

OFFICER REPORT

PROPOSAL	Two storey side and rear extensions, provision of bar/cafe (A3/A4), four dwellings (C3) following demolition of existing front/side lean, single storey elements and outbuildings (as amended by plans received 23/01/2019)	
LOCATION:	The Star Inn, Church Street, Bentworth, Alton, GU34 5RB	
REFERENCE NO:	57945	PARISH:Bentworth
APPLICANT:	Waller Energy Limited	
CONSULTATION EXPIRY DATE:	05 November 2018	
APPLICATION EXPIRY DATE:	01 November 2018	
COUNCILLOR(S):		
SUMMARY RECOMMENDATION:	REFUSAL	

Site and Development

The Star Inn is a highly prominent building in the centre of Bentworth, within both the Bentworth Conservation Area and the Bentworth settlement policy boundary. The building is faced in painted render under a slate roof and is two-storey with single storey front and side extensions. There is an area of tarmac between the road and the building and there is vehicle access to either side of the building; to the south to a neighbouring property and to the north to the rear of the building, a small parking area and grass associated with the pub and also access to adjacent dwellings at the rear. There are listed buildings adjacent to the Inn to the north and south-west. There is managers residential accommodation on the first floor. The pub is currently unoccupied.

Proposal

The application is a revised scheme following the refusal of an application in May 2018 for a similar proposal (see history below). This scheme proposes the change of use of the pub to three dwellings together with alterations and a two-storey side extension to form a flat and a cafe. The cafe and flat would be formed by way of an extension to the northern side of the building, which would involve the partial demolition of a single-storey side extension. The main two-storey building would be subdivided to form a terrace of three, two-storey three bedroom dwellings. Parking would be located to the rear alongside the shared access drive to two private dwellings at the rear and two spaces are proposed to the front. Amended plans have been submitted which make some minor amendments to the treatment of the elevations and fenestration.

Relevant Planning History

27431/031 Proposed erection of two-storey side and rear extensions, provision of basement and conversion of the extended building to 4x2 bedroomed houses, a 1 bedroomed flat and a village shop (with Post-Office counter), following demolition of existing front/side lean-to and single storey elements. Refused, 03/05/2018

Development Plan Policies and Proposals

The Draft version of the Local Plan (2017 -2036) was published under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation from 5 February to 19 March 2019. Paragraph 48 of the NPPF (2019) sets out the circumstances when emerging planning policies may be given weight in determining planning applications. Based on the current early stage of preparation, the draft Local Plan policies are currently afforded no weight. Following the close of the public consultation depending on the level of objection received on individual policies they may begin to carry limited weight.

East Hampshire District Local Plan: Joint Core Strategy (2014)

CP1 - Presumption in favour of sustainable development
CP2 - Spatial Strategy
CP7 - New retail provision
CP8 - Town and village facilities and services
CP10 - Spatial strategy for housing
CP16 - Protection and provision of social infrastructure
CP21 - Biodiversity
CP24 - Sustainable construction
CP25 - Flood Risk
CP27 - Pollution
CP29 - Design
CP30 - Historic Environment
CP31 - Transport

East Hampshire District Local Plan: Second Review (2006)

C6 - Tree Preservation
HE4 - New Development in a Conservation area
HE5 - Alterations to a Building in a Conservation area
HE6 - Change of Use of a building in a conservation area
HE7 - Demolition in a conservation area
HE8 - Development affecting the setting of a conservation area
HE12 - Development affecting the setting of a Listed Building
H3 - Residential Development within Settlement Policy Boundaries

Planning Policy Constraints and Guidance

National Planning Policy Framework (NPPF) February 2019

In this instance the following sections of the NPPF are considered to be particularly relevant to the consideration of the development;

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land

12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving the historic environment

Conservation Area - Bentworth

Conservation areas are designated areas of special architectural interest, the character or appearance of which it is desirable to preserve or enhance. It is the quality and interest of the area rather than individual buildings which is important. The consequence of conservation area designation is not to preserve conservation areas unchanged but requires that new development is designed in a sensitive manner which has regard to the special character of the area. The Council's policy on allowing development within conservation areas is set out in Policy HE4 of the East Hampshire Local Plan: Second Review, where development will be permitted only where it would preserve or enhance the character or appearance of the area.

Bentworth Parish Plan 2008

Consultations and Town/Parish Council comments

EHDC Landscape Officer - No objection.

EHDC Conservation Officer - The proposals do not respect the context of the application site. Insufficient regard has been afforded by the proposals to the sensitivity of the site and its prominence within a designated Conservation Area, close to statutorily listed buildings. The scheme would have a detrimental impact on the Conservation Area and thus falls far short of the statutory requirement to 'conserve or enhance' and does not accord with local and national policies.

EHDC Drainage Consultant - No objection subject to conditions. The proposals are for permeable paving with the sub base providing the necessary attenuation. Foul drainage will discharge to a new sewage treatment plant with infiltration discharging to ground via a new drainage field. There may be a conflict with the existing septic tank drainage and this will need detailed investigation.

EHDC Traffic Management Team - There are existing parking congestion problems nearby and any overspill parking from the new development could make this worse.

EHDC Arboricultural Officer - No objection.

EHDC Environmental Health, Contamination - No objection subject to an Informative.

HCC Highway Authority - The potential traffic generation from the development would not have a severe detrimental impact on the operation or safety of the local highway network. No objection subject to conditions.

HCC County Ecologist - No objection subject to condition.

HCC County Archaeologist - No objection.

Bentworth Parish Council - The Parish Council strongly objects to this application on the following grounds.

- Efforts to market the pub were poor and the vendor declined offers in excess of independent valuations that would have kept it as a pub.
- The Star Inn is a valuable community asset for Bentworth and surround villages. Its loss is significant given its location in the heart of the village and proximity to the village green and its historical use for community celebrations and music events.
- The developers presented their plans at a public meeting earlier this year where the majority response was opposition to those plans. However these new proposals do not reflect the feedback they received.
- Amongst the other problems, the plans fail to address highway impacts, sight lines, parking, drainage and waste storage and collection.
- The proposed development is high-density housing that is out of keeping with the village and does nothing to address social housing needs or the needs of the elderly or disabled nor indeed first time buyer's needs. The proposal would damage the character of the conservation area.
- Included in the proposal is a small bar with little provision for seating, food preparation or stock storage. Most rural pubs need strong restaurants to make a profit, making this business unlikely to succeed. There is no business plan to support their proposal that this venture is viable.

The new proposal fails to address any of the key points raised in the Council's rejection of the previous planning application 27431/031. We urge the Council to refuse planning permission.

Representations

The 68 letters of objection and one other letter raise the following concerns:

- a) The application has done nothing to address the previous concerns.
- b) The pub is a highly valued asset to the community
- b) The proposal is over-development of the site
- c) The proposed cafe would not be viable
- d) The drainage strategy is not sustainable
- e) The other pub in the village is aimed at dining and not the centre of the village as the Star has been
- f) There is not sufficient parking for the development
- g) The design is out of keeping with the Conservation Area
- h) The proposals would be harmful to this prominent building in the centre of the village
- i) The proposals would lead to loss of privacy to adjoining property
- j) The pub has not been marketed at a fair value and there is insufficient evidence to demonstrate the pub is not viable as a going concern
- k) There has been a lack of investment/maintenance of the building followed by an insufficient marketing campaign leading to the potential loss of a highly valued pub
- l) The parking arrangements could result in danger to pedestrians (particularly noting the close proximity of the school)

Determining Issues

1. Principle of change of use
2. Design and impact on the character and appearance of the area and the setting of the Conservation Area
3. Amenity considerations
4. Highway impacts and parking provision
5. Arboricultural implications
6. Drainage and flood risk
7. Ecology

Planning Considerations

Policy CP2 of the East Hampshire District Joint Core Strategy (JCS) sets out the spatial strategy for the District over the plan period and directs development to the most sustainable locations, defined as areas within established settlement policy boundaries. The policy lists Bentworth as a 'Level 4' settlement in the hierarchy of settlements. Level 4 is defined as settlements with a limited range of local services and may be appropriate for some small scale development.

Policy CP10 of the JCS supports residential development within settlement policy boundaries where it is consistent with maintaining and enhancing their character and quality of life. The policy also states development should be accommodated through development and redevelopment of previously developed sites in the first instance. The proposal for five dwellings and a shop is considered to be of a scale that is commensurate with the role and function of Bentworth in the settlement hierarchy. It would, however, also result in the loss of a pub, one of the limited range of facilities in the settlement, albeit there is another pub (The Sun) in the village.

Policy CP16 of the JCS states that proposals for the change of use or loss of premises currently or last used for community facilities, will only be permitted where the following two criteria are met:

- a) The facility is no longer required and alternative facilities are easily accessible for the community they are intended to serve; and
- b) It can be demonstrated through a rigorous marketing exercise that the use is no longer viable, that all reasonable efforts have been made to retain it and that there is no alternative use that would provide a beneficial facility for the local community.

The policy lists public houses as a leisure facility and so the policy is engaged and is key to the assessment of this application. It also sets out the requirements needed to demonstrate a satisfactory marketing exercise has taken place. This includes evidence to show the land/buildings have been marketed for a period of at least 12 months and should explore all alternative community uses; be marketed at a realistic value, be appropriate and genuine; a record of all marketing should be submitted and lists a minimum number of elements this should include.

The public house has previously been registered as an Asset of Community Value (ACV) under the Localism Act 2011, but is no longer registered.

The previous application (27431/031) was refused on the grounds that insufficient evidence had

been submitted to demonstrate that an adequate marketing campaign had been undertaken. In determining the previous application, the Local Planning Authority (LPA) had regard to the applicant's evidence of marketing, which included reference to marketing of the property by Christie and Co with an initial price guide of £555,000, which was subsequently reduced to £455,000. The LPA also had sight of a valuation (McCoys Pub Brokers Ltd (2 March 2017)), which valued the property at £370,000. This raised concerns about the valuation of the property placed on the property by the applicant, particularly as it is understood an offer was made at £400,000. The applicant stands by the valuation and though the property has continued to be marketed since the refusal of the previous application, no substantial new evidence has been submitted.

Marketing evidence submitted by the applicant

In support of the application, the applicant has submitted a letter from Christie and Co agents dated 29 June 2018. This states Christie and Co were instructed to market the property on the 8 July 2015 with an initial price guide of £555,000 before being reduced to £455,000. It states:

- The property was featured online through Rightmove Commercial and on Christie and Co website
- An e-marketing campaign was sent to 1,060 applicants registered with Christie and Co searching for a public house in the area
- Marketed in the Morning Advertiser on the 16 February 2017 and The Caterer on 2 February 2017
- A sale board has been erected on the pub since 24 November 2016

It then states that there were 18 formal viewings and 8 formal offers. It states an offer of £425,000 was made in March 2017 for conversion to residential but was rejected as being too low. An offer of £400,000 was made on 15 May 2017 for the continued use as a pub but was rejected as the offer was too low. An offer was then made on the 25 May 2017 of £455,000 for a mixed use redevelopment and was accepted. A second offer of £400,000 was made on 19 June 2017 for the continued use as a pub but was again rejected because it was too low and because they were under offer at £455,000.

Assessment of applicant's submission and independent valuation

The Christie and Co letter is effectively a re-dated version of the letter submitted with the previous application and there is no new evidence regarding marketing of the property. There remains no persuasive evidence that the marketing has been carried out in accordance with the specifications of policy CP16. There is no assurance that the premises has been appropriately and extensively marketed i.e. it is assumed that the marketing has been continuous since July 2015, but not clear if there have been any gaps in that period. There is no enquiry log and no details of what follow-up work was carried out in respect of potential interested parties or why they were unsuccessful. There is no evidence in respect of any attempts to find a suitable alternative community use.

As with the previous application, there appears to have been some attempt to market the property, however, there are significant concerns at the adequacy of that marketing, the valuation and in the evidence provided. In light of the disparity between the valuation placed on the property by the

applicant and the valuation that had been placed on the property by McCoys Pub Brokers Ltd, it was decided that a fully independent valuation would be commissioned. Fleurets were agreed by the applicant as an acceptable independent company to carry out that valuation and were instructed by East Hampshire District Council. The subsequent Valuation Report concludes with a market valuation of £260,000. This valuation is significantly below that which the property had been marketed at and is considerably below that at which offers had been made for the continued use of the pub. It also further supports the concerns raised with the previous application that the marketing has not been done at a realistic value and would appear that it was at a value that reflected an expectation of a residential uplift instead of retaining the property in its current use.

The applicant has highlighted that the Fleurets' Valuation Report comments that the property has been closed and vacant for 3.5 years and that it has been stripped of all fixtures and fittings and that the building is in poor condition internally and externally and that at the time of the marketing, the building was in a better state of repair. That slightly conflicts with evidence previously submitted in the form of a structural report (Ray and Company) which suggests the valuation (at £450,000) reflected the condition of the building. The Fleurets Report comments that due to the level of investment required (to renovate the building) the pool of potential purchasers would be shallow. The report also comments that the building has limited parking provision and that it does not benefit from high levels of passing traffic or footfall and has small internal trade areas. These factors are acknowledged and they potentially limit the attractiveness of the property. However, the fact remains that the property has not been marketed at a realistic value and it has been demonstrated in the applicant's submission that there has been interest in the purchase of the pub as a going concern at a value above the Fleurets valuation.

It is considered that the marketing has not been undertaken in accordance with the requirements of policy CP16 and whilst the property is no longer registered as an Asset of Community Value, it has not been evidenced that all reasonable efforts have been made to retain it or that there is no alternative use that would provide a beneficial facility to the local community.

The previous application proposed a shop (with Post-Office counter) as mitigation for the loss of the public house though it was concluded that did not outweigh the harm of the loss of the community facility - and there was concern that such a shop would unlikely be viable. This application now proposes a cafe to mitigate the loss of the pub. This though, again fails to address the loss of the community facility and there is again no evidence to suggest a cafe with just 28sqm of covered space would be viable not least in view of the absence of passing traffic/footfall.

2. Design and impact on the character and appearance of the area and the setting of the Conservation Area

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects the setting of a conservation area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

Policy CP30 of the JCS states that development proposals must conserve, and, where possible, enhance the District's historic environment, including a requirement to conserve, enhance maintain

and manage the district's heritage assets and their setting, including listed buildings and conservation areas. Policy CP29 requires development proposals to be of an exemplary standard of design that contributes positively to the District's built environment. Proposals are required to accord with a number of design based criteria that maintain and enhance the character and appearance of the area and make use of suitable materials.

East Hampshire District Local Plan Second Review policy HE4 relates to new development in conservation areas; HE5 relates to alterations of buildings within conservation areas; HE6 relates to change of use of buildings within conservation areas; HE7 relates to demolition in conservation areas and policy HE12 relates to development that affects the setting of listed buildings. The general thrust of these policies is that development proposals must conserve or enhance the relevant heritage asset.

The building is believed to date to the early 19th century and is prominently situated in the centre of the village and the Bentworth Conservation Area. In view of its age, location and community function, the building constitutes a non-designated heritage asset. There are listed buildings in close proximity to the site, including Hunt Cottage, which adjoins the site to the north. The building is typical of its period and makes a positive contribution to the setting of the conservation area and is a landmark building by virtue of its prominence in the village and its public use. The application proposes to retain and convert the building with alterations that would result in the loss of single-storey extensions and some new extensions/alterations.

Following the refusal of the previous application, discussions were held with the applicant to address design concerns with the proposals. The previous scheme would have resulted in the sub-division of the building to form a terrace of four dwellings, which would have resulted in a high density and cramped layout with poor living conditions for future occupiers. There were also concerns regarding the form of the extensions and alterations. The application now proposes the conversion of the building to three houses with a cafe and flat above formed by way of a new extension to the northern side. The overall form is similar in kind to the previous scheme but the subdivision of the building to three units to four does at least address concerns regarding the cramped nature of the dwellings and the density of the development. Whilst the three dwellings would still be narrow, it is not considered unacceptable in terms of the amenity provision for each of the new dwellings.

It would, however, still result in concerns regarding the overall approach to the conversion of the building and the form of the extensions and the Conservation Officer comments that it remains well short of the statutory requirement to conserve or enhance the character of the Conservation Area.

The elevation drawings lack detail and, as with the previous proposal, the resulting design has the form of a suburban terrace, which is considered out of keeping with the village green setting and the character of surrounding buildings, which comprises loose forms of large, detached dwellings of a low density. The attempts to improve the boundary treatment to the front of the building is noted, but it is nevertheless considered this would reinforce the suburban character of the scheme and is at odds with the rural character of the area.

The roof form of the extensions is now more traditional than previously proposed, however, the scale of the extensions themselves would be substantial and swamp the host building. The extension on the northern side of the building for the cafe/flat represents a modest improvement over the previous scheme, but remains unacceptable in design terms with regards to its scale and

form in relation to the host building and the impact on the street scene. The external steps and balcony at the rear of the building to serve the flat would be screened from public view but is nevertheless considered inappropriate in form and appearance to the rural context of the site.

The applicant has submitted further drawings for consideration, however these are not considered to address the concerns and are not considered to offer any improvements and as such, the proposal is being determined on the amended drawings. The amended plans did address the concerns raised by the Conservation Officer regarding the extent of obscure glazing to the north and south side elevations.

Whilst there are concerns regarding the design and impact of the proposals on the building and the setting of the Conservation Area, it is considered the proposals would not result in unacceptable harm to the setting of nearby listed buildings, including Hunts Cottage, which is a Grade II listed building adjoining the site to the north. In this regard, the proposal does not conflict with policy HE12 of the East Hampshire District Local Plan Second Review.

It is, however, considered that the proposal result in significant harm to the character and appearance of the building (a non-designated heritage asset) and fails to preserve or enhance the setting of Bentworth Conservation Area and the area as a whole, contrary to the policies referred to above, the advice contained in the NPPF and having regard to the requirement under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. Amenity considerations

Policy CP27 of the JCS states development will not be permitted if it would have an unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy or excessive overshadowing. Policy CP29 sets out a number of design based criteria, including (d) that requires amongst other things that proposals are appropriate in its relationship to adjoining buildings. One of the core principles set out in paragraph 17 of the NPPF is to plan for a good level of amenity for all.

The previous application raised concerns with the cramped layout and the poor amenity provision for the future occupiers of the dwellings. This application improves the layout for the proposed dwellings and such that the amenity for future occupiers would be acceptable.

In terms of the impact of the proposal on adjoining property, Sycamore House to the south has its driveway to the south of the building but there is a tall hedgerow forming the shared boundary; windows proposed in the south elevation are proposed to be obscurely glazed. The rear elevation of the extension would be approximately 19m from the front elevation of Sycamore House and a number of large first-floor windows are proposed. The closest of the proposed dwellings (House 01) would have oblique views towards the front of Sycamore House, however, the closest window is shown to be obscurely glazed and it is noted that there is a mature, 3.9m high *Leylandii* hedge (within the grounds of Sycamore House) that would screen any overlooking. Whilst the relationship relies entirely on the hedge to screen views, it is considered on balance that the proposals would not result in unacceptable harm to the amenity of Sycamore House. The rear first-floor windows are shown with fixed shutters, which would minimise the views towards Sycamore House and also between the proposed properties.

A hedge and trees forms the northern boundary of the site with Hunts Cottage and although two

first-floor windows are proposed, they would be obscurely glazed and in view of the boundary vegetation and as the site looks towards a garage, the proposal is not considered to result in loss of privacy to Hunts Cottage. Two detached houses, Pound Meadow and Hubbles, are situated to the rear and share the access with Church Street. Seven rear facing first-floor bedroom windows are proposed (one would be obscurely glazed) and there would also be the first-floor entrance to the flat. There would be 16m between the rear elevation and the rear boundary and a further 16m to the front of Hubbles. Pound Cottage is closer (26m) but is orientated slightly to the north. Whilst there would be some overlooking, in view of the separation distances, boundary planting (and more could be added by condition) and having regard to an existing first-floor flat, it is considered the proposal would not result in excessive loss of privacy to Pound Meadow and Hubbles.

The proposal would provide for parking to the rear of the building adjacent to the shared access to Pound Meadow/Hubbles. There would be some noise and disturbance arising from the use of this area (and the gardens) on surrounding property, however, having regard to the scale of development and the existing use of the site, it is considered the proposal would not result in undue harm to the amenity of adjoining properties.

The proposal is not considered to result in unacceptable harm to the amenity of adjoining property and accords with policy CP27 of the JCS.

4. Highway impacts and parking provision

The application is submitted with a Transport Statement (RGP, September 2018). Policy CP31 of the JCS sets out a number of criteria against which development proposals are required to meet and the East Hampshire District Vehicle Parking Standards SPD sets out the minimum parking requirements for development.

With regards parking, the application proposes 3 three bedroom dwellings, a single bedroom flat and a 28sqm cafe which generates a parking requirement of 20 car parking spaces. The application proposes 12 spaces which is a shortfall of 8 spaces (the Transport Statement states 19 spaces are provided for, but the proposed site plan shows only 12 spaces proposed, one of which is annotated for deliveries). The established use has provision for 13 parking spaces, which, whilst an historic layout, is just one space below the parking requirements for a drinking establishment set out in the East Hampshire District Vehicle Parking Standards SPD. The EHDC Traffic Management Officer comments that there are parking problems on the road in the vicinity of the site and whilst noting the Transport Statement advises there was on street parking associated with the use of the pub, the shortfall in spaces is marginal whereas the proposal would result in a significant shortfall, which is not considered acceptable. Even allowing for the fact that the proposed cafe is within reasonable walking distance for many properties in Bentworth, it would not sufficiently mitigate the shortfall of 8 spaces. Bentworth is not considered a sustainable location where a reduced parking requirement *may* be justified.

In terms of access, the proposal would utilise the access to the side of the building, which is shared with two properties to the rear of The Star. Concerns from third parties have been received regarding the visibility splays and the indication that a third party hedgerow would need to be removed to accommodate improved visibility to the north. These concerns are noted, however, it is considered the existing arrangements for deliveries/parking of vehicles would be the same and the County Highway Authority have advised that the hedge is within highway land and so the visibility could be secured as third party land is not crossed. The County Highway Officer advises that

visibility splays can be achieved in line with Manual for Streets and that although the southbound splay extends 1.5m into the carriageway, this is considered acceptable due to the nature of the road and because it is an existing access. The Transport Statement includes a trip rate assessment, which shows the proposal would result in an overall trip reduction compared with the existing use in the PM peak times and a significant daily traffic reduction (existing daily total of 122 and the total proposed would be 38).

The applicant has provided tracking drawings for a 4.5m vehicle entering the allocated spaces and the County Highway Authority advises this is satisfactory. Whilst the proposal would likely result in a reduction in trips generated, the shortfall of parking spaces would be well below the standards set out in the East Hampshire District Vehicle Parking Standards SPD and would consequently cause likely result in on-street parking to the detriment of highway safety and convenience and the proposal is contrary to policy CP31 of the JCS and the East Hampshire District Vehicle Parking Standards SPD.

5. Arboricultural implications

Trees within the site comprise an apple, plum, oak and a leylandii hedge which is in the grounds of the adjoining property. These are protected by virtue of their location within the conservation area. Policy CP20 of the JCS requires proposals to conserve and enhance the natural environment, including trees and hedgerows. Saved Local Plan: Second Review policy C6 states planning permission will not be granted for development that would damage or destroy protected trees or trees within a conservation area, unless it would be in the interests of good arboricultural practice. The application is submitted with a Tree Survey, Arboricultural Impact Assessment and Tree Method Statement (N Trowell, September 2018) and proposes to remove the apple tree due to its poor condition and the plum due to damage it is causing to a wall. The Arboricultural Officer raises no objection and replacement planting could be secured through a suitable planning condition in the event the application is allowed. A condition could also be imposed to ensure works are undertaken in accordance with the Method Statement and therefore the proposal is considered to accord with policy C6 of the East Hampshire Local Plan: Second Review and policy CP20 of the JCS.

6. Drainage and flood risk

The site is in Flood Zone 1, which is land considered to be a low risk of flooding. The proposal would, however, increase the amount of hard surfacing and therefore likely increase the amount of surface water run-off. Policy CP25 of the JCS requires development proposals to demonstrate they would not increase flood risk elsewhere. The Council's Drainage Consultant has reviewed that proposal and comments that full drainage details should be conditioned to ensure the increased surface water does not increase flood risk elsewhere. Subject to which, the proposal is considered to accord with policy CP25 and section 14 of the NPPF.

7. Ecology

Policy CP21 of the JCS requires development proposals to demonstrate that they maintain and enhance the District's biodiversity. A Phase 1 ecological survey (Eco Support Ltd, September 2017) has been submitted that concludes there is no evidence of bats in the building and the remainder of the site has limited ecological value. A number of mitigation and enhancement measures are proposed and it is considered these could be secured by condition, subject to which,

the proposal is considered to accord with policy CP21 of the JCS.

Response to Parish/Town Council Comments

The Parish Council's objections are noted and their comments are addressed in the above report.

Conclusion

The principle of the change of use of a community facility to housing is only considered acceptable where sufficient evidence has been submitted demonstrating that attempts have been made to market the premises at a realistic value for a period of at least 12 months. Policy CP16 of the JCS sets out what evidence should be submitted and in this instance it is considered the proposal falls short of adequately demonstrating that the premises has been marketed appropriately or that alternative options for community uses have been explored. This is evidenced by independent valuation of the property, which demonstrates the property has not been marketed at a reasonable value throughout the marketing campaign. Offers for the property in continued use as a public house (a community facility) have been made above the independent valuation and notwithstanding capital costs that may be incurred to make the building fit for that purpose, or any other constraints about the viability noted in the independent assessment, for example the limited size of the building, the marketing undertaken fails to demonstrate that appropriate marketing has been undertaken or that alternative options for community uses have been explored. The change of use is therefore not considered acceptable and the provision of housing is not considered a benefit that outweighs the harm arising from the loss of the community facility. The proposed cafe also does not offer sufficient mitigation and it is questionable as to how viable a cafe of the size proposed in this location would be.

The building is a non-designated heritage asset and contributes positively to the Bentworth Conservation Area, in a prominent position in the centre of the village. The scheme of conversion submitted would result in a terrace of three houses in the main part of the building and a flat above a cafe in a new side extension. The sub-division of the building as proposed would be harmful to the building, the street scene and the Conservation Area and the extension to the rear would result in a large additional building massing that would harm the character and appearance of the non-designated heritage asset and the integrity of the quality of the built environment within the Conservation Area. Furthermore, the proposal would result in a significant shortfall in the parking requirements for the proposed development that would likely result in on-street parking, resulting in danger and conflict and inconvenience to users of the highway.

RECOMMENDATION

REFUSAL for the following reason(s):

- 1 The public house is a local community facility. The submitted evidence fails to demonstrate that an adequate marketing campaign has been undertaken in an attempt to retain the community facility or to find a suitable alternative community use and independent valuation of the property demonstrates that the marketing has been carried out at an unrealistic value. The loss of the facility would be insufficiently mitigated by the proposed cafe and there is no evidence to demonstrate the cafe would be viable in this location. The proposal would consequently result in the unjustified loss of the community facility to the detriment of the social and economic well-being and quality of life to the community,

contrary to policies CP1 and CP16 of the East Hampshire District Local Plan Joint Core Strategy and the advice contained in the NPPF.

- 2 The building is an attractive period building occupying a visually prominent and central position within the village and the Bentworth Conservation Area. The proposed conversion and extension of the building would result in a high density development and together with the form of the proposed extensions/roof, the alterations to the openings and the proposed extension for the cafe/flat, the proposals would result in significant harm to the character and appearance of the building (a non-designated heritage asset), the street scene and fails to protect or enhance the character and appearance of the Bentworth Conservation Area. The proposal is therefore contrary to policies CP1, CP29 and CP31 of the East Hampshire District Joint Core Strategy, policies HE4, HE5, HE7 and HE8 of the East Hampshire District Local Plan Second Review, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice contained in the NPPF.
- 3 The proposed development generates a parking requirement of 20 parking spaces in accordance with the East Hampshire District Vehicle Parking Standards Supplementary Planning Document. The proposal makes provision for 12 parking spaces only and the shortfall of 8 spaces would result in on-street parking resulting in danger, and conflict and inconvenience to users of the highway. The proposal is contrary to policy CP31 of the East Hampshire District Joint Core Strategy and the East Hampshire District Vehicle Parking Standards Supplementary Planning Document.

Informative Notes to Applicant:

1. The applicant is advised that if this application had been acceptable in all other respects, the scheme would be liable to the East Hampshire District CIL Charging Schedule which became a material planning consideration on 8th April 2016. Therefore, if this decision is appealed and subsequently granted planning permission at appeal, this scheme would be liable to pay the Council's CIL upon commencement of development. The CIL Schedule may be found online, here:
<http://www.easthants.gov.uk/sites/default/files/documents/East%20Hampshire%20District%20Charging%20Schedule%20including%20maps.pdf>
2. In accordance with paragraphs 38 and 39 of the NPPF East Hampshire District Council (EHDC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:
 - offering a pre-application advice service,
 - updating applicant/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated of any issues after the initial site visit.

The following plans and specifications were considered when making the above decision:

Application Form

CIL form 0 - Additional Information Requirement
CIL form 1 - Assumption of Liability
Planning, Heritage, Design and Access Statement
Arboricultural Report 01 September 2018
Drainage Strategy
Marketing Statement - Christie & Co
Appendix 1 - Christie.Com Web Advert
Appendix 2 - Rightmove.Com Web Advert
Phase 1 Ecological Survey
Transport Statement
Design Drawings - introduction
Drg. 0814-18-NJT - Tree Survey Plan
Drg. 180822-EX001 - Location Plan
Drg. 180822-EX002 - Block Plan as Existing
Drg. 180822-PR002 Rev B - Block Plan as Proposed
Drg. 180822-PR003 Rev B - Context Plan as Proposed
Drg. 180822-EX100 - Elevations as Existing
Drg. 180822-PR100 Rev A - Elevations as Proposed
Drg. 180822-EX200 - Section AA as Existing
Drg. 180822-PR200 Rev A - Section AA as Proposed
Drg. 180822-PR010 Rev B - Ground Floor as Proposed
Drg. 180822-PR011 Rev A - First Floor Plan as Proposed
Drg. 180822-PR012 Rev A - Roof Plan as Proposed
Drg. 180822-PR013 - Basement Plan - As Proposed
Drg. 180822-EX010 - Ground Floor Plan - As Existing
Drg. 180822-EX011 - First Floor Plan - As Existing
Drg. 180822-EX012 - Roof Plan - As Existing
Drg. 180822-EX013 - Basement Plan - As Existing
Drg. 180822-PR101 - Waste and recycling shelter
Drg. 2017-4081-002 Rev D - Overview and vehicle swept path analysis
Drg. 2017-4081-001 Rev G - Visibility splays and vehicle swept path analysis