added advising the applicant to undertake any works in a precautionary manner to avoid adverse impact to unidentified bat roosts.

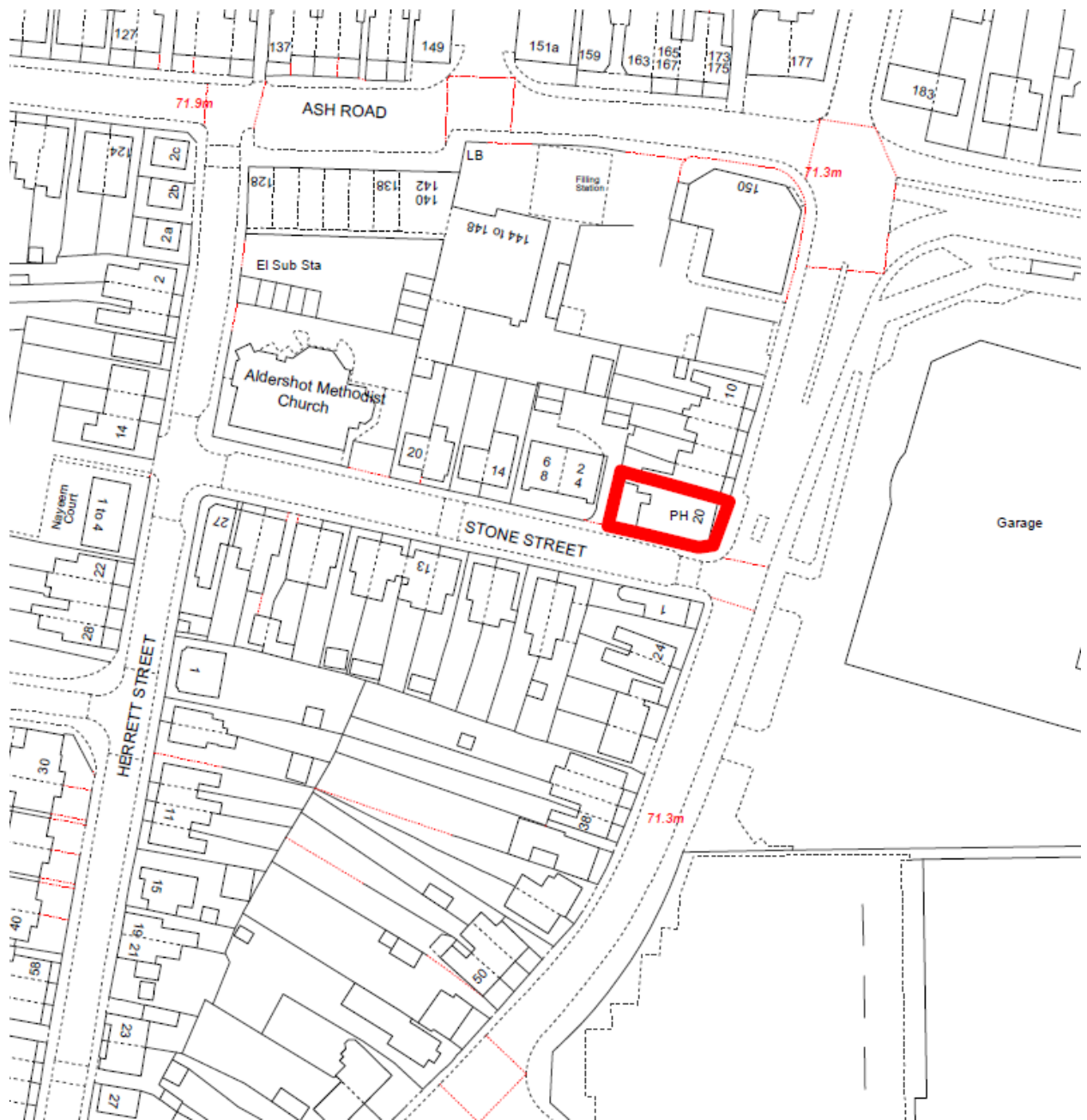
#### Biodiversity enhancements

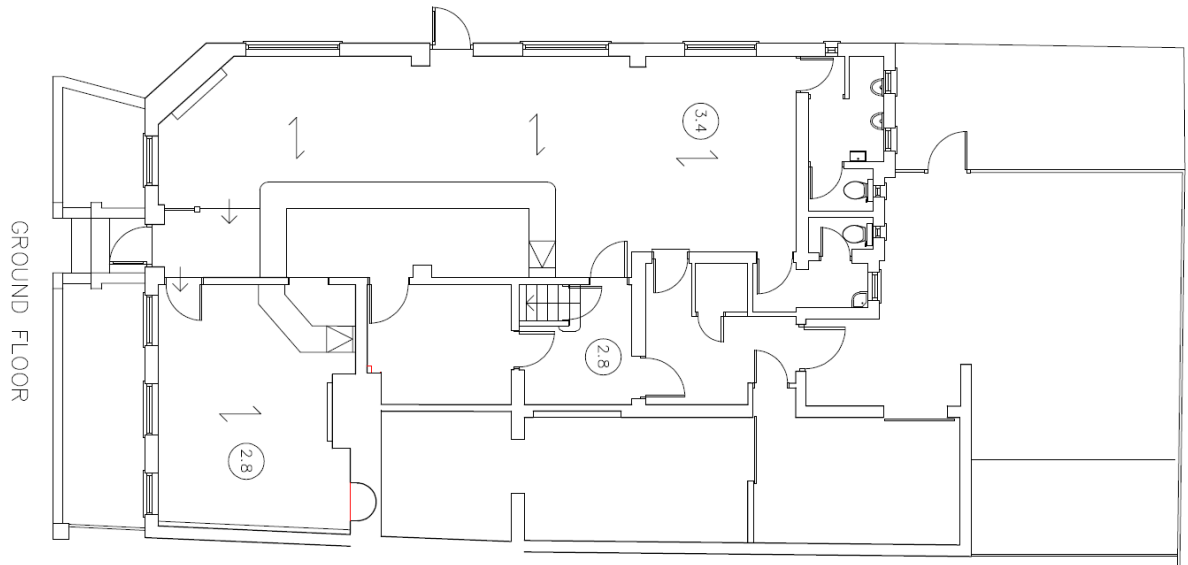
Paragraph 180 of the NPPF (2021) makes it clear that 'opportunities to incorporate biodiversity improvements in and around development should be encouraged, especially where this can secure measurable net gains for biodiversity' and paragraph 174 states that planning decision should 'enhance the natural and local environment by.. minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks'. The development site offers negligible ecological value, and the proposal offers opportunity to enhance biodiversity. In the event of approval, the applicant should be encouraged to provide information on bird nesting and / or bat roosting provision erected on or integral with the new building.

## Full Recommendation

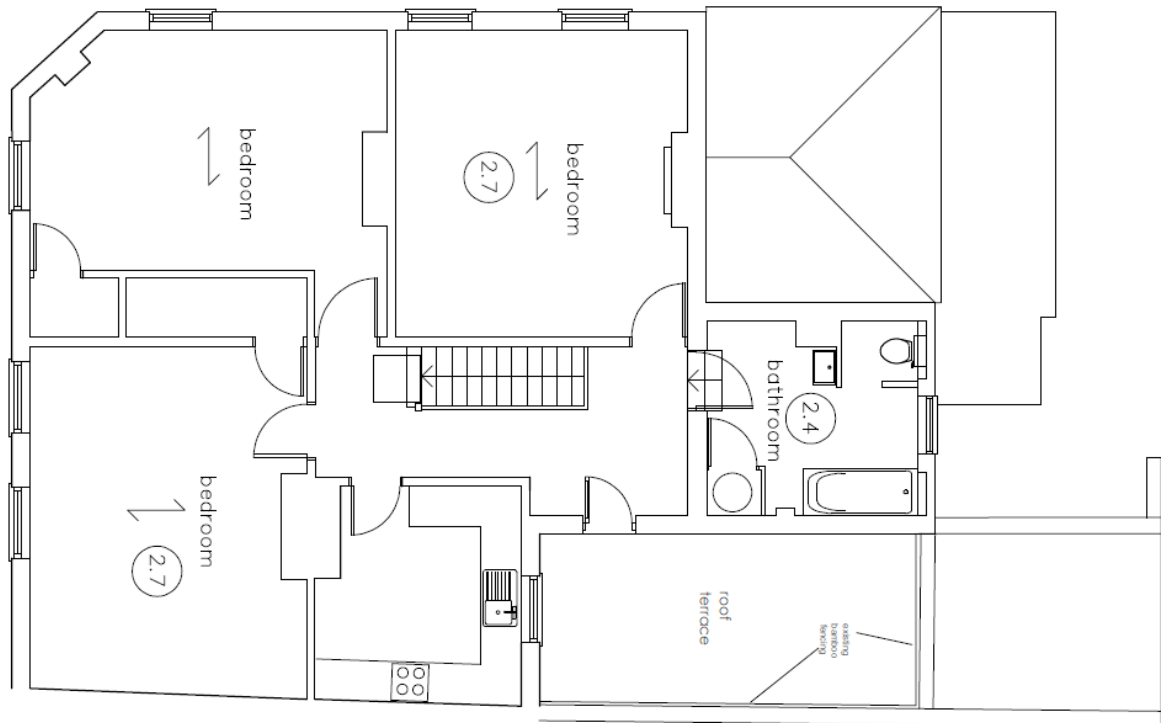
It is recommended that permission be **Refused** for the following reasons:

1. The application has not been supported by sufficient recent or relevant evidence to establish the viability of the public house without the staff accommodation and therefore conflicts with the Policy objectives of Policy LN8 of the Rushmoor Local Plan and the 'Development Affecting Public Houses' supplementary planning document.
2. The proposal fails to demonstrate that the likely significant impact of the public house on the living environment created for future occupants of the proposed development can be adequately mitigated and therefore fails to comply with Policy DE1 and DE10 of the Rushmoor Local Plan.
3. The development would fail to provide sufficient on-site car parking to the detriment of the free flow and safety of the surrounding highway network, the residential amenities of neighbouring properties and the living conditions of proposed occupiers. In this regard it contravenes the requirements of Local Plan Policy IN2 and the Council's adopted Car and Cycle Parking Standards SPD.
4. The proposal fails to address the likely significant impact of the development on the Thames Basin Heaths Special Protection Area as required by the Habitats Regulations in accordance with the Council's Thames Basin Heaths Special Protection Area Interim Avoidance and Mitigation Strategy, and is therefore contrary to Rushmoor Local Plan Policy NE1 and retained Policy NRM6 of the South East Plan.
5. The development would fail to provide a satisfactory level of neighbouring amenity to adjoining property no.18 Lower Farnham Road by way of creating a sense of enclosure to a rear facing window from the roof terrace fencing and in this regard the application would not comply with Policy DE1 of the Rushmoor Local Plan.
6. 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.



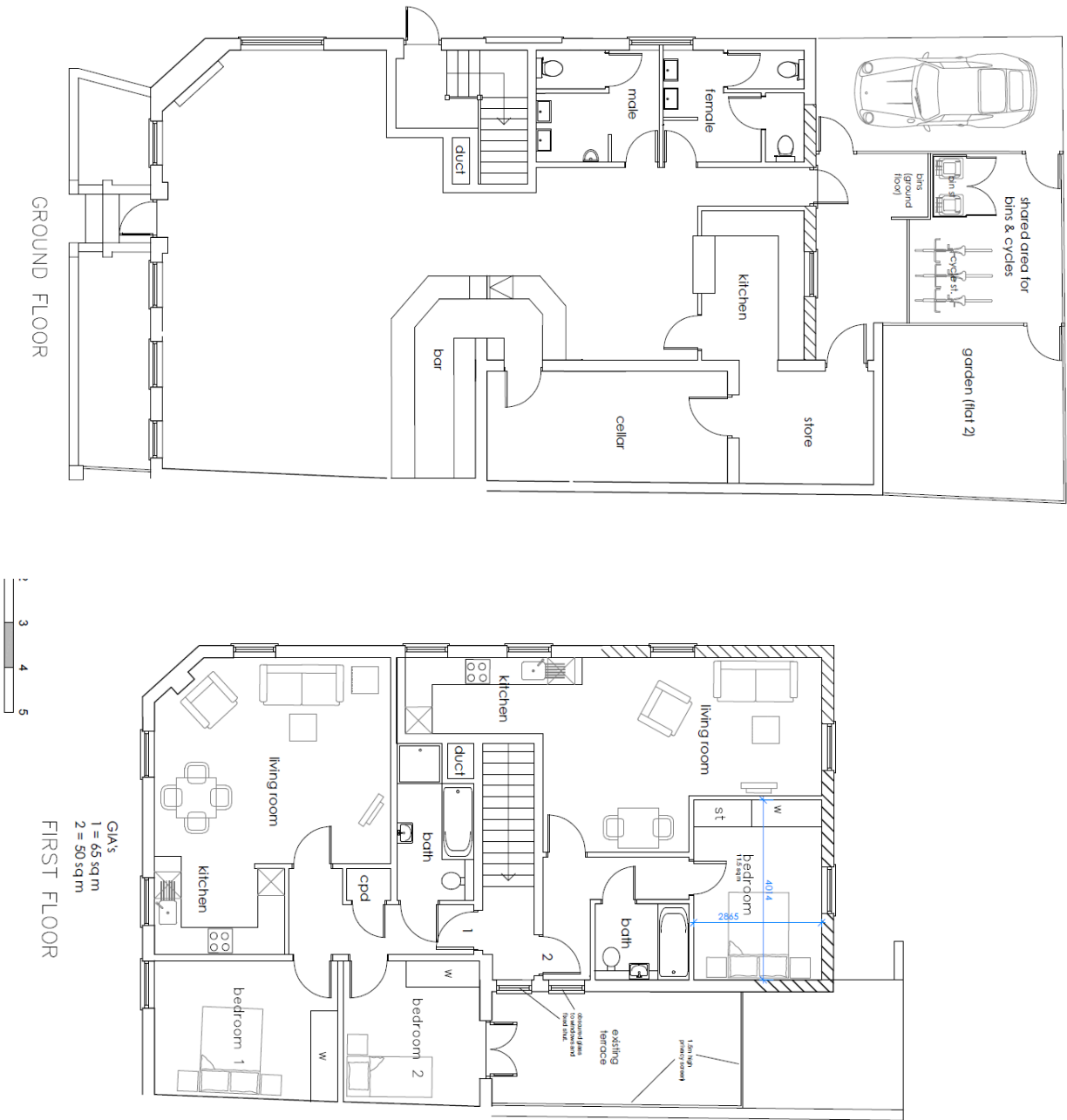


Existing ground floor



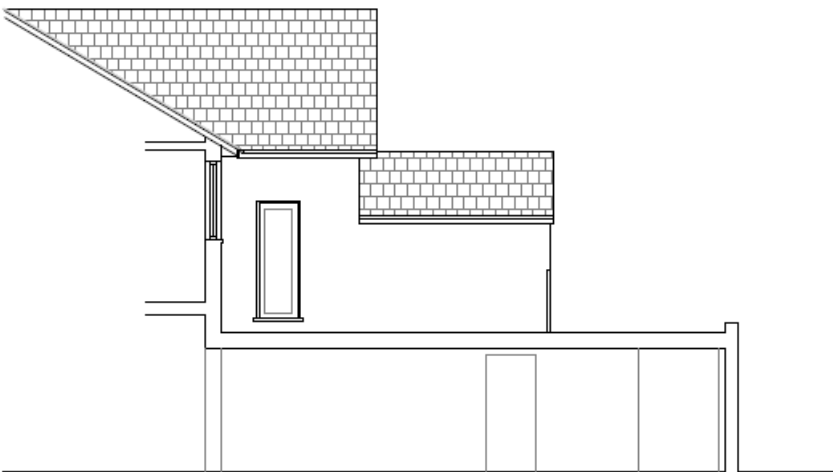
Existing first floor

Proposed floor plans





EXISTING ELEVATIONS



SIDE ELEVATION



SIDE ELEVATION (STONE ROAD)

## EXISTING ELEVATIONS

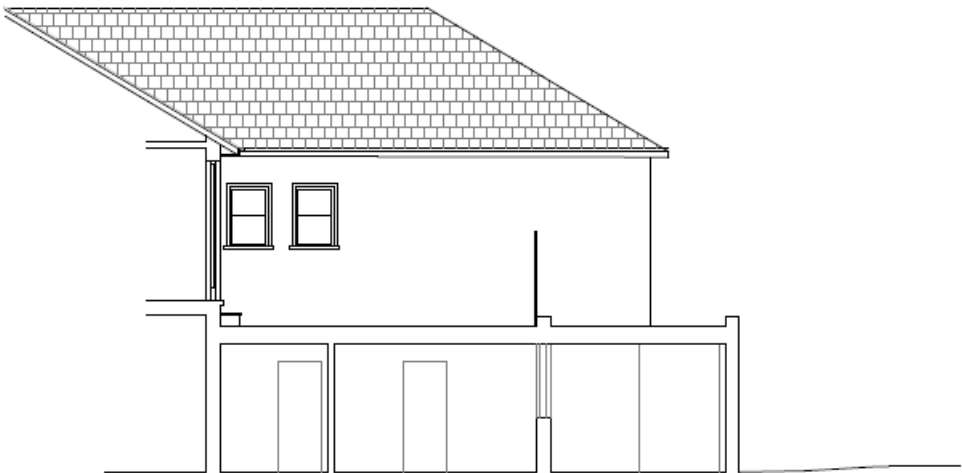


REAR ELEVATION



FRONT ELEVATION (LOWER FARNHAM ROAD)

PROPOSED ELEVATIONS



SIDE ELEVATION



SIDE ELEVATION (STONE ROAD)

## PROPOSED ELEVATIONS



REAR ELEVATION



FRONT ELEVATION (LOWER FARNHAM ROAD)