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<b>APPLICATION NO.</b>	16/00938/RDCAN
<b>APPLICATION TYPE REGISTERED</b>	DEMOLITION IN CONSERVATION AREA - NORTH 25.04.2016
<b>APPLICANT SITE</b>	Andover Charities Trustees 64-70 Adelaide Road, Andover, Hampshire, SP10 1HG, <b>ANDOVER TOWN (ST MARYS)</b>
<b>PROPOSAL AMENDMENTS</b>	Demolition of four existing almshouses Additional heritage information submitted 20/07/17
<b>CASE OFFICER</b>	Mrs Laura McKay

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site comprises the Acre Almshouses and an area of car park to the front of them. The site is in the Andover Conservation Area.

## 3.0 PROPOSAL

3.1 Planning permission is sought to demolish the existing building, which comprises four almshouses. There is a joint application under consideration (16/00922/FULLN) for redevelopment of the site for 12 almshouses, which is a material consideration in this application.

## 4.0 HISTORY

4.1 16/00922/FULLN - Demolition of four existing almshouses and construction of 12 new almshouses with associated parking – Under consideration.

## 5.0 CONSULTATIONS

### 5.1 TVBC Design and Conservation – Objection

*[Officer note: references to paragraphs in the NPPF are to the 2012 NPPF, which has been replaced in 2018. The provisions of the revised NPPF are discussed in section 8]*

#### Comments on original submission

The Acre Almshouses are identified as a non-designated heritage asset. The almshouses are within the Andover Conservation Area, a designated heritage asset.

The almshouses are in close proximity to a number of designated heritage assets (i.e. The United Reformed Church and 54 East Street, both listed grade II), the setting of which will be affected by their proposed demolition. They are also in moderate proximity to, and inter-visible with, further designated assets,

including 8 and 8A Newbury Street and 2 and 4 Church Close. Also, No. 8 to the south, opposite, is an early C19 chalk cob house and to the south-west is the former Andover Arms, of similar date; both are of local interest and non-designated heritage assets.

*Acre Almshouses: non-designated heritage asset*

The Acre Almshouses are an attractive row built in 1864 in an orange/red brick, strongly composed with flanking gabled cross wings and largely unaltered externally, apart from the replacement of the windows and doors. The latter has a remarkably small impact on their overall character, partly because that character is very strong but also because of the interesting way the openings are treated, with blocks of rustication in gault brick and with vermiculated rustication to the keys of the stone lintels. The decorative patterned tile roof is a particularly attractive feature. The building also retains its chimneys. The only external additions are a pair of small-flat-roofed rear extensions. However the principal elevation is to the south and is a strong visual presence in the conservation area.

No surveyors report is attached to the applications but the building appears to be in a good structural condition. The matters raised in the heritage statement are fairly trivial, e.g. a few spalling bricks not untypical with soft red bricks which, if any work is required at all, is easily remedied, by turning or replacing individual bricks, and the need for some joinery repairs. Some damp is described but not quantified and no attempt at identifying its cause is made. Damp is not uncommon in old buildings, often caused by a combination of factors, and is usually easily addressed. It is often associated with poor maintenance (e.g. clearing out gutters) and management and inappropriate later repairs or alterations e.g. high ground levels, where road levels have built up over time, are often a cause of low level damp. Very few buildings before the early C20 have damp proof courses and this building is no exception; the lack of a DPC is not normally a reason for condemning an old building, listed or otherwise.

It would appear from the evidence presented that the building is in a fair state of repair and that the problems identified can be readily addressed. However, that the building requires refurbishment and modernisation is not contested and there are very many examples of similar historic almshouses, many listed (e.g. the early seventeenth century Christ's Hospital in Winchester or, closer to home, the row of almshouses of 1815 at Amport) that have been successfully adapted and modernised to provide good quality accommodation to a modern standard, while, of course, also adding the extra value for the residents that comes with the pleasure of living in an attractive and historic building.

The building is therefore a local building of interest. In terms of the values laid out in Historic England's Conservation Principles, it has:

1. Evidential value, i.e. the potential to yield evidence about human activity. There have been almshouses on, or close to, this site since the C17 at least, possibly earlier.

2. Historical Value, i.e. the way in which people, events and aspects of life can be connected through a place to the present. There is a continuity of use of the site, and the building can be associated with almshouses on the site in the mid C17, and possibly earlier. There is a strong association between the building and the long history of charitable foundations in the town.
3. Aesthetic value, i.e. that deriving from how people draw sensory and intellectual stimulation from a place. The building has both intrinsic architectural quality as has already been described as has the contribution to the character of the conservation area.
4. Communal value, i.e. the meaning of a place for the people who relate to it. The building is a long-standing and familiar landmark in a town.

*Andover Conservation Area: designated heritage asset*

The area of the conservation area in which the almshouses are sited is an interesting one. Historically it was on the edge of the town, and included a long narrow plot running approximately east-west known as the Town Acre (or Common Acre), hence Acre Almshouses. This was an area of common given to the town in 1570 and may also have been the town butts (i.e. an area for archery practice), possibly indicated by its long narrow shape. The first reference to almshouses on this site is in 1647. This plot/field originally extended almost all of the way to East Street, as is shown on old maps and its slight foreshortening, with the present grassed area with its avenue of trees now restricted to the east side of Adelaide Road is a late C19 change. However, the long narrow plot is still clearly part of the urban grain, continuing across Adelaide Road to East Street, where it is metalled and forms an urban space, faced onto by the almshouses on the north side and the former Andover Arms on the south side. It is the Town Acre which defines and explains the character of this part of the conservation area and any development which does not take account of this is likely to be harmful to the conservation area's character and appearance. Historically it is the place where town met countryside and the survival of much of the Town Acre as a green space and the presence of the late C19 recreation ground beyond to the north helps to retain much of this edge-of-town character; the historic urban development (East Street, Rack Close, Adelaide Street etc.) extends up to, but does not cross, the Town Acre plot from the south. The C17 almshouses were built on the north side of this plot, presumably on land granted by the corporation, which must explain their narrow linear form and their orientation (i.e. so not as to unduly obstruct the long narrow Acre itself). Historically, as now, their centre of gravity is towards the south. (The edge-of-town character of the area is further confirmed by its use historically for drying woollen cloths - hence Rack Close.)

Therefore, the almshouses have a long and strong relationship with the site and are a defining element in the historic development of this part of the conservation area – it cannot be understood in terms of its architectural or historic interest without them. A result of their location is to create an intimate space between them and the buildings on the south side of Town Acre. Indeed, there is a strong impression of a courtyard created.

As well as having a strong historic relationship with the location, the almshouses are also a prominent visual element in the conservation area, particularly in views from the SE around to the SW. A key view, for example, is that from the SW with the United Reformed Church and the adjoining No. 54 East Street in the foreground. They are also important in views from the east down the Town Acre itself. They also have a very strong presence in the space immediately to the south, the former west end of the Town Acre, and respond to the old buildings opposite, already described. They can also be seen in the foreground of view across the listed buildings in the conservation area to the NW, in Newbury Street, Church Close and the tower of St Mary's Parish Church.

The large roundabout to the north of the site was probably constructed before the conservation area was designated in 1969 but clearly its presence does affect its setting. But the impact on the setting of the almshouses and that part of the conservation area (and therefore on the significance of both) is not as great as might first be considered; the principal façade faces away from the road and indeed helps to screen the roundabout from the area around Town Acre. The rear elevation of the almshouses, which faces north to the roundabout, is the least important architecturally and in terms of the character of the conservation area.

It is clear from the above that the almshouses have a great deal of interest intrinsically, both architecturally and historically, and are also fundamental to defining the character of this part of the conservation area, in terms both of its historical context and visually as a prominent feature within it. The heritage statement accompanying the application covers the significance of the almshouses themselves but there is little analysis of the contribution the building makes to the conservation area, either in terms of its context and historic relationship with the surrounding spaces or in terms of its visual contribution.

Local authorities are required, "to pay special attention of to the desirability of preserving or enhancing the character or appearance of a conservation area". The NPPF requires that in the case of any proposals which would lead to harm to a designated heritage asset, this harm should be weighed against the public benefits of any proposals, and a similar balanced judgement is also required in the case of non-designated heritage assets. Paragraph 131 of the NPPF also requires that LPA's should take account of the desirability of sustaining and enhancing the significance of heritage assets and considering, "the positive contribution that conservation of heritage assets can make to sustainable communities...".

Policy E9 of the Test Valley Borough Revised Local Plan 2016 echoes the NPPF in respect of applications which would result in harm to the significance of designated and non-designated heritage assets.

The demolition of the Acre Almshouses will not, for the reasons outlined above, preserve or enhance the character and appearance of the conservation area.

The demolition of the building which has not been shown to be incapable of continuing use will result in a considerable degree of harm, both with the loss of the building itself, clearly one of local interest, but also to the character and appearance of this part of the conservation area, which it can be shown depends much on this key building, its location and the spaces it helps create. Its demolition will also harm the setting, and therefore significance, of the nearby listed buildings because of their strong historical and visual relationship. The retention of these almshouses, as a key building in this part of the conservation area, presents an opportunity to preserve and, in conjunction with further development, further enhance the character of the conservation area and thereby strengthen the sense of place.

#### Comments on further information

The Addendum Document to the Heritage Impact Assessment does not add anything further in terms of analysing the significance of the almshouses as non-designated heritage assets, an analysis of the significance of this part of the conservation area and the contribution to the significance made by the almshouses, and therefore to any balanced judgement regarding the harm resulting from their demolition against the public benefits that might result.

The arguments made in the previous report are repeated in this document and do not justify further detailed refutation.

The document acknowledges that the demolition of the almshouses will result in substantial harm to these buildings themselves and repeats the claim that their repair and refurbishment would not be justified in economic terms, without, however, providing any evidence. It also argues that the almshouses do contribute positively to the 'special character' of the conservation area, but that the harm to the significance of the conservation area resulting from their demolition will be mitigated by the proposed replacement building and therefore that an implementation of the full proposals will result in, "No Harm to the special character of the conservation area...". But how this conclusion has been reached is not demonstrated; no evidence in the form of a detailed analysis of the significance of the conservation area and the contribution the buildings make to that significance is presented.

#### Conclusion

The demolition of Acre Almshouses would result in substantial harm to the non-designated heritage asset itself (i.e. the almshouses) and also harm to the character and appearance, and therefore significance, of the conservation area.

Demolition would be contrary to the advice in paragraph 131 of the NPPF, in that it would not be in accordance with the desirability of 'sustaining and enhancing the significance' of the heritage assets affected.

#### **5.2 HCC Ecology – No objection subject to conditions**

*[Officer Note: HCC Ecology comments were provided for parallel full application 16/00922/FULLN but apply also to this joint application].*

Thank you for consulting me on this application. The application is supported by a bat survey report (AA Environmental Ltd, June 2015). A small amount of evidence of bats was found during the visual inspection and therefore a number of emergence survey visits were carried out. No bats were seen to emerge from or return to the building during these surveys. It was concluded that the building had supported bats but that it no longer functions as an active roost. This would appear to be a sensible conclusion, as the only bat droppings found were noted to be old.

Bats receive protection under UK law via the Wildlife and Countryside Act 1981 (as amended) and under EU law by the Habitats Directive, which is transposed into UK law by the Conservation of Habitats and Species Regulations 2010 (commonly referred to as the Habitats Regulations). Developments that affect legally protected species are also likely to be contrary to policy E5 of the Test Valley Revised Local Plan DPD.

Developments that affect bats will need a European Protected Species (EPS) licence from Natural England before any work that affects bats could commence.

Local Planning Authorities are required to engage with the Regulations: planning permission should be granted (other concerns notwithstanding) unless the development is likely to result in a breach of the EU Directive and, if a breach is considered likely, that the development is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

In view of the survey findings I would advise that the development is unlikely to result in a breach of the law protecting bats and I would raise no concerns.

However, given that the site has previously been used as a bat roost, and that bats can unexpectedly start to use a site, a range of precautionary measures have been recommended. I would support these, and if you were minded to grant permission I would suggest these are secured by condition (as set out). I would also support the recommendations for bat roost enhancements.

6.0 **REPRESENTATIONS** Expired 14.08.2017

6.1 **Andover Town Council – No Objection**

Trees may cause access issues particularly the proposed tree by the shop where the pavement is narrow.

6.2 **5 objections** from: 77 Wolversdene Road, 10 Lubeck Drive, 89 Berry Way, 8 Lansdowne Avenue raising the following issues (summarised):

- Almshouses erected in 1869 therefore almost 150 years old; make a significant contribution to the overall character and appearance of the area;
- Built to replace earlier almshouses on the same site;
- In one of the oldest parts of the town which escaped the destruction that Town Development brought in the 1960s; part of a cluster of interesting and diverse dwellings and public buildings that complement each other;
- Demolition would be to the detriment of the local area;
- Construction of 3 storey flats in their place would cause significant harm to the conservation area and the setting of the other buildings within it;

- Statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area;
- Have lost so many important buildings from the town;
- Request an application to English Heritage to have the Acre Almshouses listed;
- Impact on Common Acre;
- Question the sequence of events that led this to become a car park;
- Is there a question of ownership of land?
- Perfectly good buildings; not redundant buildings in danger of falling down; people are still living in them and they are in a fine state of repair;
- Architecturally, they are typical of a short-lived period of mid-Victorian design and are not repeated anywhere else in the town; pre-date much of the construction that went on in late 19<sup>th</sup> and early 20<sup>th</sup> century Andover when the style had become much more basic and formulaic;
- Almshouses are one-offs and part of the long tradition of charity houses in Andover;
- These buildings are unique in the town and too important to be lost;
- TVBC have a duty to recognise the importance of the alms houses to the heritage of the town and to the overall aesthetics of the conservation area and should be ensuring that the buildings receive the protection they deserve;
- As a business owner, losing the car park concerns me. Not happy to walk a long distance carrying monies on dark nights, especially to the multi-storey car park;
- Still waiting for promised season ticket for Black Swan car park;
- While the existing houses might not be suitable for modern Almshouses, they could be sold on the general market and new build elsewhere with the profit.

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

E9 - Heritage

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- The impact of the demolition of the existing Almshouses building on the significance of the conservation area
- The impact on protected species and ecology
- Other matters
- Planning balance

### **Impact of the demolition of the existing Almshouses building on the significance of the Conservation Area**

### 8.2 Policy E9 sets out that:

*Development and/or works affecting a heritage asset will be permitted provided that:*

- a) *it would make a positive contribution to sustaining or enhancing the significance of the heritage asset taking account of its character, appearance or setting; and*
- b) *the significance of the heritage asset has informed the proposal through an assessment proportionate to its importance.*

*Development which will lead to less than substantial harm to the significance of a designated heritage asset will be considered against the public benefit of the proposal, including securing a viable use.*

*The merits of development affecting an undesignated heritage asset will be balanced against the scale of the harm or loss, either directly or indirectly, to the significance of that heritage asset.*

- 8.3 S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) sets out a legal duty that the Council, in the exercise of its planning functions in relation to a conservation area, pay special attention to the desirability of preserving or enhancing the character of appearance of that area. This legal duty is a material consideration in the determination of this application.
- 8.4 The NPPF was revised in 2018 and is a material consideration in the determination of this application. In relation to the historic environment it sets out that:  
*“Heritage assets...are an irreplaceable resource, and should be conserved in a matter appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations”* (Paragraph 184) and that, *“Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”* (Paragraph 190).
- 8.5 Paragraph 192 sets out that: *“In determining applications, local planning authorities should take account of:*
- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c) *the desirability of new development making a positive contribution to local character and distinctiveness“.*
- 8.6 Paragraph 193 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.*



The next paragraph is clear that, *“Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification”*.

- 8.7 Paragraph 196 and 197 of the NPPF are consistent with the balancing tests set out in policy E9 for harm to designated and non-designated heritage assets. Paragraph 198 is consistent with policy E9 in relation to not permitting the loss of heritage assets unless steps are taken to ensure new development will proceed after the loss has occurred. It is therefore necessary to consider the implications of the proposed replacement scheme within this application.
- 8.8 There is therefore a clear direction in planning law, local and national policy to conserve heritage assets and they are given importance as irreplaceable resources. Case law in recent years has been clear that impacts on heritage assets must be given considerable importance and weight (e.g. *East Northamptonshire v. Secretary of State for Communities and Local Government* [2015] 1 W.L.R. 13).
- 8.9 Andover Conservation Area is a designated heritage asset. An application was made to Historic England to list the Almshouses and a decision was issued in December 2017. Historic England judged that the building does not merit listing because the degree of architectural interest was as a modest design which is stylistically typical of the period and the building has undergone substantial alterations. Historic England concluded that, *“Acre Almshouses are of local interest for their continuation of the tradition of charitable housing provision on the site, but do not meet the criteria for statutory listing”*.
- 8.10 *Contribution of the existing building to the conservation area*  
The Council’s Design and Conservation Officer has assessed the contribution of the existing building to the conservation area in his comments which are set out in paragraph 5.1 of this report and are not repeated here.
- 8.11 The site is in a part of the conservation area that was historically on the edge of town and includes part of the Town Acre, which defines and explains the character of this part of the conservation area. As the site exists today, the proportions of the Town Acre where it falls within the site have been retained and this area contributes to the significance of the conservation area.
- 8.12 The applicants’ heritage consultant sets out that the car park is run down and that the Town Acre remaining represents a severed and separated remnant of the former acre, such that the significance of its historical relationship with the remaining part of the former Town Acre is reduced considerably, and that the use for car parking and as a vehicle thoroughfare further impacts on this significance. It is recognised that the car park is not in particularly good condition but the open nature of the site is the former Town Acre and this openness retains the character and relationships between buildings that reflect this history.

- 8.13 The Almshouses are a prominent visual element in the conservation area, particularly in views from south-east around to the south-west, and in conjunction with nearby listed buildings. The modern roundabout impacts on the setting of the almshouses and this part of the conservation area, however it does not change the relationship of the almshouses to the historic properties to the south. The existing building faces south and replaced earlier almshouses with the same orientation. The view towards the building from the south is considered to be important in the relationship of the almshouses to the space and buildings to the south.
- 8.14 The heritage statement notes the historic value from its age and functionality, including the re-use of the site for almshouses dating back to at least the mid-17<sup>th</sup> century. This history of consistent use for social housing is an important part of the building's significance and contributes to the significance of this part of the conservation area.
- 8.15 The applicants' heritage consultant identifies the contribution of the Almshouses to the overall significance of the conservation area as minor. The Council's Design and Conservation Officer disagrees and considers that although the contribution of the building to the conservation as a whole is limited, its peripheral location should not be seen as evidence that the building makes only a minor contribution to the character and appearance of the conservation area. It was included in the conservation area and its history, architecture and relationship to the nearby listed buildings and non-designated heritage assets reflect the history of this part of the town. The Town Acre is closely connected to the foundation of the almshouses and its ongoing relationship with this space continues to reflect the evolution and history of this area. It is considered that the Almshouses contribute substantially to the significance of this part of the conservation area both in terms of its architectural and historic interest. Historic England comments on the full application 16/00922/FULLN are relevant and set out that the almshouses make a positive contribution to the special architectural and historic interest of the conservation area.

*Impact of loss of existing building*

- 8.16 The Council's Design and Conservation Officer and the applicants' heritage consultant both conclude that the loss of the existing building would result in less than substantial harm to the conservation area. Historic England comments on the parallel full application support this approach, concluding that if the building was demolished the special architectural interest would be entirely lost and the boundary of the conservation area would need to be redrawn.
- 8.17 Little information has been provided in the application to justify the loss of the existing building. Issues with damp and poor condition are identified but no assessment of possible options to repair and refurbish the existing building have been submitted. No information has been submitted to demonstrate that retention of the building is not viable either physically or due to cost. It is not considered that a clear and convincing justification for the loss of the existing building has been made.

- 8.18 Having established that the loss of the existing building would result in harm to the significance of the conservation area, it must be considered whether there are any other reasons that demolition might be justified. It is therefore necessary to consider whether the harm would be offset by the replacement scheme, or if it would be outweighed by public benefits.

*Proposed replacement scheme*

- 8.19 The proposed redevelopment of the site for 12 almshouses is assessed in detail in the report for the full application 16/00922/FULLN. It is recognised that the proposed building would maintain the historic function of this building for charitable accommodation. The scale, bulk, siting and form of the building would however overwhelm and dominate the space, erode the historic Town/Common Acre and the relationship of the almshouses with buildings and spaces to the south of the application site, features which make an important contribution to defining the significance of this part of the conservation area. The proposed redevelopment does not respect the historic context and the design is not of sufficient quality to offset the harm that would result from the loss of the existing building. It would not preserve or enhance the character and appearance of the conservation area. As such it is considered that the proposed redevelopment would itself result in less than substantial harm to the significance of the conservation area.

*Public benefits*

- 8.20 The applicants in their Design and Access Statement set out that the concept is to demolish the existing, below standard dwellings and replace them with 12 new almshouses which they believe will anticipate and assist in providing for the needs of Andover as it experiences the growth of a larger and longer-lived pensioner population.
- 8.21 There would be a clear and significant social benefit from the provision of almshouses, a type of housing for which there is a need. It has not been demonstrated that the proposal would help to meet the identified need by housing people on the Housing Register but it is evident from the applicants' submission that there has been demand for almshouses when they have been available in the past, and there is no reason to doubt that is not the case now.
- 8.22 The proposed redevelopment would also result in economic benefits from the construction of the building and introducing more households into the area. This would be offset by the fact that the residents would be on very low incomes, so the impact on the local economy is unlikely to be as great as for market housing, but it is nevertheless a benefit.
- 8.23 The proposed redevelopment would also benefit from the payment of the New Homes Bonus to the Council, which would support the residents of the Borough.

*Balance*

- 8.24 The 2018 NPPF is clear that great weight should be given to the conservation of heritage assets irrespective of whether harm amounts to substantial harm, total loss or less than substantial harm to their significance (paragraph 193).

Considerable weight and importance should be given to conserving heritage assets and there is a legal duty on the local authority to seek to preserve or enhance the character and appearance of the conservation area. As such this harm must carry considerable weight.

- 8.25 The applicants consider that the impact on the conservation area of the loss of the existing 19<sup>th</sup> century building will be outweighed by the benefit of bringing the site back into full use, through the construction of modern facilities, whilst still retaining the site's historical context as the location of charitable housing. The redevelopment proposal would in itself result in harm to the significance of the conservation area however, and therefore the quality of the replacement scheme does not justify permitting the demolition as it would not offset the resulting.
- 8.26 The proposed redevelopment would result in public benefits through the provision of 8 additional affordable housing units for which there is a need in the Borough, and would result in social and economic benefits. It is considered that these should be given significant weight in favour of the development. Having regard to planning law and the National Planning Policy Framework, great weight must be given to the conservation of heritage assets which are an irreplaceable resource. It is considered that in the circumstances of this case the public benefits of the redevelopment scheme do not outweigh the harm identified to the conservation area.
- 8.27 The proposed demolition of the building would result in less than substantial harm to the significance of Andover conservation area. The proposed redevelopment scheme would in itself harm the significance of the conservation area and the public benefits of the redevelopment scheme would not outweigh the harm. As such the demolition of the existing building would be contrary to policy E9 of the Test Valley Borough Revised Local Plan 2016 and the provisions of Chapter 16 of the National Planning Policy Framework.

**Impact on protected species and ecology**

- 8.28 The Council has a legal duty to consider the impact on protected species in all its decisions and therefore the impact on ecology must be considered in this application.
- 8.29 The applicant has submitted a 2015 bat survey report covering the site, including the building and the trees proposed to be removed. This found some past evidence of bats and emergence surveys were undertaken to establish whether bats were still using the building. None were seen to emerge from or return to the building during the surveys and it was concluded that the building had supported bats but that it no longer functions as an active roost. The County Ecologist provided comments when the application was first received, supporting the findings of the report and concluding that the development was unlikely to result in a breach of the law protecting bats. The survey is now however over 3 years old and are likely to be out of date.
- 8.30 Given that the site has previously been used as a bat roost, there is potential for bats to start using the site again.

The applicant's Ecologist recommends a range of precautionary measures during demolition works to deal with this potential situation. It also proposes replacement bat roosts for the new development. Part of the mitigation proposed involves bat boxes being installed on existing sycamore trees. These trees are to be removed as part of the proposals and as such alternative mitigation would need to be designed. The report also recommends that new lighting be designed to minimise light spillage and pollution so as not to impact on bats. Details of new external lighting could be secured by condition. It is necessary to understand the impact of a proposal on protected species before considering measure by which to avoid, mitigate against or compensate for any adverse effects. At present it has not been demonstrated that the information submitted is up-to-date and reflects the impacts of the proposals. As such it has not been demonstrated that the demolition of the existing building would not result in the loss, deterioration or harm to bats or their roosts, or that appropriate measures can be put in place to address the impacts, and is contrary to policy E5 of the RLP. Updated comments are awaited from the County Ecologist as to whether the information submitted can still be considered up to date and these will be reported via the Update paper.

#### **Other matters**

- 8.31 Ownership of land is not a material consideration in this case. The applicant would need to obtain all necessary consents and permissions, including from other landowners if appropriate, to undertake the demolition proposed.
- 8.32 Loss of car parking is raised as a concern by a local business owner. This is a matter considered in detail in application 16/00922/FULLN and is not a matter that can be considered in this application, which relates only to the demolition of the building.

#### **Planning balance**

- 8.33 Where a conflict with the development plan is identified, it is necessary to have regard to other material considerations, as set out in s38(6) of the Planning and Compulsory Purchase Act 2004. The social and economic benefits of the redevelopment scheme and the harm that would result from the demolition and the redevelopment are set out above and are assessed in the balance against policy E9. There are no other material considerations identified that would outweigh the conflict with the development plan.

#### **9.0 CONCLUSION**

- 9.1 The loss of the existing building would result in less than substantial harm to the significance of the conservation area. It has not been clearly or convincingly demonstrated that the existing building needs to be demolished to achieve improvements to the site or additional almshouses. The proposed redevelopment scheme would, by virtue of its scale, bulk, layout and design, result in harm to the significance of the conservation area and as such would not justify the demolition of the existing building and the resulting harm. The proposed redevelopment would result in significant public benefits through the provision of additional affordable housing, however it is not considered that these outweigh the harm in this case. As such the proposed demolition of the existing almshouses is not justified and is contrary to policy E9 of the RLP and the provisions of the NPPF.

## 10.0 RECOMMENDATION

**REFUSE for the following reasons:**

1. The proposed demolition of the building would result in less than substantial harm to the significance of Andover conservation area. The proposed redevelopment scheme would in itself harm the significance of the conservation area and the public benefits of the redevelopment scheme would not outweigh the harm identified. As such the harm resulting from the demolition of the existing building would not be outweighed by the benefits of the replacement development and is contrary to policy E9 of the Test Valley Borough Revised Local Plan 2016 and the provisions of Chapter 16 of the National Planning Policy Framework. There are no other material considerations identified that would outweigh the conflict with the development plan.
2. The application is not accompanied by up to date ecological survey information and fails to demonstrate that the demolition of the existing building would not result in loss, deterioration or harm to bats or their roosts or that measures can be provided that would avoid, mitigate against or compensate for the adverse effects likely to result from the development. As such the proposal is contrary to policy E5 of the Test Valley Borough Revised Local Plan 2016

**Note 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.
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