
APPLICATION NO.	23/02579/FULLN
APPLICATION TYPE	FULL APPLICATION - NORTH
REGISTERED	10.10.2023
APPLICANT	Mr and Mrs English
SITE	The Black Swan, High Street, Monxton, SP11 8AW, MONXTON
PROPOSAL	Change of use and conversion of the former Black Swan Public House to a residential dwelling (Use Class C3) and associated works
AMENDMENTS	Amended/additional plans and information received: <ul style="list-style-type: none">• 23.10.2023• 06.12.2023• 12.12.2023• 03.01.2024
CASE OFFICER	Emma Jones

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Northern Area Planning Committee at the request of a Member for reasons of wider community interest/policy.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The Black Swan is a grade II listed building located within the village of Monxton, and within the Ampport and Monxton Conservation Area. Part of the property is currently occupied by the applicants for residential purposes, and overall the property was formerly run as a public house. It is understood that this use ceased in April 2016. The Black Swan Public House was nominated as an Asset of Community Value in July 2016 by Monxton Parish Council, and it was listed as such in September 2016. The listing expired in September 2021.

3.0 PROPOSAL

- 3.1 The application seeks planning permission for a change of use and conversion of the former Black Swan Public House to a residential dwelling (Use Class C3) and associated works.
- 3.2 Amended/additional plans and information have been submitted during the consideration of the application, which respond to consultation responses.

4.0 RELEVANT HISTORY

- 4.1 23/02580/LBWN; Structural repairs including the rebuilding of the gable wall, re-thatching of part of rear range, external and internal repairs, replacement of modern finishes and internal alterations to facilitate the conversion to a residential dwelling – Pending consideration.

4.2 23/01104/FULLN; Change of use of rear single storey section of former pub and beer garden to residential for one year, reverting back to use as pub, including installation of temporary stud wall, reversible alterations to form kitchen and bathroom – Pending consideration.

4.3 22/02006/FULLN; Change of use of rear single storey section of former pub and beer garden to residential for two years, reverting back to use as pub at the end of 2 years – Refused - 02.03.2023, for the following reasons;

- 1. It has not been sufficiently demonstrated that the rear single storey section of the public house is no longer or cannot be made commercially viable, that the building can no longer provide suitable accommodation, or that it is no longer needed for the existing use or an appropriate alternative community use. In addition, it is considered that the proposed use of a substantial part of the building and its associated beer garden and courtyard area for separate residential purposes would significantly impede any ongoing use of the public house and any future marketing. The substantial loss of part of the public house building has not therefore been justified, even for the temporary period proposed, and the proposal is contrary to Test Valley Borough Revised Local Plan 2016 policy COM14;*
- 2. The proposed conversion of part of the Black Swan public house to a residential dwelling (albeit for a temporary period) would contribute to the erosion of the character of the historic village by virtue of the potential impacts on the viability of an historic community facility which with other key services contributes to the sense of place and ability to understand the history of the settlement. The proposal would therefore fundamentally and harmfully change the character of the building which would damage both the special interest of the pub but also the contribution it makes to the appearance of the street and Conservation Area. It would result in less than substantial harm to both heritage assets and there is not sufficient public benefit to outweigh harm. The proposed change of use fails to meet the requirements of Test Valley Borough Revised Local Plan 2016 policies E1 and E9;*
- 3. The proposal fails to demonstrate that the development would be safe from flood risk and would remain so for its life time, and would not increase flood risk elsewhere. The proposed development is contrary to Test Valley Borough Revised Local Plan 2016 policy E7.*

4.4 20/00723/FULLN; Conversion of the former Black Swan Public House to a residential dwelling and associated works (Use Class C3) – Refused - 02.12.2020, for the following reasons;

- 1. It has not been sufficiently demonstrated that the public house is no longer or cannot be made commercially viable, or that adequate marketing of the property has been undertaken, including evidence of contact with relevant cultural and community organisations to demonstrate that The Black Swan Inn is no longer needed for an alternative cultural or community use. Furthermore, insufficient evidence has been submitted to demonstrate that the building can no longer provide suitable accommodation for the existing use or alternative community uses. The loss of the public house has therefore not been justified and the proposed development is contrary to Test Valley*

Borough Revised Local Plan 2016 policy COM14;

2. *The proposed conversion of The Black Swan to a residential dwelling would erode the character of the historic village by virtue of the loss of an historic community facility which with other key services contributes to the sense of place and ability to understand the history of the settlement. The change of use would fundamentally and harmfully change the character of the building which would damage both the special interest of the pub but also the contribution it makes to the appearance of the street and Conservation Area. It would result in less than substantial harm to both heritage assets and there is not sufficient public benefit to outweigh the harm. The proposed development is contrary to Test Valley Borough Revised Local Plan 2016 policies E1 and E9;*
3. *No ecological information has been submitted with the application to demonstrate that no harm to biodiversity would arise from the proposals, and insufficient information has been provided regarding the extent of works/repairs that would be required to the roof of the existing building. Furthermore, no biodiversity enhancement measures have been incorporated into the proposals. The proposal fails to demonstrate that the development would conserve and enhance biodiversity. The proposed development is contrary to Test Valley Borough Revised Local Plan 2016 policy E5;*
4. *The proposal fails to demonstrate that the development would be safe from flood risk and would remain so for its life time, and would not increase flood risk elsewhere. The proposed development is contrary to Test Valley Borough Revised Local Plan 2016 policy E7.*

4.5 19/01229/FULLN; The relocation of the Black Swan to a new building erected on the Black Swan Car Park, construction of two 2 bedroom dwellings and the conversion of The Black Swan Public House to a single dwelling – Withdrawn - 11.11.2019.

5.0 CONSULTATIONS

5.1 **Planning Policy;** Comments summarised as follows;

- COM14 - Well over 6 months of marketing has been achieved. The marketing brochure and a summary of all enquiries and any offers received have been set out. The applicant has stated that contact has also been made with local organisations and the Parish Council about potential uses of the site;
- It appears there has been some limited interest in the public house use of the site, as a result of the marketing campaign. Two 'low' offers appear to have been received from interested parties. The agent has advised that many enquirers, including those who viewed the site, commented that the building would be very costly to repair and/or not viable to operate and a number were primarily interested only in converting it to residential use;
- However, the offers justify further investigation. Were the offers reasonable, given the authorised use of the site and the potential high costs of bringing the building back into active use? Were the parties interested in operating a public house or other community use or facility on the site? Further clarity should be provided. What was the basis of the offers and why were they discounted?;

- In terms of engagement with the community, in the past, the public house had been identified as an Asset of Community Value, prior to 2021. However, it does not currently have that status and it is understood that the community has not been able to put forward a bid to buy or lease the property. The most recent application to identify the site as an Asset of Community Value was declined in 2023. It would be useful to identify whether any other community uses or groups have been contacted, or have in fact come forward who might be interested in purchasing or leasing the property. It is recognised that the building is no longer in very good condition which may limit interest from community uses and groups;
- The submitted reports suggest it is no longer viable to operate a public house at this location within the village. It is noted that there is another public house within a relatively short distance (The Hawk at Amport) although this is within a neighbouring village and not within Monxton village itself. The separate ownership of the public house site from that of the former pub car park (a short distance away) is identified as a negative factor. The potential use of the car park could be investigated further. The pub is at a central location and has a small beer garden and courtyard within the site;
- While marketing has clearly been undertaken, it is considered that further information should be provided about the offers received and about the marketing to date for alternative community uses, as set out above.

5.2 **Ecology**; No objection

5.3 **Conservation**; Comments (following submission of additional information) summarised as follows;

- In terms of physical proposals these fall into three areas: retention/regularisation of work already carried out; proposed demolitions; proposed insertions;
- Some elements result in “less than substantial” harm and would need to be outweighed by public benefits;
- Design and Conservation have previously raised an objection to the conversion of the public house to residential, on the grounds this would harm the historic character of the listed building and the contribution it makes to the significance of the conservation area. If you are satisfied that the application has demonstrated that the pub use is no longer viable, and that the proposed residential use is needed in order to ensure the long-term future of the building, this would be considered to be a public benefit to weigh against that harm.

5.4 **Trees**; No objection subject to condition.

5.5 **Environmental Protection**; Condition recommended in respect of hours of construction.

5.6 **Community/Leisure**; Comments summarised as follows;

- Would suggest that the Parish Council may have more detailed information to inform and input into this application and may be able to confirm whether adequate contact has been made with potential community groups who may wish to acquire the building;

- Not aware of contact with Cllrs or the Parish, and it would be for them to each comment.

5.7 **Highways**; No objection

5.8 **Environment Agency**; No objection subject to condition.

6.0 **REPRESENTATIONS** Expired 26.05.2023

6.1 **Monxton Parish Council**; Objection, summarised as follows;

- Applicants have not shown in substance that the use of the Black Swan pub is no longer or cannot be made commercially viable. There remains a need for the pub, or a similar enterprise of that nature, on the High Street of Monxton;
- Viability Report reaches prejudiced conclusions which fail to address the specific circumstances relating to the Black Swan pub in Monxton;
- The Black Swan pub was sold by Enterprise Inns not because it was not viable, but because they could not find a tenant able to meet its rising rental and alcohol costs. It was then sold, together with the car park and the Monxton Green, for £225,000. We note the amount paid, as this is a key factor when assessing viability;
- The new owner allowed the Black Swan pub to fall into disrepair for over 5 years, making no attempt to run it as a pub for any period of time (and thereby establish viability in substance) and applying for change of use (repeatedly refused). This is a familiar tactic by builders to obtain change of use;
- After unsuccessful attempts to obtain change of use, the owner then placed the pub and the car park (not the Monxton Green) on the market for £395,000. There were no buyers willing to purchase the pub at that price, as the pub was in complete disrepair and the asking price did not represent fair market value for the pub. It is arguable whether they had any real intention to sell the pub and the car park or whether this was again some failing attempt to evidence non-viability;
- The owner did find a buyer from their own village (off-market) to purchase just the pub and not including the car park for £400,000 in cash. But it is now clear that the buyers, now the applicants for this change of use application, had no intention of running the premises as a pub, and bought the property with the sole intention of making it their residential home;
- The purchase price reflects more what one might pay for a residential property, with a high amount of embedded change of use risk should change of use be refused. To try to and satisfy the non-viability requirement of COM 14 for change of use, the applicants are now trying to “market” the derelict Black Swan pub (without the car park) for £300,000;
- As set out in the Myddleton & Major report an offer was made to buy the Black Swan pub from the applicants for £50,000 in July 2022. In real terms, this represents an offer of £400,000 to get the pub running again. The applicants refused this offer – presumably because it was £250,000 under the asking price – but certainly not because it did not represent a fair value of the pub at the time in its condition;

- Understand that recently a number of additional offers have been made to purchase the pub. Presumably these are actual indications of the viability of the pub (or alternative community enterprise), rather than a Viability Report provided by the applicants that has been drafted in a vacuum of irrelevant circumstantial market detail, and any other consultants who may “conclude” its non-viability on any other spurious grounds;
- The marketing price of £300,000 is a gross overvaluation of the property and a material deterrent to any potential purchaser of the pub. Refute any argument and any report stating that £300,000 is a fair market value for a pub in complete disrepair and one which the applicants themselves admit would require at least an additional £350,000 to make good;
- Would argue that; in substance the applicants have failed to market the Black Swan pub in any real sense to disprove viability; and the requirement of Planning Policy COM14 to demonstrate that the Black Swan pub is no longer or cannot be made commercially viable has not been satisfied;
- The Black Swan property in its original form included the pub itself, the car park and the Monxton Green. Would strongly urge TVBC to put in place supplementary planning guidance to protect these areas from overdevelopment or, at least in relation to the Monxton Green, any development at all. The car park's planning use is for the benefit of the Black Swan and the Monxton Green is for the benefit of the community of Monxton, regardless of ownership. Recommend that a section is created in the new 2040 Local Plan specifically for Monxton, clearly laying down policy for the future of the village including the Black Swan, the car park and the Monxton Green and any other relevant matters;
- Monxton Village Design Statement (VDA) could be amended/updated to be specific to these policies and land use matters in addition to design matters;
- Any consideration of this application by TVBC planning would be premature until the policy for these properties/sites in Monxton are fully secured;
- Not sufficient public benefit (housing for one family) to outweigh the fundamental and harmful change of character for the village of Monxton, both in relation to the public house as well as the Monxton Green (as noted above, the two are inexorably linked). The public house contributes both as a special interest pub for villagers and others to congregate as well as to the appearance of the street and the conservation area. The contribution of the Monxton Green to the character of the village is immeasurable, as it is a green, public space for villagers and others to appreciate and use with dogs and children with access to the adjacent Pillhill Brook. It should be noted that Monxton Parish Council still maintains the Monxton Green today in return for the villagers being able to use it for recreational purposes;
- The pub was in reasonable condition when it was first acquired by builders seven years ago, however they did not undertake the maintenance works required to keep the building in good condition and the current owners have also failed to make the reparations required;

- The applicants – in their separate application for repair works (23/02580/LBWN) - list five major renovation work packages and this is testament to the severe lack of maintenance by them and the previous owners (the responsibility of which rests with the applicants). The photographs included in this additional application evidence the level of disrepair, despite it being a criminal offence;
- Find it difficult to understand why TVBC has not taken enforcement action to date in relation to the repairs required for this listed building (shortly after it was purchased by the applicants an enforcement officer came to the property and assessed the state of disrepair, however no action was taken);
- It seems the applicants now (after almost two years of ownership) only want to effect repairs in relation to residential use – so if this change of use application is refused, then would the applicants not be required to repair their Grade 2 listed property just the same?

6.2 **11 x letters**; Objections from The School House, Orchard House, Meadow View, Lilac Cottage, Hutchens Cottage, Old Hoyles, Old Farm House (x2), Saddlers Cottage and Monxton Manor (Monxton); Little Park House (Abbotts Ann); with comments summarised as follows;

- Contrary to Policy COM14 for a village to lose its facilities and whilst this property may or may not be viable as a pub, it can also be resurrected as a community facility of some sort.
- Note the number of supporters for this application who purport to be 'neighbours' yet do not even live in the village and come from farther afield and so are clearly biased friends of the applicants rather than affected parties. They will also not understand, along with many others in the village, of the implications of granting permission for this application;
- The property developer who purchased the pub, car park and village green from the pub company after the pub closed in 2017, should never have been able to split the property and sell just the pub to the current occupiers. It also beggars belief that the current occupiers did not do their due diligence on the purchase, as it should have flagged up that this was a community facility and has been rejected for planning permission previously;
- With the developer splitting the car park and green from the pub, that alone has made it impossible to sell the property again as a pub. It may have been marketed as such, but a pub is truly not viable with nowhere to park;
- Stunned that few appear to see the long game in this: by granting permission for the Black Swan to become residential therefore means the pub is de-licenced and therefore means the car park is not required, giving the developer (who still owns the car park and the village green) carte blanche to apply to build houses on the car park, and also possibly the village green;
- Monxton PC have tried on many occasions to buy the car park and green from the current owners, to no avail. As a village we have put all the protections possible in place to protect the green, but unless we actually own it, we are unable to register it as a village green. Therefore there is a very strong risk we have more housing, more traffic and less open space

than currently. All because everyone feels sorry for one family who didn't do their proper checks. Planning permission is not granted for the sake of 'a nice family' but for the long term reasons of what is suitable for the area. This has to be a massive caveat in this application for the chain of events and ripple effect this will cause;

- Despite owning a listed building for almost two years the owners will only commit to making structural repairs to the building - which it would appear are desperately needed - if they get change of use. Isn't that putting the cart before the horse?;
- It is very difficult to provide any real sense of viability if the current owners have taken up residence at the property and have only made superficial repairs to the property as a residential home as opposed to some type of commercial venture (which it was when it was run as a pub prior to their arrival);
- How can you try to sell it as a pub or some type of village asset, e.g. village shop, for £300,000 when it requires an additional £350,000 of repair work to make it viable? The sale price is not reflective of its real value and is therefore a deterrent to any potential buyer of the premises as a pub or commercial asset;
- The responsibility of owners of a listed building to keep it well maintained. When the applicants purchased the property in its derelict condition in March 2022, presumably from the moment of purchase they accepted that the listed building required a considerable amount of work. So why should any work be conditional on the applicants getting change of use? So if the walls of the property collapse before this application is decided, who would be responsible for repairing a listed asset when it was required? The applicants? TVBC?;
- How can this listed building have been seriously marketed in its present condition; it can't nor has it been. Once the building has been restored, then serious consideration, and marketing, of the property for other uses, including that of a pub, can be undertaken;
- Dismayed that there has been no enforcement action taken to make the present occupants restore the building; such action is long outstanding;
- As a Free House, and with an owner occupier, there is a good living to be made at the Black Swan. The pub was the social glue that held this village together and made it the great place it was; and it can be again. The loss of the Black Swan, which was setup to fail, has had a hugely adverse impact on village life;
- If permission granted, this would have far reaching detrimental consequences for the future of the Black Swan carpark and, in particular, the village green and thus Monxton. Both would be under threat of development;
- Allowing a building to fall into disrepair and not "being viable as a pub" (which has never been tested since it was bought from the brewery) to me are not valid reasons and could set a precedent to allow conversion by the back door;
- The Black Swan pub dates from 1662 or is 361 years old and was once a travellers' rest run by the Monxton Brewery at the time, it has been vacant for the last 7.5 years, following its sale by Enterprise Inns, having shut its doors in April 2016 but this vacancy only represents 2% of its

time, no time at all in its long existence. This underlines the gravitas of the decision before our community, whether to lose an old friend on our High Street down on its luck for a short time in its extremely long history or trust in the planning policies and process of Test Valley as the local planning authority to make this decision correctly relative to this important community heritage asset;

- The Black Swan can be converted into many different uses. Listed buildings need to be adaptable to future variations in their use, and becoming a house is not the only option just because the current owner desires this outcome. Having made an application for a change of use to residential losing this valuable community asset from the our community forever, as they say "when it's gone it's gone";
- A section should be created in the new 2040 Local Plan specifically for Monxton, clearly laying down policy for the future of the village including the The Black Swan, the car park and the Green and any other relevant matters. The Monxton Village Design Statement (VDA) could be amended/updated to be specific to these policy and land use matters in addition design matters. We don't have the resources to generate a time consuming Neighbourhood Plan which aren't as effective as direct planning policies as aforementioned;
- It is difficult to provide any real sense of viability if the current owners have taken up residence at the property and have only made superficial repairs to the property as a residential home as opposed to some type of commercial venture (which it was when it was run as a pub prior to their arrival);
- Consideration should be given to the Planning Inspectorate's refusal in 2019 of the change of use of A4 Public House to C3 Residential Dwelling of the Plough Inn Longparish Andover SP11 6PB, setting clear precedent relative to any change of use regarding this matter. This was proven to be the right decision as a commercial operation thrives at that property today and it is owned by the wider community;
- Permanently losing the ability to have spaces to meet face to face would be significant for a broad cross section of the local community. Meeting friends and going out has never been more important than in todays social climate, particularly for those living on their own or who lack the ability to travel. A pub and a unique green space, available to the public has never been more needed. All of this is set against the backdrop of a requirement to protect the character of areas such as Monxton and its Public House, for the benefit of the residents, through to the broader community and visitors. In an area which seeks so hard to preserve its historic properties, nature and character, it should not lose its business and social links to the past, and should preserve this history going forward with a new generation;
- Concerned that deterioration of the building since it was bought by the developer is being used as a reason for change of use. Understand that offers have been made. That the 21 enquiries by potential purchasers in 2023 fell away is no surprise given the guide price, the rapidly deteriorating condition and the cost of restoration. Lack of interest at the guide price is not the same as lack of interest in taking on the pub;

- Neither the previous or present owners have made any attempt to reopen the pub, or to undertake anything like the level of maintenance that a building of this status requires and deserves;
- There have been multiple offers to buy the pub in recent months, from parties who are committed to returning the building to its former glory, reopening and supporting it going forward. This evidence alone disproves the "non viability" argument that has been put forward;
- The application leans heavily on the unsuccessful marketing of the pub for sale and to rent (despite offers having been made). However, the price at which the owners have marketed the pub renders this process entirely useless as a measure of viability. The marketed sale price of £300k for a now dilapidated pub, compares to a purchase price IRO £225k in 2016 for a package that included a pub in operating condition, a car park and the village green. Even more starkly, the pub has been offered for rent at £17k pa; this is at the same level as when the pub was operational.

6.3 **30 x letters;** Support from The Willows, Lodwick, Shoetree Cottage, Murray Cottage, Paisley House (x2), Windermere House, Cobblers Cottage, Barn Cottage, and Little Cottage (Monxton); Clanville House (Clanville); 2 Prince of Wales Way (Middle Wallop); Northbrook Barn and Farley Barn Farm (Nether Wallop); The Old Parsonage (East Tytherley); Windmills (Hurstbourne Tarrant); 27 Danehurst Place and 4 Trenchard Road (Andover); 12 St Annes Close, Flint Cottage, The Old Orchard and High Cedar (Goodworth Clatford); Kimpton Down Farm House (Kimpton); 2 Sarson Barns, Old Parke House and Broadmeadow (Amport); Cromwells (Lockerley); 29 Above Town (Upper Clatford); and 2 x unknown addresses, with comments summarised as follows;

- The Black Swan has not operated as a pub for many years, and as no one wants to run it as a pub;
- Not financially viable as a pub;
- It is better for it to be sympathetically converted into a family home to protect the building for the future. Giving a disused building a new lease of life can only benefit the public;
- Not enough footfall to support the Black Swan as a pub and the Hawk. Sentimental nostalgia does not make for a viable business plan, but a restored and much loved home for a young family will ensure the building will be able to be enjoyed for many decades to come;
- Don't believe this village can support another pub, and certainly not one without any parking. The roads are tricky enough to navigate as it is;
- In the current climate, with pubs closing all the time, it is inconceivable to think that somebody will take on such a project;
- The plans put forward will save a key village building, while also assimilating another family into a village where family life and units seems to be a cornerstone;
- Not enough demand for all the pubs that are still open let alone a new one;
- Would be senseless to allow such a historic building to simply deteriorate further;
- The protection of the historic street scape for future generations is imperative in rural England;

- The Hawk has a better chance of success without very local competition that will drive both establishments under doing significant damage to the community;
- A young family with children is a welcome addition to any village and the fact that they want to restore and retain many original features of the building is huge bonus;
- It's essential that our historic buildings are allowed to grow and develop with the needs of their surroundings. They must be nurtured for future generations;
- It's all too easy for planners to search for reasons to refuse an obviously beneficial solution for the village. Please don't fall into that trap;
- With so many new builds appearing all across our villages I think this would be an asset in maintaining Monxton's beauty and charm, and only enhance the community spirit that I see so frequently there amongst residents;
- Many in the area do not want to publicly show their support for the change of use because of the strength of feeling amongst the objectors. I am aware of some who feel bullied into not voicing publicly their private support for the change of use so it was interesting to hear so much public village support from those attending recent parish council meeting;
- Comments have been posted on the local village page of Facebook, where there has been further support from local villagers who are interested in the future of this property and its full repair/renovation as a listed building on the village street;
- Some of those objecting to the planning application do not per se object to a change of use of the former Black Swan pub. Rather, they only objected through a belief that, if permission for change of use of the pub is successful, a future planning application for conversion to residents of the car park further down the High Street in Monxton and potentially even the village green would be more likely to succeed. The split ownership of these sites should not form the basis of a decision for the change of use of the pub;
- There would be no harm to the heritage interests of this Listed Building or Village Conservation Area – but the real benefit of this heritage asset being repaired and renovated, so as to result in its optimum viable use being achieved;
- Whilst appreciating that some parishioners may quite understandably support a strong preference for the continuance of a public house, our view is that the opportunity for that outcome has long since passed. The current fabric of the premises is clearly at considerable risk. Accordingly, more urgent support should be provided to the current owners whose willingness to refurbish this important Grade II listed building is to be welcomed after many decades of decline;
- The pub has not traded for nearly eight years and the Council's own Economic Advisor has previously concluded that the only viable use for the building is as a private dwelling;
- The Council rejected the pub as an ACV (Asset of Community Value) in December 2022;

- The "Viability Report & Business Appraisal" indicates that a new pub business would not succeed in the current economic climate nor, realistically ever achieve profitability against the required investment;
- There are several other 'pub offers' locally, all in close proximity to Monxton which themselves already compete;
- Amport and Monxton will soon benefit from a substantial new Village Hall, capable of providing a multi-use 'pop-up' service, community hub and hospitality facility, just as the old one did very successfully for many happy decades. Achieving a successful return on investment in that new Hall facility would surely be challenged by having to compete with a revised pub facility just 100 yards away;
- Community morale and well-being has been seriously eroded by the lack of both facilities for the past few years and thus a rapid determination of the current planning application would help to develop an even more urgent focus upon the protection of the Village Green, the utilisation of the new Village Hall and, the restoration of community harmony;
- If no action is taken to help restore the building immediately, the pub itself and the neighbouring properties will fall into disrepair. Our connecting wall is currently gathering so much moisture, this will impact the structural integrity of the grade II listed buildings on the high street and will result in risk to life and building. Having to spend so much more on energy to dry a wall that never really gets dry is a huge financial burden that could easily be fixed by letting willing residents make the necessary repairs to keep our homes, their beautiful facades that give our village character intact and up to standard;
- The pub has been derelict for 7/8 years and has become an eyesore on the high street as it falls further into disrepair;
- A number of people in the pub trade have expressed their opinion that the pub, especially in this current climate, where pubs in the UK are closing down daily, is just not a viable proposition, as the last two landlords found out. With the Hawk pub up the road and the new Village Hall - it further limits the scope for another pub so near by. If it had been a viable business it surely would have been bought years' ago;
- The applicants are a lovely family with young children who are desperately wanting to make The Black Swan their home. They will be a huge asset to the local community knowing so many people that live in both villages and we really hope that this planning application goes through so that they can get on with their lives, which has been on hold for the last couple of years, as they have gone through this process;
- Share the community's desire to secure the future of this historic building without compromising the heritage heart of our village. However, economic realities must be considered;
- Recent discussions within our community, including a well-attended Parish Council meeting, revealed that many residents support this change but are hesitant to speak out due to the vocal objections of a few. Additionally, positive comments on social media highlight a broader, albeit quieter, backing for the proposal. These voices deserve to be acknowledged and considered in the decision-making process;
- All criteria of policy COM14 appearing to be met.

6.4 **1 x letter**; Comments from the owner of The Hawk Inn (Amport), summarised as follows;

- Am aware of the background to the Black Swan and the sad closure of the Pub. We did look at the pub a number of times over the past 12 years as a possible addition to our estate but we have never been able to make an economic argument for it to be successful. Given the nature and costs of running pubs which has significantly increased in recent years I do not believe that the Black Swan can meet the needs of a modern pub and its lack of parking (even with the car park which looks like it has been separated from the title) will mean it has to fundamentally survive on its local village trade. This is outside of any costs associated with re opening the site. Success would result in cars parking on the high street which is already very narrow. I do not believe that the local community could sustain a pub in this location;
- This will no doubt seem like we are concerned about business being drawn from the Hawk. While this is a concern we believe the impact would be minimal but it would have an impact on the Hawk;
- My genuine concern is that the Black Swan is not a viable business and does not have the infrastructure to survive in such a rising cost environment.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 - Settlement Hierarchy

COM14- Community Services and Facilities

E1 - High Quality Development in the Borough

E5 – Biodiversity

E7- Water Management

E8 – Pollution

E9 - Heritage

LHW4 - Amenity

T1- Managing Movement

T2 – Parking Provision

7.3 Supplementary Planning Documents (SPD)

Monxton Village Design Statement (VDS)

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

8.2 **The principle of development**

The sites lie within the settlement boundary for Monxton, as defined by the RLP inset maps. Policy COM2 of the RLP allows in principle for development and redevelopment within settlement boundaries, provided that it is appropriate to other policies of the RLP.

- 8.3 Notwithstanding this, policy COM14 of the RLP seeks to safeguard community services and facilities, and sets out that development (including the change of use of existing premises) which involves the loss of public houses (among other services and facilities) will be permitted if it can be demonstrated that:
- a) the use is no longer or cannot be made commercially viable; or
 - b) the building can no longer provide suitable accommodation; or
 - c) is no longer needed for the existing use.
- 8.4 RLP policy COM14 also sets out that development involving the loss of cultural and community facilities and places of worship will be permitted if it can be demonstrated that:
- d) there is no longer a need for that facility for its existing use or another community use; or
 - e) the building can no longer provide suitable accommodation.

Foot note 60 of the RLP advises that in this context, a community/cultural facility is a locally orientated service or facility such as a convenience store, post office, pub, social club, theatre, community hall, health facility typically serving a very localised population. Therefore criterion d) and e) of RLP policy COM14 are also considered to be relevant to the loss of a public house and need to be satisfied in addition to criterion a), b) or c).

- 8.5 The supporting text to policy COM14 (paragraph 5.140) sets out that: *“certain types of services or facilities help make a local community by providing for some of the daily needs of residents and businesses. Any change to the quantity or range of services or facilities may have an impact on the sustainability of the settlement and have an impact on the community. This is especially important within the lower tiers of the settlement hierarchy where the loss of a service may be felt more acutely by the local population because of the limited availability”*.
- 8.6 It is also set out within the supporting text to policy COM14 (paragraph 5.141) that: *“the Council will resist the loss of facilities or services but will not seek to retain those facilities that are proved to be unviable or are no longer suitable (e.g. the specification of the building is no longer appropriate) or needed. This will include where a service provider is seeking to provide improved local services in the local area. To demonstrate that the loss is justifiable, evidence should be provided of attempts to market the property for its current and alternative uses as listed in the policy for a 6 month period in appropriate publications at an appropriate value. Evidence of contact with the appropriate cultural and community organisations who may wish to use the accommodation will also need to be provided”*.
- 8.7 The proposal is for the change of use and conversion of the former Black Swan Public House to a residential dwelling (Use Class C3) and associated works. The applicants are currently occupying the rear single storey part of the public house building, and also using the associated courtyard and beer garden, for residential purposes (subject to separate applications for temporary

permission/listed building consent – see paragraph 4.2 of this report). The front two storey part of the building remains unoccupied, and parts of this building are not currently capable of being occupied due to the condition of the building, alleged to have been caused by water damage.

- 8.8 The application is supported by marketing information, demonstrating that the property has been marketed for more than 6 months in various forms (online and printed publications, to let/for sale boards, circulation of details etc), having commenced in December 2022. The submission also advises that the Parish Council has been continuously updated on the marketing of the property. The submitted information details that there has been some interest in the property, with some viewings having taken place, but that only two offers have been made, which were rejected on the basis that they were deemed to be unacceptably low. No further higher offers have been received by those parties. The applicant has also noted that *“neither individual has shown any desire to share a business plan or their planned turnover, or how they plan to trade profitably over any timeline. Neither derisory bid is credible and would appear to be based on a dream of running a pub, rather than suitable experience and a clear-sighted prudent and realistic understanding of the challenges”*. It is also of note that the submission sets out that Monxton Parish Council has never pursued a bid for the public house, despite discussions having taken place.
- 8.9 The application is also supported by; a Quantitative and Qualitative Assessment of existing pubs and similar facilities, which summarises that *“there are a good many, good quality Public Houses and bars within 5 minutes’ drive time, particularly The Hawk Inn, that serves both Ampport and immediately adjoining Monxton”*; a Preliminary Impact and Sustainability Assessment, which summarises that *“having tested the alternative – either pub or community use – the only viable, deliverable and sustainable option, is residential”*; and a Viability Report which summarises that *“by taking into account issues relating to the pub itself and the many financial challenges currently affecting the industry, this report concludes that the pub is irretrievably unviable in the long-term and has become defunct and is unfit for purpose”*.
- 8.10 Notwithstanding the above, correspondence has been received by the LPA from one of the parties that made an offer on the property in November 2023. They have set out that the offer was made taking into consideration the reinstatement cost estimates provided by the marketing agent, with the expectation of committing those costs to fully restoring the pub to trading condition. They have set out that funds are readily available for the project, and whilst they would not be planning to run the pub themselves, they would seek a professional landlord/restauranteur to do so, they advise that they have 2 experienced potential tenants who are keen to become the tenant/landlord, with track records and existing trading businesses. They also advise that the principal issue in getting the pub going and attracting interest from the open market has been the state of disrepair that it has been allowed to fall into, such that the capital expenditure would be preventative for a publican without significant backing to take it on, but by removing this hurdle the pub again becomes an attractive proposition.

- 8.11 The applicant has had sight of the correspondence referred to above, but has not submitted any further information to respond to or rebut any of the comments made, or to demonstrate that the marketing guide price was/is reasonable, and thus the offer made is unreasonable (or vice versa). The implications of this correspondence are that it would indicate that the public house can be made commercially viable; can provide suitable accommodation; and is needed for the existing use, meaning that, in the opinion of the third party, the proposal to convert the building to residential would be contrary to RLP policy COM14.
- 8.12 The Council has, however, commissioned independent marketing advice in relation to the existing public house. This is appended to this report. In summary, the advice indicates that the guide price stated within the marketing that has taken place does not appear to be unreasonable, and that the offers that were received appear very low based on their general experience. The advice does acknowledge that they have not inspected the property, but have relied on the information provided to them, together with their wider knowledge and experience.
- 8.13 The advice sets out that *“public houses are specialist assets and, as with any specialist asset, benefit from being marketed by an appropriate agent with the experience, market coverage and the contacts in the sector to best facilitate a sale. In this regard we consider the early appointment of specialist national leisure agent to be preferable. Whilst the use of a local/regional agent may be appropriate for certain assets/circumstances these may lack the required knowledge and contacts”*. The applicant’s marketing report submitted with the application sets out that sales particulars were printed and circulated to applicants on the marketing agents mailing list looking for public houses or properties with similar community uses. It is also set out that since May 2023, the property has been advertised on a website specifically for the marketing of public houses (and still continues to be). It is therefore considered that the marketing that has taken place is acceptable in response to the advice received.
- 8.14 The Council’s marketing advice also sets out that *“for an asset of this nature, we consider that it ought to be properly exposed to the market (and at a suitable guide price) for at least 6 – 9 months, and possibly longer in certain circumstances. If little interest is received at this point, then we would expect additional action to be taken to stimulate interest, such as discount to price, or an alternative marketing strategy”*. The Black Swan public house ceased trading in April 2016. It is advised within the submission of previously refused planning application 20/00723/FULLN (refer to paragraph 4.4 above) that the Black Swan public house was on the market for over 16 months during 2016/17 prior to the previous owner’s purchase in August 2017. It was marketed again following the refusal of that planning application, which led to its purchase by the current applicants in March 2022. Marketing of the property recommenced in December 2022, and continues to be advertised for sale or to let in various forms at the time of writing this report. As already discussed, the LPA has been advised that only two offers have been received within the most recent period of marketing (since December 2022), both of

which were deemed by the applicants to be unacceptably low, which the independent marketing advice concurs with. As set out at paragraph 8.6 above, the supporting text to RLP policy COM14 sets out that “*evidence should be provided of attempts to market the property for its current and alternative uses as listed in the policy for a 6 month period in appropriate publications at an appropriate value*”. As can be seen from the planning history for the site, and the information submitted with the application, the property has been marketed for in excess of 6 months since the public house ceased trading, with the most recent period of marketing having taken place for circa 18 months, and therefore complies with the requirements of the policy in this respect, and is acceptable in response to the advice received.

8.15 On the basis of the above, it is considered that the marketing of the property that has been carried out (for a period in excess of 6 months) is appropriate, and no reasonable offers have been received, including any further offers from those that were previously rejected. It is considered that it has been sufficiently demonstrated that the public house is no longer or cannot be made commercially viable, cannot provide suitable accommodation, and is not needed for the existing use or another community use. The proposed development is, on the basis of the evidence submitted, considered to comply with RLP policy COM14.

8.16 **Character, appearance and heritage**

Policies E1 and E2 of the RLP seek to protect the landscape of the Borough through the provision of high quality development that integrates with and respects/complements the character of the area, and that does not have a detrimental impact on the appearance of the immediate area or landscape character, including through the retention and protection of important landscape features.

8.17 Policy E9 of the RLP requires development to make a positive contribution to sustaining or enhancing the significance of heritage assets, taking account of their character, appearance and setting. In respect of this current proposal, the heritage assets to take into consideration are the listed building at The Black Swan, the Amport and Monxton Conservation Area, and the surrounding listed buildings and buildings of historic interest.

8.18 The statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the LPA to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

8.19 The Black Swan is a Grade II listed building and lies at the heart of the Amport and Monxton Conservation Area, flanked by other listed buildings, and in the settings of many others. Anecdotal evidence suggests the building dates to c.1662 (though the list entry dates it to the 18thC) and it was originally known as ‘Ye Swan’, with the name changing to ‘The Black Swan’ in the 19thC. There

is a large extension at the rear. The main building, which is set flush to the road, is constructed in brick, painted white, and it has a tiled roof with a catslide to the rear. There is a wrought iron bracket for the hanging sign at eaves level on the front elevation. Historic mapping from the 19thC shows the building marked as the 'Black Swan' and contemporary photographs show it was the affiliated to Hammans of Andover. It is cited within the Amport, Monxton & East Cholderton Conservation Areas character appraisal (page 18) as a building key to the special interest of the conservation area. An important part of the building's significance, therefore, is its historic use as a public house.

- 8.20 In terms of the special interest of the Conservation Area, not only is the appearance of the building as an historic pub aesthetically significant, but, when in business, it also makes a contribution to the vibrancy of the village and the Conservation Area as an historic community facility. The NPPF stresses the need to promote strong rural economies, including requiring planning policies and decisions to enable "*the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship*" (paragraph 88 (d)). The NPPF also advocates the provision of social, recreational and cultural facilities and services communities need, including public houses (paragraph 97). Without such community facilities, the character of historic villages changes, and they risk becoming dormitory settlements. It is harder, without the hub buildings, to appreciate where the historic core of the village would have been and to understand its evolution, the pattern of development and its meaning.
- 8.21 The proposal includes internal alterations to facilitate the conversion to residential. Externally, structural repairs are proposed, as well as re-roofing and re-painting, and a restoration of the public house signage. It is appreciated that the application proposes minimal internal alterations to the historic core of the pub. It is also appreciated that none of the bar fittings are historic (though this is not uncommon), and that the bar and public areas are not located within the historic core. The proposed conversion would, therefore, result in less harm to this building than it might to other buildings – but that is not to say that there would be no harm. In terms of the way in which the building is currently set-up, it is not felt the current uses of the spaces are the most consistent with the best understanding the building's special interest. The main building's ground floor is used as the kitchens, with the lounge area and bar in the ranges to the rear. However, this is not a fundamental problem of the building, but a choice of a previous occupier. A new landlord could reset the arrangement, and use the front rooms for their original functions – thus reverting any harm done. It should also be noted that it is believed that the public access to the building was still through the main front door, and the passage lead to the rear. This important aspect of the public using and experiencing the building was, therefore, maintained. It also meant, in terms of the character of the conservation area, that there were still people coming and going into the historic village pub by its historic entrance. These trips, and the resultant foot traffic through the village, is part of the contribution the pub makes to the vibrancy and character of the Conservation Area (as is discussed

further below). It is also appreciated that the existing signage is proposed to be retained. This is welcomed, but it is likely to present practical issues for future owners, as people may believe the pub is still in business. The harm to the listed building would be through the loss of the continued historic communal use. Public houses have meaning to people, because they have socialised there, or attended meetings there, or been in clubs there. The Black Swan figures in the collective experience and memory of Monxton. The social value associated with the building is part of the identity both of the pub itself, and of the village as a whole. The rooms may not change in size, but the ways in which they are experienced would fundamentally change, and they would be thought of as domestic spaces, rather than their traditional uses. Over time, the memory of the pub use of these rooms would fade. Compared with other heritage values, social values tend to be less dependent on the survival of historic fabric. They can even survive the replacement of the original physical structure (or in this case where the use has been shifted to the rear of the premises), so long as its key social and cultural characteristics are maintained. None of these key characteristics would be maintained in this case. The communal value of the listed building would, therefore, be severely eroded.

- 8.22 As well as there being harm to the significance of the building itself, it is also considered there would be harm to the character and appearance of the Conservation Area. The use of the Black Swan, when in use as a public house, makes an important contribution to the vibrancy of Monxton, providing a focal point for both locals and people from the wider area, and for tourists. It is noted that there is a pub, The Hawk, in Amport, but this is a significant distance away, and it is seen in the context of that settlement, not the settlement of Monxton. They have a very different offer, and are very different buildings. Residential use would generate much more limited activity compared to what would be generated were the Black Swan in use as a pub. The only people allowed into the building would be its owners and their guests, and therefore the intrinsic socio-functional link between the use of the building as a pub and the village would be stopped. Footfall through the village, and comings and goings through the front door of the building have already been dealt with above. In addition to the reduction in trips, there would also be changes in terms of the ambience of the building – the reduced levels of noise, and changes to the patterns of lighting of the building. In its present orientation the levels of noise might be lessened, as the public would be in the rear of the building. However, it is unlikely that there would be nothing audible in the public realm – even if all the noise generated within the building is contained, there would still be conversation of people coming and going, and from people standing outside smoking, for example. In terms of the lighting, it is not clear how much the use of the front rooms as kitchens and ancillary really affected the lighting patterns. For a traditional pub use, the light pattern is different to a house – lights are on at different times, and usually windows are un-curtained. This would still be true of many pubs serving food – especially as many pub kitchens are open almost until closing time. Restoring the traditional orientation of the pub use would re-instate the traditional noise and lighting patterns. Domestic use would be very different – there would be fewer trips to and from the building, lights would be on at more standard times, and windows would be curtained. The noise would also almost certainly be less.

- 8.23 In addition to the harm to the character and appearance of the Conservation Area, there would also be some harm to the context in which the neighbouring listed buildings is experienced. The Conservation Area is the setting of the listed buildings, therefore it follows that, if there is harm to the special interest of the Conservation Area (or part of it) there is likely to be harm to the settings of the listed buildings contained therein. The houses along the main street in Monxton are village buildings. Their setting is that they are part of the core of a traditional village (they are not, for example, isolated dwellings linked by infill development). Traditional facilities, such as public houses, are part of creating the character of a village. Most villages have already seen loss of numerous such facilities (e.g. bakeries, forges, schools, chapels and the like), each loss further erodes the village character and harms the Conservation Area's character and special interest, and the historic setting in which the listed buildings are experienced.
- 8.24 It is considered that the proposal would result in harm to the special interest of the listed building from the loss of the traditional pub use, and this would then also cause harm to the special interest of the Conservation Area. This harm, which is considered to be less than substantial, would need to be weighed against any public benefits of the proposal. In this instance, it is considered that it has been sufficiently demonstrated that the building is no longer or cannot be made commercially viable (as a public house), cannot provide suitable accommodation, and is not needed for the existing use or another community use. It is therefore considered that it has been sufficiently demonstrated that conversion to a domestic dwelling is the best means of securing the long term future of the building, which would be a significant public benefit that would outweigh the harm identified, i.e. that conversion to a domestic dwelling is the best/only means of securing the long term future of the building. Other benefits would also arise from the proposed development, including economic benefits during the construction phase, social benefits through the creation of an additional dwelling, and environmental benefits from ecological enhancements.
- 8.25 Overall it is considered that the proposed conversion of the Black Swan to a residential dwelling would erode the character of the historic village by virtue of the loss of an historic community facility which with other key services contributes to the sense of place and ability to understand the history of the settlement. The change of use would fundamentally and harmfully change the character of the building which would damage both the special interest of the pub but also the contribution it makes to the appearance of the street and Conservation Area. It would result in less than substantial harm to heritage assets, however, it is considered that it has been sufficiently demonstrated that the conversion to a domestic dwelling is the best means of securing the long term future of the building, which would be a significant public benefit that would outweigh the harmed identified. The proposed change of use would comply with policies E1 and E9 of the RLP.

8.26 In respect of RLP policy E2, it is considered that to ensure that existing trees at the site are not inadvertently damaged during the proposed conversion works, tree protective measures would be required, and a condition could be recommended in this respect in the event that planning permission were to be granted.

8.27 **Water management**

Policy E7 of the RLP requires development to comply with national policy and guidance in relation to flood risk.

8.28 The northern most part of the site (former beer garden and currently residential garden) and part of the existing building itself (currently containing bedroom accommodation at ground floor level), and therefore the development under consideration, lies within flood zones 2 and 3. The application is accompanied by a flood risk assessment. The proposed change of use from a public house to a residential property would not result in any increase in the built form on the site, or its vulnerability classification in terms of flood risk (which is, and would continue to be, "more vulnerable"). It is therefore not considered that the proposals would result in an increased risk of flooding at the site or elsewhere. However, the acceptability of the proposal depends upon the risk to the property itself and the occupants, in the event of flooding.

8.29 The submitted flood risk assessment confirms that the finished floor levels within the property, and in particular at the part that would be within/nearest to the flood zones, would be above the 1 in 100 year and 1 in 1000 year flood event levels. Taking these flood levels, a freeboard of at least 380mm would be achievable over the lifetime of the development. Although this does not meet the recommended 600mm freeboard, it is acknowledged that the internal floor levels are unlikely to be able to be raised within the building. The submitted flood risk assessment states that safe refuge is available on the first floor of the property, which is accessible from within the building, and all sleeping accommodation would be at this level. The Environment Agency has confirmed that it considers that the development can remain safe from flooding over its lifetime, but strongly recommends the use of flood resistance and resilience measures, which may include physical barriers, raised electrical fittings and special construction materials, in order to help to reduce flood damage. An informative note is recommended in respect of this, as well as a condition in respect of finished floor levels. The proposed development may also require an Environmental Permit, due to its proximity to a watercourse, and an informative note is recommended in respect of this. The proposal is considered to comply with RLP policy E7.

8.30 In accordance with RLP policy E7, a condition is also necessary in respect of water consumption.

8.31 **Biodiversity**

Policy E5 of the RLP requires development to conserve, and where possible restore and/or enhance biodiversity. The application is supported by ecological surveys and assessments, and a Construction Environmental Method Statement (CEMP). This includes consideration of impacts on the

adjacent Pillhill Brook (to the north of the site), which is a SINC (Site of Importance for Nature Conservation). The submitted information concludes that the proposals would not have an adverse impact on protected species or habitats, but that precautionary measures should be taken to minimise the risk of disturbance. Recommendations are included within the submitted information in respect of this, which are considered to be appropriate. Adherence to these recommendations are proposed to be secured by condition, together with the incorporation of biodiversity enhancements.

8.32 *Nutrient neutrality*

In addition to the requirements of policy E5 of the RLP, policy E8 sets out that development will be permitted provided that it does not result in pollution which could cause unacceptable risks to, among other things, the natural environment.

8.33 The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom and is protected as such. There are currently high levels of nitrogen and phosphorous input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development would exacerbate this impact unless it can be shown that development can demonstrate nutrient neutrality.

8.34 However as the proposed development is for the conversion of an existing public house which contains a landlords flat on the first floor, and could therefore provide permanent overnight accommodation, it is considered that there would be no increase in the amount of waste and the proposal would not result in any net increase in waste entering the system than the current situation. It is therefore not necessary to consider nitrates in this instance.

8.35 **Highways**

Policy T1 of the RLP requires development to minimise its impact on the highway network, and to enable safe and functional access for all users. Policy T2 of the RLP also requires development to make adequate provision for car parking and cycle storage which should be well designed and appropriately located so as to be convenient to users. The Council's adopted car parking standards are set out at Annex G of the RLP.

8.36 When the building was in use as a public house, it was served by a car park located further along High Street to the south east. This is not included in the red edge for this current application, and therefore it is assumed that this would not be available for the parking of vehicles in association with the proposed conversion to a dwelling. There is existing driveway and courtyard at the application site, and it is proposed that this would be used for parking, which would accord with the Council's adopted standards. The proposed layout of this area would also provide sufficient access and manoeuvring space for the safe and efficient access, egress and turning of vehicles within the confines of the site. It is noted that the Highway Authority has raised no objections to the proposals, and they would comply with RLP policies T1 and T2.

8.37 **Amenity and pollution**

Policy LHW4 of the RLP sets out that development will be permitted provided that; it provides for the privacy and amenity of its occupants and those of neighbouring properties; in the case of residential developments it provides for private open space in the form of gardens or communal open space which are appropriate for the needs of residents; and it does not reduce the levels of daylight and sunlight reaching new and existing properties or private open space to below acceptable levels.

8.38 Policy E8 of the RLP is concerned, among other things, with ensuring that development includes appropriate mitigation in order to reduce disturbance from pollution such as noise, light, odour, dust etc to acceptable levels.

8.39 The adjacent and surrounding buildings are all residential dwellings and it is therefore important to assess the impact that the proposal might have on their residential amenity. As there are no proposed external changes to the building it is not considered that there would be any change with respect to overlooking, or daylight and sunlight. The existing pub garden would become a private rear garden in association with the proposed dwelling, and it is considered that this would be an improvement in terms of impact on residential amenity. A private residential garden is likely to generate less noise and disturbance than a garden serving a public house. There would also be a reduced amount of comings and goings which would improve the overall situation when considering residential amenity. A condition is considered to be appropriate in respect of hours of construction and is therefore recommended. The proposal would comply with RLP policies LHW4 and E8 in respect of impacts to existing surrounding residential properties.

8.40 **Other matters**

The Council cannot prevent the subdivision of a site, as has been described in third party representations in respect of the Black Swan Inn, the car park and the village green. This current application solely relates to the change of use of the building at the Black Swan. The Council cannot require that the other land identified above be included in this current application. Any redevelopment of these other sites would require the submission of a separate application/s. In the event that planning permission were to be granted for the current proposals, it is not considered that this would set any precedents, and all future applications would be considered on their own merits. Any specific planning policies in relation to these other sites could be put forward as part of the Neighbourhood Plan process.

9.0 **CONCLUSION**

9.1 It is considered that it has been sufficiently demonstrated that the public house is no longer or cannot be made commercially viable, cannot provide suitable accommodation, and is not needed for the existing use or another community use. It is considered that the proposed conversion of the Black Swan to a residential dwelling would erode the character of the historic village by virtue of the loss of an historic community facility which with other key services contributes to the sense of place and ability to understand the history of the

settlement. The change of use would fundamentally and harmfully change the character of the building which would damage both the special interest of the pub and also the contribution it makes to the appearance of the street and Conservation Area. It would result in less than substantial harm to heritage assets. However, it is considered that it has been sufficiently demonstrated that the conversion to a domestic dwelling is the best means of securing the long term future of the listed building, which would be a significant public benefit that would outweigh the harm identified.

9.2 Subject to conditions, the proposed development is also considered to be acceptable in respect of its impacts on biodiversity, water management, the highway network, and amenity/pollution. The proposal is acceptable, and would comply with the relevant policies of the RLP.

9.3 In accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, notice will be given to the applicant of the Local Planning Authority's intention to impose pre-commencement conditions in the form of conditions 3 - 6 below.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

- **BEN 0003 REV A**
- **BEN 1010 REV C**
- **BEN 1015 REV B**
- **BEN 1020**
- **BEN 1030 REV A**
- **PLAN 1**
- **PLAN 2**
- **PLAN 3**
- **PLAN 4**
- **PLAN 5**

Reason: For the avoidance of doubt and in the interests of proper planning.

3. **No development (including site clearance and any other preparatory works) shall take place until a scheme detailing how on site trees are to be protected has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of any protective fencing, ground protection or other precautionary measures as informed by British Standard 5837:2012. Such protection measures shall be installed prior to any other site operations and at least 2 working days notice shall be given to the Local Planning Authority.**

Tree protection installed in discharge of this condition shall be retained and maintained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. Reason: Details are required prior to commencement to ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.

4. No development shall take place until a detailed scheme of biodiversity enhancements to be delivered at the site have been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures shall be installed in accordance with the approved details prior to the first occupation of the development hereby permitted, and shall be thereafter maintained and retained in accordance with the approved details.

Reason: To enhance biodiversity in accordance with Policy E5 of the Test Valley Borough Revised Local Plan 2016.

5. No development shall take place until a full building record, made to Level 4 as set out in Historic England's publication 'Understanding Historic Buildings: A Guide to Good Recording Practice' and prepared by an appropriate specialist, has been submitted to and approved in writing by the Local Planning Authority. This should include, but not be limited to, plans, elevations and photographs of the building (internal and external). All images should be good quality and in full colour. They should also be clearly annotated to explain what they show, when they were taken, and should be cross-referenced to the plans and elevations. The plans, elevations and photographs should be accompanied by a detailed heritage statement for the buildings, as well as details of how all demolition works that have taken place were carried out. The approved full building record shall be submitted to the local Historic Environment Record.

Reason: Details are required prior to commencement to ensure that a comprehensive record of the building is made prior to the conversion of the heritage asset in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

6. No development shall take place until a phasing plan for the carrying out of the change of use and conversion of the building hereby permitted has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Note: The development should be phased so as that the works to convert the front historic part of the building are prioritised.

Reason: Details are required prior to commencement to sustain the significance and the character, appearance and setting of the listed building, the Conservation Area and adjacent listed buildings in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.

- 7. No development shall take place within each of the areas (1 – 5) of the building, as identified on the Construction Reference Key drawing contained within the submitted Structural Condition Report (prepared by JCP, dated 4th October 2023), until a detailed schedule of repairs and methodology for the works to be carried out within that area, as described in the submitted Structural Condition Report, have been submitted to and approved in writing by the Local Planning Authority. Details shall be prepared by/in consultation with the appropriate experienced specialists who shall be undertaking/overseeing the works, and shall include scaled drawings and annotated images. Development shall be carried out in accordance with the approved details.**

Reason: To sustain the significance and the character, appearance and setting of the listed building, the Conservation Area and adjacent listed buildings in accordance with Test Valley Borough Revised Local Plan (2016) Policy E9.
- 8. No new or replacement windows and doors (internal and external) shall be installed until full details, including scaled drawings, have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed in accordance with the approved details.**

Reason: To sustain the significance and the character, appearance and setting of the listed building, the Conservation Area and adjacent listed buildings, and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E9.
- 9. Notwithstanding the details submitted, no works to the existing pub signage or the provision of new/replacement signage or public art shall take place until full details, including scaled drawings, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To sustain the significance and the character, appearance and setting of the listed building, the Conservation Area and adjacent listed buildings, and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E9.
- 10. No new/replacement services (including vents, flues etc) shall be installed until full details, including scaled drawings, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: To sustain the significance and the character, appearance and setting of the listed building, the Conservation Area and adjacent listed buildings, and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E9.

- 11. No development comprising of external works to the building shall take place until samples and details of all new and replacement materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Note: Any new/replacement thatch shall be long straw, laid in the traditional local manner and with a wrapover ridge.
Reason: To respect the vernacular tradition of the area and to sustain the significance and the character, appearance and setting of the listed building, the Conservation Area and adjacent listed buildings, and to ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E9.
- 12. The development hereby permitted shall be carried out in accordance with the submitted Construction Environmental Method Statement (CEMP) and the Pre-Engagement Ecology Note Response (both documents prepared by Chalkhill Environmental Consultants, dated 6 October 2023), and the submitted Ecology Advice Note (prepared by Chalkhill Environmental Consultants, based on surveys dated August and September 2023).**
Reason: To conserve and enhance biodiversity in accordance with Test Valley Borough Revised Local Plan (2016) Policy E5.
- 13. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment (prepared by Such-Salinger-Peters, dated June 2023) and the following mitigation measures it details:**
- Finished floor levels shall be set no lower than 63.66 metres above Ordnance Datum (AOD).**
- The mitigation measures shall be implemented prior to occupation of the development hereby permitted in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.**
Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.
- 14. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**
Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.
- 15. No work relating to the change of use and conversion hereby approved, including deliveries, collections, or preparation prior to operations, shall take place before the hours of 07.30 nor after 18.00 on Mondays to Fridays; before the hours of 08.00 nor after 13.00 on Saturdays; and at all on Sundays and Bank/Public Holidays, unless otherwise agreed with the Local Planning Authority.**

Reason: In the interest of amenity in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.

- 16. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**

Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

- 17. No external lighting shall be installed at the site until full details have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved details.**

Note: All lighting should follow best practice guidelines outlined by the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK).

Reason: To protect existing bat populations within the area and in the interests of amenity in accordance with Policies E2, E5 and E8 of the Test Valley Borough Revised Local Plan 2016.

Notes to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
- 2. Trees within and adjacent to this site are protected by virtue of standing within a Conservation Area. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection condition above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.**
- 3. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:**
 - on or within 8 metres of a main river (16 metres if tidal);**
 - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);**
 - on or within 16 metres of a sea defence;**
 - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;**
 - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.**

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. For local permitting advice please contact email: psohiow@environment-agency.gov.uk

4. The Environment Agency considers that the development can remain safe from flooding over its lifetime but strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage. To find out which measures will be effective for this development, please contact your building control department. If you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. Further guidance on flood resistance and resilience measures can also be found in the following:
- Government guidance on flood resilient construction; <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>
 - CIRIA Code of Practice for property flood resilience; https://www.ciria.org/Research/Projects_underway2/Code_of_Practice_and_guidance_for_property_flood_resilience.aspx
 - British Standard 85500 – Flood resistant and resilient construction; <https://shop.bsigroup.com/ProductDetail/?pid=00000000030299686>

It is also recommended that the applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings> It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities. For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding> To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what to do after a flood, visit <https://www.gov.uk/after-flood>
