



**NOTICE OF MEETING**

<b>Meeting:</b>	<b>Planning Committee</b>
<b>Date and Time:</b>	<b>Wednesday 14 December 2022 7.00 pm</b>
<b>Place:</b>	<b>Council Chamber</b>
<b>Enquiries to:</b>	<b>Committee Services committeeservices@hart.gov.uk</b>
<b>Members:</b>	<b>Quarterman (Chairman), Oliver (Vice-Chairman), Blewett, Cockarill, Forster, Kennett, Makepeace- Browne, Radley, Southern, Wildsmith and Worlock</b>

Chief Executive

CIVIC OFFICES, HARLINGTON WAY  
FLEET, HAMPSHIRE GU51 4AE

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**AGENDA**

**This Agenda and associated appendices are provided in electronic form only and are published on the Hart District Council Website.**

**Please download all papers through the Modern.Gov app before the meeting.**

- At the start of the meeting, the Lead Officer will confirm the Fire Evacuation Procedure.**
- The Chairman will announce that this meeting will be recorded and that anyone remaining at the meeting has provided their consent to any such recording.**

**1 MINUTES OF PREVIOUS MEETING (Pages 3 - 6)**

The Minutes of the meeting held on 19 October 2022 to be confirmed and signed as a correct record.

## **2 APOLOGIES FOR ABSENCE**

To receive any apologies for absence from Members\*.

**\*Note:** Members are asked to email Committee Services in advance of the meeting as soon as they become aware they will be absent.

## **3 DECLARATIONS OF INTEREST**

## **4 CHAIRMAN'S ANNOUNCEMENTS**

## **5 UPDATE ON LOCAL VALIDATION REQUIREMENTS LIST (Page 7)**

An update on the recent adoption of the local list of validation requirements for planning applications. This was done at a Planning (Action) Sub-committee on 7<sup>th</sup> November 2022 and detailed in Appendix A.

## **6 DEVELOPMENT APPLICATIONS (Pages 8 - 13)**

To consider the planning reports from the Executive Director - Place, and to accept updates via the Addendum.

## **7 21/02877/FUL - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY (Pages 14 - 40)**

## **8 21/02878/LBC - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY (Pages 41 - 54)**

## **9 22/00234/FUL - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY (Pages 55 - 81)**

## **10 22/00229/LBC - THE BELL PH, THE BURY, ODIHAM, HOOK, HAMPSHIRE, RG29 1LY (Pages 82 - 94)**

## **11 22/02181/LDC - 21 ELVETHAM BRIDGE, FLEET, HAMPSHIRE, GU51 1AF (Pages 95 - 101)**

## **12 21/02937/FUL - PENN CROFT FARM, PENN CROFT, CRONDALL, FARNHAM, GU10 5PX (Pages 102 - 136)**

**Date of Publication: Tuesday, 6 December 2022**

## **PLANNING COMMITTEE**

**Date and Time:** Wednesday 19 October 2022 at 7.00 pm

**Place:** Council Chamber

**Present:**

Quarterman (Chairman), Blewett, Cockarill, Forster, Kennett, Makepeace-Browne, Oliver, Southern, Worlock and Wildsmith

**In attendance:**

**Officers:**

Mark Jaggard, Executive Director - Place  
Stephanie Baker, Development Management & Building Control Manager  
Kathryn Pearson, Principal Planner  
Tola Otudeko, Shared Legal Services, Principal Lawyer  
Jenny Murton, Committee Services and Members Officer

### **35 MINUTES OF PREVIOUS MEETING**

Councillor Oliver highlighted that the Minutes did not include that he was the Chairman for this September meeting in the list of attendees and Committee Services agreed to add this.

The minutes of the meeting on 21 September 2022 were confirmed and signed as a correct record.

### **36 APOLOGIES FOR ABSENCE**

Apologies had been received from Councillor Radley.

### **37 DECLARATIONS OF INTEREST**

The Development Management & Building Control Manager declared that she and the Principal Lawyer had both worked at a previous Local Planning Authority at the same time as agent Robyn Milliner, one of the speakers for item 8 on the Agenda.

### **38 CHAIRMAN'S ANNOUNCEMENTS**

No announcements.

### **39 UPDATE ON FARNHAM LODGE JUDICIAL REVIEW JUDGMENT**

The Executive Director - Place updated the committee on the legal challenge from the decision on Farnham Lodge in April 2021.

On 3rd October 2022 the Council was informed that the Judge upheld the Council's decision as being lawful and the correct approach to Policy H5 and the Council was awarded costs.

#### **40 UPDATE FROM PLANNING ENFORCEMENT SUB-COMMITTEE**

The Development Management & Building Control Manager provided two enforcement updates:

1. A Planning Enforcement Sub-Committee meeting was held on Monday 17th October 2022. Councillor Southern was elected as Chairman of Planning Enforcement Sub-Committee and Councillor Oliver was elected as Vice-Chairman. Members were briefed on Hawley Park Farm and the breaches of planning control. The Committee endorsed the contents of the report and noted the information.
2. The Council has served an Injunction Order in the High Court relating to a breach of planning control on land south of Beechcroft, in Pickaxe Lane, South Warnborough, due to increased unauthorised development on the site. This prohibitive injunction prevents residential occupation and prevent further work being carried out. There is a further Court Hearing on Monday 24th October 2022.

The Committee was shown photographs of the site in Pickaxe Lane and the Development Management & Building Control Manager confirmed that no planning permission had been sought for any of the work shown in the photographs.

It was also agreed that quarterly Planning Enforcement Sub-Committee meetings would be re-instated.

The Chairman of the Planning Enforcement Sub-Committee fully endorsed the actions of the Planning Enforcement Team. The Vice-Chairman of the Planning Enforcement Sub-Committee reiterated that despite the volume of communications in relation to the Hawley Park Farm matter, there are only two on-going issues relating to out of hours working and tree protection fencing.

Members commended Officers for their work at the Planning Enforcement Sub-Committee meeting and in securing the Court Injunction.

#### **41 DEVELOPMENT APPLICATIONS**

The planning reports from the Executive Director - Place were considered and the updates via the Addendum were accepted.

**42 22-00734-FUL - 54 RYELAW ROAD, CHURCH CROOKHAM, FLEET, HAMPSHIRE, GU52 6HY**

The Chairman highlighted that due to a communication error a public speaker had not managed to register to speak in time however he would allow an additional speaker, Nicola Lyddon, to speak in objection.

The Principal Planner summarised the application as the erection of a detached 5-bedroom dwelling. She apologised that the public representation summaries and Consultee summaries had not been included in the Agenda report and confirmed that they were included in the Addendum and had been visible on the Council's website since the date of receipt. She stated that the body of the report does however address the Representation summaries and that these had been taken into account when formulating the report.

Members reiterated that the Officers had taken the public comments and consultee comments into account within their assessment and this was confirmed.

Members considered the application and asked the following questions:

- The definition of SAMM payments. The Development Management & Building Control Manager confirmed this was the monies paid to Hampshire County Council in relation to the Thames Basin Heaths Special Protection Area; Strategic Access Management and Monitoring was the full title for the SAMM acronym.
- The accuracy of the scale of the street scene plan and how this was created. The separation distances between the properties on the plans were also discussed and Members were satisfied with the Development Management & Building Control Manager's response that they are as accurate as possible however these are indicative plans.
- The proposed in-line parking spaces and whether a dropped kerb was required. Officers confirmed that dropped kerb applications were matters for the Local Highway Authority.
- How many storeys the proposed development was, and this was defined as two storeys with accommodation in the roof.
- Where the properties referenced in public speaking were located.
- The existence of other 5-bedroom homes and family homes in the immediate area.

The Chairman highlighted that there were no Ward Members present at the meeting and that there was no official site visit requested however Members may have undertaken their own unofficial visits.

Members debated:

- The impact that the proposed dwelling could have on neighbour amenity.
- The size and design of the proposed dwelling and whether it would be in keeping with the street scene or over-development.

- Members asked the agent to consider the design and the quality of materials that may be used.
- The proposed in-line parking spaces, which were defined as being in line with the Council's standards.
- How energy efficient this proposed dwelling may be.
- The windows on the western side of the proposed dwelling which would be obscured.

The Development Management & Building Control Manager confirmed that Building Regulations addressed the issue of energy efficiency, the regulations had been updated in June 2022.

Members undertook a recorded vote on **Recommendation A**, which was:

That subject to the receipt of SANG and SAMM payments within 7 calendar days of the date of the Planning Committee meeting, planning permission be GRANTED subject to conditions 1-9 and informatives 1-2 on the Agenda report.

This vote was unanimous, and Grant was carried.

**DECISION – GRANT**, subject to conditions and informatives on the Agenda report.

Members questioned whether a separate vote was required for **Recommendation B**. The Chairman confirmed that **Recommendation B** only comes into force if the requirements of **Recommendation A** are not met.

Members undertook a second vote and unanimously voted for **Recommendation B**.

*Notes:*

*No site visit took place.*

*Nicola Lyddon spoke against the application.*

*Robyn Milliner spoke for the application.*

The meeting closed at 7.56 pm

## **PLANNING (ACTION) SUB-COMMITTEE**

**Date:** Monday 7<sup>th</sup> November 2022

Cllr Graham Cockarill, Cllr Alan Oliver (Vice-Chairman) and Cllr Richard Quarterman (Chairman)

## **PLANNING VALIDATION REQUIREMENTS**

Members considered the best practice of adopting Local Validation Requirements every two years. The Council's current Local Validation Requirements will cease to have effect from 16<sup>th</sup> November.

The current document was agreed at [Planning Committee](#) on 11<sup>th</sup> November 2020. The Planning Practice Guidance (paragraph 039) sets out that the list should have been published less than 2 years before an application is submitted in order for Local Planning Authorities to rely on it. This is best practice guidance rather than a statutory requirement, but Officers would like to align with requirements being adopted less than two years ago wherever possible.

## **DECISION**

Members confirmed their agreement to re-adopt the Council's Local Validation Requirements as previously agreed on 11<sup>th</sup> November 2020 and adopted on 16<sup>th</sup> November 2020.

The Local Validation Requirements will continue to be used in their existing form for a further two-year period.



**EXECUTIVE DIRECTOR - PLACE**  
**REPORT TO THE PLANNING COMMITTEE OF**  
**2022-23**

**1. INTRODUCTION**

This agenda considers planning applications submitted to the Council, as the Local Planning Authority, for determination.

**2. STATUS OF OFFICER'S RECOMMENDATIONS AND COMMITTEE'S DECISIONS**

All information, advice, and recommendations contained in this agenda are understood to be correct at the time of preparation, which is approximately two weeks in advance of the Committee meeting. Because of the time constraints, some reports may have been prepared before the final date for consultee responses or neighbour comment. Where a recommendation is either altered or substantially amended between preparing the report and the Committee meeting or where additional information has been received, a separate "Planning Addendum" paper will be circulated at the meeting to assist Councillors. This paper will be available to members of the public.

**3. THE DEBATE AT THE MEETING**

The Chairman of the Committee will introduce the item to be discussed. A Planning Officer will then give a short presentation and, if applicable, public speaking will take place (see below). The Committee will then debate the application with the starting point being the officer recommendation.

**4. SITE VISITS**

A Panel of Members visits some sites on the day before the Committee meeting. This can be useful to assess the effect of the proposal on matters that are not clear from the plans or from the report. The Panel does not discuss the application or receive representations although applicants and Town/Parish Councils are advised of the arrangements. These are not public meetings. A summary of what was viewed is given on the Planning Addendum.

**5. THE COUNCIL'S APPROACH TO THE DETERMINATION OF PLANNING APPLICATIONS**

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).

It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This means that any discussions with applicants and developers at both pre-application and application stage will be positively framed as both parties work together to find solutions to problems. This does not necessarily mean that development that is unacceptable in principle or which causes harm to an interest of acknowledged importance, will be allowed.

The development plan is the starting point for decision making. Proposals that accord with the



development plan will be approved without delay. Development that conflicts with the development plan will be refused unless other material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date the Council will seek to grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Local Plan taken as a whole; or
- Specific policies in the development plan indicate that development should be restricted.

Unsatisfactory applications will however, be refused without discussion where:

- The proposal is unacceptable in principle and there are no clear material considerations that indicate otherwise; or
- A completely new design would be needed to overcome objections; or
- Clear pre-application advice has been given, but the applicant has not followed that advice; or
- No pre-application advice has been sought.

## **6. PLANNING POLICY**

The relevant development plans are:

- Hart Local Plan (Strategy and Sites) 2032, adopted April 2020
- Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated 1st May 2020)
- Policy NRM6 (Thames Basin Heaths Special Protection Area) of the South East Plan (adopted May 2009)
- Hampshire, Portsmouth, Southampton, New Forest National Park and South Downs National Park Minerals and Waste Local Plan 2013
- ‘Made’ Neighbourhood Plans for the following Parishes: Crondall; Crookham Village; Dogmersfield; Fleet; Hartley Wintney; Hook; Odiham and North Warnborough; Rotherwick; Winchfield, Yateley, Darby Green and Frogmore.

Although not necessarily specifically referred to in the Committee report, the relevant development plan will have been used as a background document and the relevant policies taken into account in the preparation of the report on each item.

## **7. THE NATIONAL PLANNING POLICY FRAMEWORK AND PLANNING PRACTICE GUIDANCE**

Government statements of planning policy are material considerations that must be taken into account in deciding planning applications. Where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them.

The Government has also published the Planning Practice Guidance which provides information on a number of topic areas. Again, these comments, where applicable, are a material consideration which need to be given due weight.

## **8. OTHER MATERIAL CONSIDERATIONS**

Material planning considerations must be genuine planning considerations, i.e. they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. Relevant considerations will vary from circumstance to circumstance

and from application to application.

Within or in the settings of Conservation Areas or where development affects a listed building or its setting there are a number of statutory tests that must be given great weight in the decision making process. In no case does this prevent development rather than particular emphasis should be given to the significance of the heritage asset.

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

Matters that should not be taken into account are:

- loss of property value
- land and boundary disputes
- the impact of construction work
- need for development (save in certain defined circumstances)
- ownership of land or rights of way
- change to previous scheme
- or matters that are dealt with by other legislation, such as the Building Regulations (e.g. structural safety, fire risks, means of escape in the event of fire etc.). - The fact that a development may conflict with other legislation is not a reason to refuse planning permission or defer a decision. It is the applicant's responsibility to ensure compliance with all relevant legislation.
- loss of view
- matters covered by leases or covenants
- property maintenance issues
- the identity or personal characteristics of the applicant
- moral objections to development like public houses or betting shops
- competition between firms,

The Council will base its decisions on planning applications on planning grounds alone. It will not use its planning powers to secure objectives achievable under non-planning legislation, such as the Building Regulations or the Water Industries Act. The grant of planning permission does not remove the need for any other consents, nor does it imply that such consents will necessarily be forthcoming.

## **9. PLANNING CONDITIONS AND OBLIGATIONS**

When used properly, conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development. Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and;
- to the development to be permitted;
- enforceable;
- precise and;
- reasonable in all other respects.

It may be possible to overcome a planning objection to a development proposal equally well by imposing a condition on the planning permission or by entering into a planning obligation. In such cases the Council will use a condition rather than seeking to deal with the matter by means of a planning obligation.

Planning obligations mitigate the impact of unacceptable development to make it acceptable in planning terms. Obligations should meet the tests that they are:

- necessary to make the development acceptable in planning terms,
- directly related to the development, and
- fairly and reasonably related in scale and kind.

These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010. There are also legal restrictions as to the number of planning obligations that can provide funds towards a particular item of infrastructure.

## **10. PLANNING APPEALS**

If an application for planning permission is refused by the Council, or if it is granted with conditions, an appeal can be made to the Secretary of State against the decision, or the conditions. Reasons for refusal must be:

- Complete,
- Precise,
- Specific
- Relevant to the application, and
- Supported by substantiated evidence.

The Council is at risk of an award of costs against it if it behaves “unreasonably” with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- Preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- Failure to produce evidence to substantiate each reason for refusal on appeal.
- Vague, generalised or inaccurate assertions about a proposal’s impact, which are unsupported by any objective analysis.
- Refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead.
- Acting contrary to, or not following, well-established case law
- Persisting in objections to a scheme or elements of a scheme which the Secretary of State or an Inspector has previously indicated to be acceptable.
- Not determining similar cases in a consistent manner
- Failing to grant a further planning permission for a scheme that is the subject of an extant or recently expired permission where there has been no material change in circumstances.
- Refusing to approve reserved matters when the objections relate to issues that should already have been considered at the outline stage.
- Imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the NPPF on planning conditions and obligations.
- Requiring that the appellant enter into a planning obligation which does not accord with the law or relevant national policy in the NPPF, on planning conditions and obligations.
- Refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal.
- Not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.
- If the local planning authority grants planning permission on an identical application where the evidence base is unchanged and the scheme has not been amended in any

way, they run the risk of a full award of costs for an abortive appeal which is subsequently withdrawn.

Statutory consultees (and this includes Parish Council's) play an important role in the planning system: local authorities often give significant weight to the technical advice of the key statutory consultees. Where the Council has relied on the advice of the statutory consultee in refusing an application, there is a clear expectation that the consultee in question will substantiate its advice at any appeal. Where the statutory consultee is a party to the appeal, they may be liable to an award of costs to or against them.

## **11. PROPRIETY**

Members of the Planning Committee are obliged to represent the interests of the **whole** community in planning matters and not simply their individual Wards. When determining planning applications, they must take into account planning considerations only. This can include views expressed on relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded upon valid planning reasons.

## **12. PRIVATE INTERESTS**

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected in the public interest. Covenants or the maintenance/protection of private property are therefore not material planning consideration.

## **13. OTHER LEGISLATION**

Non-planning legislation may place statutory requirements on planning authorities or may set out controls that need to be taken into account (for example, environmental legislation, or water resources legislation). The Council, in exercising its functions, also must have regard to the general requirements of other legislation, in particular:

- The Human Rights Act 1998,
- The Equality Act 2010.

## **14. PUBLIC SPEAKING**

The Council has a public speaking scheme, which allows a representative of the relevant Parish Council, objectors and applicants to address the Planning Committee. Full details of the scheme are on the Council's website and are sent to all applicants and objectors where the scheme applies. Speaking is only available to those who have made representations within the relevant period or the applicant. It is not possible to arrange to speak to the Committee at the Committee meeting itself.

Speakers are limited to a total of three minutes each per item for the Parish Council, those speaking against the application and for the applicant/agent. Speakers are not permitted to ask questions of others or to join in the debate, although the Committee may ask questions of the speaker to clarify representations made or facts after they have spoken. For probity reasons associated with advance disclosure of information under the Access to Information Act, nobody will be allowed to circulate, show or display further material at, or just before, the Committee meeting.

## **15. LATE REPRESENTATIONS**

To make sure that all documentation is placed in the public domain and to ensure that the Planning Committee, applicants, objectors, and any other party has had a proper opportunity to consider further, or new representations no new additional information will be allowed to be submitted less than 48 hours before the Committee meeting, except where to correct an error of fact in the report. Copies of individual representations will not be circulated to Members.

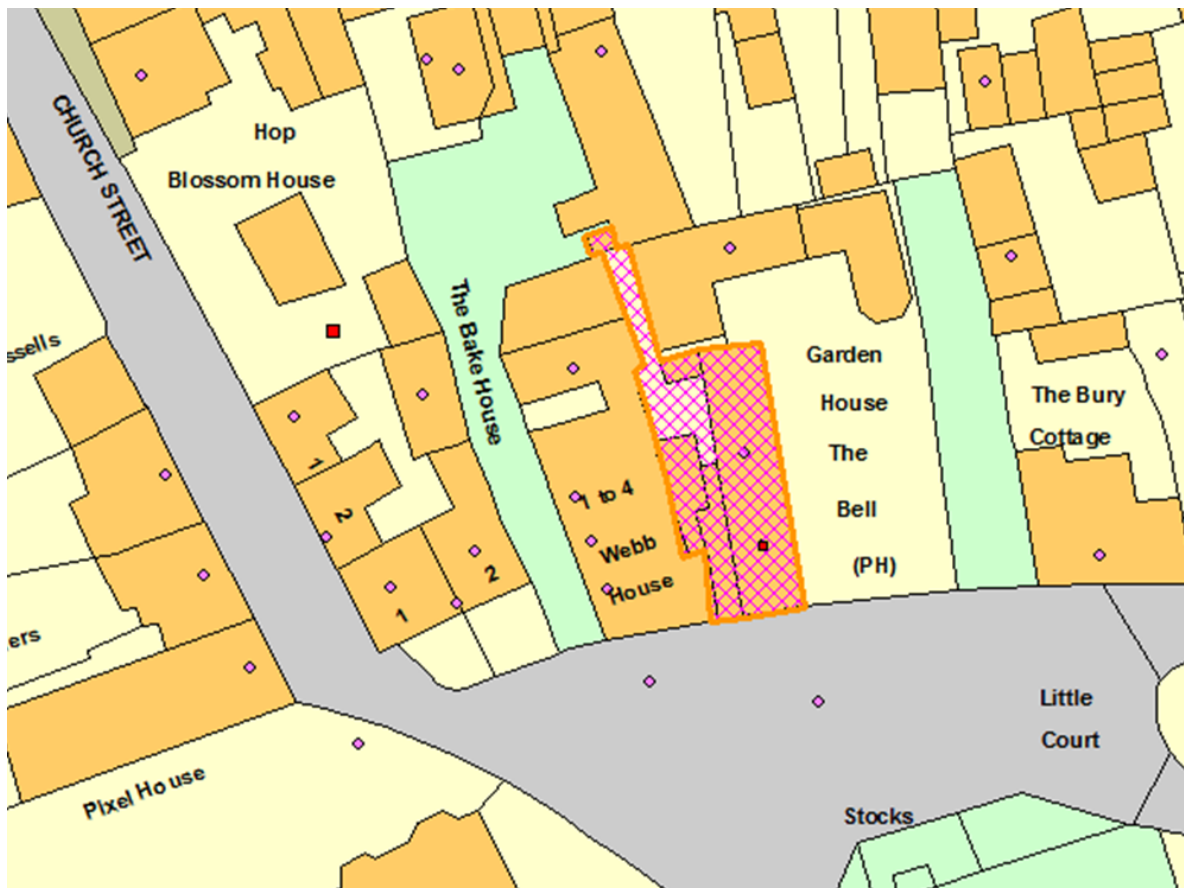
## **16. INSPECTION OF DRAWINGS**

All drawings are available for inspection on the internet at [www.hart.gov.uk](http://www.hart.gov.uk)

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## COMMITTEE REPORT ITEM NUMBER:

APPLICATION NO.	21/02877/FUL
LOCATION	<b>The Bell Ph The Bury Odiham Hook RG29 1LY</b>
PROPOSAL	Change of use of public house to form 2 x two-bedroom dwellings with associated internal and external alterations (following part demolition of external toilet block).
APPLICANT	Paul The Odiham Bell Ltd
CONSULTATIONS EXPIRY	6 June 2022
APPLICATION EXPIRY	20 January 2022
WARD	Odiham
RECOMMENDATION	<b>Grant, subject to planning conditions</b>



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## **BACKGROUND**

This planning application is brought to Planning Committee at the discretion of the Executive Director - Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation.

## **SITE**

The building known as The Bell was formerly a Public House (PH) which stopped trading as a result of the COVID- 19 pandemic in March 2020. Whilst the site and building has evolved in a phased manner over several centuries its established historic use is that of a public house or inn with ancillary related outbuildings.

The building was added to the national heritage list in July 1952 and the history of the site appears to be intertwined with that of Webb House which is also a statutory listed building to which The Bell is adjoined. Webb House was formerly used as a Royal British Legion premises but is now in a residential use. Webb House was also first added to the national list in July 1952.

At present, the lawful use of the site and buildings is as a public house although currently premises are unoccupied.

## **RELEVANT PLANNING DESIGNATIONS**

- The site is within the Odiham settlement boundary.
- The site falls within the Odiham Conservation Area.
- The site is occupied by is a Grade II Listed Building.
- The site falls in an area of Significant Archaeological features.
- The building is designated as an asset of community value (ACV)

## **PROPOSAL**

Planning permission is sought for the conversion of the building into two self-contained dwelling units (2 x 2bed units) with associated external alterations to achieve the conversion. The proposal would also result in the partial removal of an outbuilding in the courtyard of the site (former toilet facilities for the PH) to free space and provide outdoor courtyards to the units proposed. The retained part of the outbuilding would provide a cycle storage facility and would partly separate the courtyard areas into two.

Note:

The proposal has been significantly revised from the original submission to address Conservation and practical issues.

## **RELEVANT PLANNING HISTORY**

The planning history consist of several applications for advertisement consent and external lighting. The associated Listed Building consents are also part of the list. The most relevant planning history is listed below:

22/00234/FUL & 22/00229/LBC - Pending consideration

Change of use of outbuilding into a two-bedroom dwelling with associated internal/external alterations and first floor balcony.

21/03241/FUL - Withdrawn, 31.01.2022

Change of use of outbuilding into a two-bedroom dwelling

21/01483/FUL & 21/01484/LBC - Withdrawn, 19.10.2021

Change of use of public house to form two dwellings with associated single storey side extensions, demolition and internal and external alterations.

21/01655/FUL - Withdrawn, 19.10.2021

Change of use of outbuilding into a two-bedroom dwelling

19/01823/LBC - Granted, 14.10.2019

Repair works and reconstruction of failing rear flanking wall and part of side walls. Reconstruction of failed masonry riser and foundations. Localised timber repairs to rotten timber beams located at the rear.

17/02406/CON - Granted, 11.03.2019

Approval of conditions 2- structural details- and 3- samples of render, brick and mortar- pursuant to 17/02406/LBC.

17/02406/LBC - Granted, 12.12.2017

Repair works and reconstruction of failing rear flanking wall.

## **RELEVANT PLANNING POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant adopted Development Plan for the District includes the Hart Local Plan: Strategy and Sites 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and the Odiham and North Warnborough Neighbourhood Plan 2014-2032. Adopted and saved policies are up-to-date and consistent with the NPPF (2021).

### Adopted Hart Local Plan - Strategy and Sites 2032 (HLP32)

SD1 - Sustainable Development

SS1 - Spatial Strategy and Distribution of Growth

H1 - Market Housing

H6 - Internal Space Standards for New Homes

NBE4 - Biodiversity

NBE5 - Managing Flood Risk

NBE7 - Sustainable Water Use

NBE8 - Historic Environment

NBE9 - Design

NBE11 - Pollution

INF3 - Transport

INF5 - Community Facilities

### Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP 06)

GEN 1 - General Policy for Development

GEN2 - General Policy for Changes of Use



## Odiham and North Warnborough Neighbourhood Plan 2014-2032 (ONWNP)

Policy 1 - Spatial Plan for Parish  
Policy 4 - Housing Mix  
Policy 5 - General Design Principles  
Policy 6 - Odiham Conservation Area  
Policy 13 - Assets of Community Value

### Other relevant material considerations

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance (PPG)  
National Design Guide 2021 (NDG)  
Section 66(1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990  
The Assets of Community Value (England) Regulations 2012  
Hart 5 Year Housing Land Supply Position Statement and Housing Trajectory at 1st April 2022

### Other guidance

Odiham and North Warnborough Conservation Area Character Appraisal (2022)  
Planning Technical Advice Note: Cycle and Car Parking in New Development (2022)

## **CONSULTEES RESPONSES**

### **Odiham Parish Council**

#### Objection

- The Bell is an important part of Odiham. Its position in the Bury places it at the centre of village life and activities. Without the Bell, the Bury would become mainly residential and not a village hub. The Bell should be retained as a business within the village.
- The applicant has failed to demonstrate this Asset of Community Value is not viable as a pub and failed to market the property sufficiently.
- Proposal does not meet Hart interim parking standards and do not include outdoor amenity space.
- The property is listed Asset of community value which means that the listing will be considered as a material planning consideration and has not been advertised properly to the community.

### **The Odiham Society**

#### Objection

- The Bell PH is a very important contributor to the character and life of Odiham' it is located in The Bury, the ancient centre of the village.
- is an important nucleus to the numerous village events held in The Bury.
- It is a major community asset.
- The Bell was licensed in 1508/9 and has been serving the village for over 500 years.
- Many village groups such as the local Rotary or Church bell ringers in addition to the visiting groups of bike riders or walkers used The Bell.
- The proposals would result in an unnecessary loss of a community facility.
- The property was not openly marketed, and no opportunity has been given to community participation.
- The viability of the pub cannot accurately be assessed following 15 months of shut down with the landlords on the verge of retiring.

- Local community interest has obtained Asset of Community Value status to prevent the loss of an important village asset (as a Public House) not "to stop renovations and improvements.
- The proposals are not about diversification of the Public House.
- The existing establishment may not have proved commercially "economically viable", but it must not be assumed that in a different (perhaps community) ownership.
- The cost of restoring and structurally stabilising the building can be included within any budget to purchase.
- The whole community needs to benefit from the "long term preservation of the building". If converted to private housing the building located as it is, would only be open to public view by way of its narrow frontage and certainly not internally.
- The property has not been openly marketed at a viable value.
- The Schedule of Community/Parish Engagement is minor and non-contributory in support of the application.
- We doubt that the Odiham Parish Council or Odiham Society have expressed any interest in purchase of the property and in any event, probably not empowered to do so.

**Conservation/Listed Buildings Officer (Internal)**

Objection to proposal as originally submitted.

- The scheme would cause 'less than substantial' harm to the aesthetic, illustrative historic and communal heritage values of the building.
- The proposed subdivision would alter the historic layout of the building and the insertion of stairs and windows will result in the removal of historic fabric.
- The public access to the building would be lost.
- The scale and design of the two additions to the west elevation to accommodate both external entrances and additional WC facilities would conceal large areas of the building's elevation. Insufficient information has been provided on how the additions would be detailed or attached to the listed building or how the fabric of the listed building would be altered at the junction between the host and addition.
- Their addition to this elevation would appear as discordant additions marring the clean lines and linear arrangement of the existing building.
- The walled enclosures proposed to subdivide the 'service yard' area into two private amenity spaces would create an impact. Provision of an open communal area would be the most desirable option.
- No justification has been provided relating to the need to secure a viable alternative use.
- The proposal includes the removal of a curtilage listed building which is of C19th in origin and has been used as external toilet facilities. The case for its removal has not been convincingly made. The removal of the makeshift covered walkway is welcomed as it is a poor-quality utilitarian structure which is intrusive and mars the appearance of the building.
- Insufficient information has been provided to fully assess the impact of the works (and development) proposed on those elements which contribute to the significance or 'defined special interest' of the building.

**County Archaeologist**

No objection regarding the archaeology of the building's fabric.

**Hampshire County Council (Highways)**

No issues raised, standing advice applies.

**Streetcare Officer (Internal)**

No objection

- Proposed development will be required to leave wheeled containers on Church Street for collection by 0630hrs on the specified collection day and removed from the bin collection point and returned back to the property as soon as possible following collection.

### **Ecology Consult (Internal)**

No objection

- The submitted Preliminary Roost Assessment (daytime assessment) which found no evidence of bats but has features with potential to support roosting bats.
- The report states the roof will not be significantly impacted by works so features with potential for bats will be retained and no further survey is required for the proposed works, I accept this approach.
- The report makes it clear that if any roof works or re-roofing is required, further bat survey is recommended, this is supported, and this recommendation must be followed.
- Should permission be granted, and a bat is subsequently discovered, works should stop immediately, and Natural England be contacted, further survey and / or licensing may be required for the works to proceed.

### **NEIGHBOUR COMMENTS**

The 21-day public consultation on the proposal as submitted, expired on 20.12.2021. However, a further public consultation exercise was undertaken as a result of revisions made to the scheme to deal with concerns raised during the planning process. The re-consultation undertaken was for 14 days, expiring on 06.06.2022.

At the time of writing the officer's report, 10 public representations had been received in objection. The public objections are largely a repeat from those submitted by the Odiham Society, which are summarised above. Additional public objections raised relate to:

- Lack of amenity space
- Total lack of parking for what would be a total of 5 double bedrooms.
- Harm to the fabric of this heritage building.

### **CONSIDERATIONS**

#### PRINCIPLE OF DEVELOPMENT

The application site is located within the defined settlement boundary of Odiham as defined by the HLP32. Policy SS1 sets out that development will be focused within the defined settlement boundaries as well as on previously developed land.

The policy goes on to set out the Council's Housing requirement and indicates that this will, in part, be delivered through development or redevelopment within settlement boundaries. The supporting text makes it clear that some of the Council's housing requirements will be delivered through windfall sites such as the application site.

Thus, a residential development in this location would be compliant with the adopted spatial strategy of the HLP32 and would be acceptable in principle subject to planning.

## SOCIAL INFRASTRUCTURE / ASSET OF COMMUNITY VALUE DESIGNATION

### - Social Infrastructure

Public Houses (PH) are regarded as social infrastructure/ community facility. Adopted policy INF5 is concerned with community facilities in the district. This policy only allows the loss of community facilities in certain circumstances, where it is demonstrated that:

- i. a suitable replacement facility of a similar or improved nature is provided that meets the needs of the local population or its current and intended users; or
- ii. the existing premises are no longer required or viable.

Policy INF5 regards local shops and PH as community facilities, even though these may be privately owned and operated. The reason being that such facilities can contribute positively to and enhance the quality of community life.

Policy 13 of the ONP states that 'Development proposals that will result in either the loss of, or significant harm to, an Asset of Community Value will be resisted, unless it can be clearly demonstrated that the operation of the asset, or the ongoing delivery of the community value of the asset, is no longer financially viable.'

In policy terms, this proposal would involve the loss of a community use, although it is recognised the use has not been in operation since the first COVID-19 lockdown in March 2020 when it stopped its operations permanently.

In terms of criterion i) above, the proposal would neither involve the replacement nor improvement of a community facility, as such this criterion is not engaged. The proposed development would result in a loss of the PH and the applicant has sought to justify the proposed development through the second criterion above, by demonstrating that the premises are no longer required or viable. These tests are discussed below.

Whether the PH is required in the locality. -

The applicant has pointed out that Odiham has a number of PH, restaurants and cafes within Odiham town centre. Four PH are located within a mile of the site, and The Anchor and The Waterwitch, The Bell & Dragon and the Red Lion (the latter two located on the High Street). Additionally, the submitted information notes that there are other PH just over a mile from the application site, these being the Fox and Goose, The Mill House and the Derby Inn.

Therefore, Odiham is well served by this type of community facility. It is acknowledged that none of the examples referenced occupies a similar locational position in Odiham, which public responses to this application refer to as an important aspect of the community fabric of the town. Nevertheless, the other PH cited have a charm of their own and their locations also offer an amenable environment/setting

As such, in terms of this particular test, the loss of this PH would not prove fatal to the community life and fabric of Odiham, as such this test is regarded as complied with.

Whether the premises are no longer viable. -

The submission is accompanied by a viability study, it states that PH operated in a tied tenancy. This means that a tenant operates a property under a lease agreement and is required to purchase some, or all, of the sold products and services from a particular Brewery or Pub Company at a margin.

The subject PH is described as a traditional 'wet' led pub with a single bar pub operation and limited kitchen facilities. As a result, the trade was entirely 'wet-led' with no further income from food sales.

The study acknowledges the tertiary position of the PH and lack of footfall in relation to the High Street, which is a primary position for these types of facilities but equally acknowledges that there may be 'local' trade as a result of surrounding residential development.

The historic trade detailed in the report shows a downward trend in the barrelage acquired by the PH from the brewery the tied tenancy was bound to. It also notes that the kitchen in the PH is not of a commercial format due to the domestic extraction system and limited size, which therefore cannot offer a viable food service. This put the subject Ph to a great disadvantage in competition terms with other PH in Odiham that are properly set up for adequate food service (e.g., those in the High Street).

The report sets out requirements sought after for operators in the PH /restaurant market seeking additional sites, which are:

- Site size 0.5 -1.5 acres
- Prominent 'A' road locations
- 60 and 100 car parking spaces
- 100 to 200 external covers.
- 100 to 200 internal covers with optimal operation layout.

The above are the ideal requirements but smaller premises in countryside locations, for example, would still be considered suitable. However, the subject PH has a trading area of less than 50 sqm, unusual layout (long footprint) and limited space for internal covers (less than 60 covers). All these, it is stated, limits the potential interest for the premises.

The report also acknowledges the building needs repairs, requiring an approximate investment of £480k to potentially create a sustainable operation. Nevertheless, this level of investment along with the limited income from 'wet' sales, it is stated, is likely to result in low profit or potentially negative returns.

The applicant has also stated that minimal requirements for PH operators are buildings of approximately 280sqm - 650 sqm capable of accommodating in excess of 60 covers to make it viable. The applicant states that the subject building would be capable to accommodate 25 covers with some additional 'vertical drinking' adjacent to the bar servery. These space limitations in conjunction with the refurbishment requirements and limitations to install an appropriate commercial kitchen, cooking extraction and refrigeration equipment, means that additional income from food operation would also be limited.

The viability report also details a business case scenario with assumptions on investment and trade based on a small team earning the living wage, with additional support only at busy times. Since the level of trade in this location would be low, the general costs in running the business would be high as a percentage of turnover as there is a minimum cost of running a business, irrespective of the level of trade. The results show that it is likely the business would be operating with a profit margin of 6.3% before rent or interest payments are deducted, which it is likely to result in a loss for operators.

The conclusions from the professional opinion accompanying this application, summarises the short comings of the premises for a successful operation. The hypothetical business case shows the level of return against the capital costs required to achieve and sustain a healthy

return would be unlikely to be achieved, all materially hindering a viable long-term operation as a PH.

Additionally, there is a need of substantial investment on the premises, as explained above, to improve the conditions and presentation of the property from the outset. The information submitted demonstrates and reflects reasonably the likely scenario for a PH business operation in the premises, as such officers accept the findings that such a business would not be commercially attractive or commercially viable.

Moreover, as part of the INF5 requirements for the loss of social infrastructure, the supporting text of this policy sets out that to comply with this policy, applications resulting in loss of community facilities are required to demonstrate the following:

- Evidence that an alternative facility could be provided through a change of use/ redevelopment.
- Marketing for a period of at least 12 months; and
- Opportunities made available for the community to be made aware the premises are in the market.

Each of these are dealt with in turn, below.

Evidence that an alternative facility could be provided through a change of use/ redevelopment. -

The redevelopment of the site is simply not an easy option in this case due to the fact the premises are a grade II listed building located within a designated Conservation Area. In terms of exploration of providing an alternative type of social infrastructure in the locality, the submission also contains information of community buildings in the locality that can be used for multiple social activities for the community, those listed in the documentation are:

*"The Cross Barn, Palace Gate Farm, Odiham  
A fine Tudor Barn offering rooms for hire, clubs and classes. The Odiham Society themselves utilise this for many of their gatherings.*

*The Baker Hall, Odiham  
Home to the Odiham's Scout and Guide troops, this not for profit, community building is available for events of all kinds and also offers community events and get togethers such as Ceilidhs. The Rotary Club of Odiham and Hook supported the refurbishment of the hall in 2019-21.*

*The Bridewell  
A community building providing Odiham's Library and other services. We understand that this has been gifted to the Odiham Parish.*

*The Vine Church, London Rd, Odiham  
A large hall with catering kitchen and recently refurbished. Marketing themselves as "the heart for Hart", this building is used for many community events and parties for groups of all age groups.*

*North Warborough Village Hall  
A large hall with catering kitchen and options to utilise as 2 separate spaces. Offering good size parking, PA systems and disabled access, this is a popular choice and well used by the community.*

### *All Saints Church*

*A very large hall with a small catering kitchen, used mainly for community charity events*

### *The Parish Rooms*

*Used by the Odiham Council for meetings and other village groups. It is expected to become the centre for archives in the village with historical displays."*

Furthermore, the applicant states that Mayhill School and Robert Mayes School have also been regularly utilised by locally groups and to stage the community pantomime and activities from Odiham Art Group.

It is worth mentioning that the layout and footprint of the building, along with its heritage status would not allow for flexibility to cater for a wide range of community gatherings, which all the above community facilities offer in terms of internal space.

As it stands, therefore, the locality is well provided with community buildings that can cater for a variety of events/gatherings and as such an alternative provision in this building would not be regarded as reasonably justified or necessary. Additionally, given the heritage designation of the building, adaptation and significant changes to layout would be unlikely acceptable on heritage grounds. As such, officers are satisfied this requirement has been complied with.

Marketing for a period of at least 12 months. -

The applicant submitted a marketing report (MR) in support of the application. The MR states that the premises were marketed by Fleurets Commercial Agents in November 2020. As part of this marketing exercise, the applicant acquired ownership of the property completing a land transaction in May 2021 ( before any planning submission for conversion of the premises into residential use and before the ACV designation).

The MR accompanying this application is dated November 2021, however there were previous iterations that accompanied previously withdrawn applications listed in the planning history above. The current report states that the premises have been marketed for sale since May 2021. Officers are aware that the subject site has been advertised for sale since at least August 2021(following discussions with the applicant during the first set of planning applications submitted for this site) and confirm the site has continued to be advertised for sale..

The submission states that 5 interested parties undertook viewings of the property within the marketing period; however, they proceeded no further. The reasons why they did not proceed any further than a visit were stated to be that:

- Change of use into residential: too much building work required
- Gastro pub: Not viable
- Investment property: planning permission needs to be in place
- Investment property: project too big
- Commercial (pet/storage): too much building work required

As such Officers are satisfied the marketing exercise was/is undertaken for at least 12 months and confirm the property remains on the market.

Opportunities made available for the community to be aware the PH is in the market. -

Objections received have stated that the applicant has not undertaken appropriate marketing

to avoid alerting the local community that the premises are for sale (e.g., 'for sale' signs on the premises or approach local community groups, etc).

It is worth clarifying that neither adopted policy INF5 nor the Assets of Community Value (England) Regulations required any specific marketing strategies are undertaken. In this case, in addition to listing the property online in the Carlin Capital website, Officers are satisfied based on evidence that the applicant has approached the Odiham Society (OS) and the Odiham Parish Council (OPC) and that there have been posts in social media groups 'Odiham Community' and 'Odiham People' indicating the property is for sale.

Officers are satisfied that the premises have been on the market for over a year and that reasonable efforts have been made to make local amenity groups and the OPC aware the premises were on the market at the time and is available.

Officers are also satisfied that the evidence before them concerning other potential buyers have not progressed to a land transaction and the viability report/analysis provided demonstrates that the operation of the premises as a PH business is not viable, and therefore the criteria of planning policy INF5 of the adopted HLP32 and Policy 13 of the ONWNP are satisfied.

#### - Asset of Community Value Designation

Adopted policy INF5 states that the listing of premises as an ACV will be considered a material consideration. The Bell was designated an asset of community value (ACV) in June 2021. This followed attendance by the prospective owner at a Parish Council meeting in March 2021 to introduce themselves and share their plans for the property.

The Assets of Community Value (England) Regulations 2012 require the legal owner(s) of the ACV to formally notify the Council of their intentions to sell. Despite of the applicant having the property on the market since at least August 2021 and being unaware of the regulations' requirements at that time; the applicant was subsequently made aware by the Council of their obligations under the ACV legislation. They complied with the legislative requirement of giving formal notice to the Council of their intentions to sell/ put the property on the market on the 21<sup>st</sup> March 2022.

In accordance with the ACV legislation, this notice triggered a moratorium period of 6 weeks (up to 2<sup>nd</sup> May 2022) where the ACV nominating person/group are given preference as a potential bidder for the property. In this case the ACV nominating group was the OPC. Hart District Council made OPC aware about the moratorium period and their priority as bidders for the property. Nevertheless, the OPC confirmed to the Council they did not wish to pursue a bid for the property, and there was no other interest received by the Council within this protected period.

From 2<sup>nd</sup> May 2022 onwards, the legal owner has been free to dispose of the property (for a period of 18 months starting from the date notice was served to the Council) to whoever wants to buy it without having to give preference to local bidders. Therefore, the applicant has complied with the requirements of the Assets of Community Value (England) Regulations 2012.

It is worth mentioning that on the 26<sup>th</sup> May 2022 (after the protected period had ended), a Parish Councillor contacted the Council in a personal capacity to enquire about the status of the current applications and the property. She advised that in her opinion, it may be possible to raise sufficient capital from the community to buy and renovate the subject PH. She also objected to the application in her correspondence and subsequently provided a copy of a



petition with comments from the community as to why the subject PH should be saved (available in the public record).

It is clear that a strong community campaign has taken place to seek to save the Bell, It is noted that viewings of the property have taken place and a clear and firm intention to bid for/purchase the property is underway.

The community campaign has made significant progress including raising of capital, public consultation meetings, applications for Grants, which along with public pledges would help to raise the necessary capital.

The campaign has updated officers stating that an outline business plan/strategy has been put together and that there was a plan to set up a publicly limited community interest company. It has been stated that the selling of shares to the public to raise £1M capital (£500k to buy the PH, £500 to repair and renovate the building) would be set up. The interested resident also advised that a further £500k would be sought through grants, donations and loans from local organisations and residents to refurbish and reopen the PH.

Given this progress and the correspondence received along with the considerable efforts conveyed to officers to progress the community bidding process during the months of June-August, officers agreed to delay a decision on the applications until the end of November 2022. This would not only allow activities to obtain the capital necessary for the community project to progress, but would also provide time for a bid and or transaction to take place between the current legal owner and the community group.

It is unfortunate that at the time of producing this report, the community group has been unable to make a formal bid or land transaction with the owner.

It is important to note that the provision of additional time in these circumstances was purely an act of good will. The applicant has discharged their obligations under the Assets of Community Value (England) Regulations 2012 by 2nd May 2022 (expiration of the moratorium -protected- period) there is no legislative requirement or obligation from either the applicant or the Council to provide additional time for local groups to bid for the property.

The interested resident has advised officers that the decision on her application for the grant for the Community Ownership Fund has been delayed until December, which is a material part of the funding that is being put together for the community project. She has advised that once the outcome of the grant has been announced, then she would be able to make an offer to buy the PH.

Whilst her predicament is noted, the time originally agreed has expired. The applicant, after working with the interested resident since June 2022 and allowing additional time for a formal suitable offer to come forward, which has not materialised, has requested to progress their planning applications, which were put on hold over and above legislative requirements.

The interested resident has also stated that the designation of the PH as an ACV offers protections until 2026 and refers to paragraph 93 of the NPPF 2021 stating that her community project would prevent the loss of the PH in accordance with that NPPF paragraph.

Firstly, the PH was designated as an ACV and such designation lasts for five years (2026). This designation does not mean that nothing can be done with the ACV during the 5 years. The legislation prescribes certain actions/timeframes that the Council, interest groups and the applicant must meet. In this case, the Council and the applicant complied with them. The

interest from the resident was submitted after the deadlines prescribed by legislation, therefore at this point in time, there is no legislative preference for bids or any legislative restriction preventing planning proposals associated with the ACV to be considered and decided.

In terms of paragraph 93 of the NPPF, the applicant has demonstrated there is a satisfactory level of provision of social infrastructure in Odiham and, the loss of the PH in this case has been demonstrated to be in compliance with the Local Development Plan, which is the starting position point for decision making.

Officers, in the interest of fairness, consider it necessary to progress this application and present it Committee for a resolution, as officers are satisfied that the information submitted by the applicant demonstrates there is no conflict with objectives of adopted policy INF5 of the HLP32, policy 13 of the ONWNP and the NPPF in this regard.

### DESIGN/ APPEARANCE OF THE DEVELOPMENT

HLP32 Policy NBE9 and saved policy GEN1 of the HLP06 seek to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area.

The NPPF 2021 (para. 130) also reinforces the need to promote good design in developments and states that decisions should ensure that developments will:

- function well and add to the overall quality of the area not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- are sympathetic to local character ..., including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Policy 5 of the ONP also supports good design that reflects high quality local design references, reinforces local distinctiveness and is in keeping with neighbouring properties.

Externally, the subject building would not have modifications undertaken, other than repairs where necessary, insertion/replacement of small windows and installation of two rooflights. The proposal would also remove the commercial signs to the frontage of the building, as it would not accommodate commercial operations any longer.

As such the proposal would not conflict with design policies of the HLP32, HLP06, the ONWNP nor the advice contained in the NPPF 2021 in this regard.

### HERITAGE ASSETS

Policy NBE8 of the HLP32 states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

Paragraphs 195, 199, 200 and 202 are of relevance for determining the significance of a Heritage Asset (HA), assessing the impact on significance and the need to weigh harm.

The Bell is a grade II Listed Building and is located within the Odiham Conservation Area.

The significance of The Bell derives from its evidential, architectural (aesthetic), (illustrative)

historic and its communal heritage values and local associative historic value.

An initial objection was received from the Conservation Officer on the following grounds:

- Internal alterations to internal layout through subdivision, insertion of staircases and windows.
- Inappropriate porch additions (entrance/wc)
- Walled enclosures to subdivide the outdoor 'service yard' into two separate areas.
- Removal of a curtilage listed building (shed - external toilet facilities).
- Loss of public access
- Insufficient information has been provided to fully assess the impact of the works.

Over the course of the application, the scheme was amended by turning the initially proposed 3-bedroom unit in the southern half of the building into a 2-bedroom unit which removed the need to insert an additional staircase between ground and first floor.

In terms of windows, the proposal involves turning two doorways into windows by partly blocking the voids and installing casement timber windows, internal blocking of one door, also there would be an insertion/replacement of one small window in the east facing elevation at first floor and two conservation rooflights to the west facing roofslope, this low level of alterations to the fabric of the building would not result in a detrimental intervention to its historic fabric, if carefully undertaken.

The proposed internal alterations to achieve the subdivision required to satisfactorily accommodate two self-contained units would involve the installation of two wall sections with fire/acoustic qualities to block an existing internal doorway at ground/first floor. There would also be installation of additional internal walls to create two bathrooms. All these internal additions would be easily reversible if needed and therefore the historic fabric of the building would not be detrimentally affected.

Furthermore, the porch additions and boundary wall enclosure in the outdoor courtyard have been removed from the proposal.

With regards to the curtilage listed building in the outdoor courtyard (shed), originally proposed for total removal, has been reconsidered. The proposal now seeks to retain the timber cladding section of the building which appears to have historical attributes and is relatively intact. It has been assessed to have a low level of significance. The rest of the shed is recent construction with asbestos cement sheeting and accommodates the 'modern' lavatories, this is the section that would be removed and has no historical/heritage value.

In respect of the loss of public access, it is noted that it was lost the moment that the former PH operating closed its doors in March 2020, so this is not a matter exclusively to this proposal. However, it is acknowledged that a conversion into residential would remove the prospect of public access in the future. Whilst this is a loss of communal heritage value, it would not be regarded to be such as to warrant a refusal of the proposal on this ground.

Also, the Conservation Officer stated that subject to the retention of the PH signage in the front elevation, the proposal would have a neutral impact on the conservation area. The removal of the PH signage would in this case not be considered inappropriate given the strong residential character in the context of the subject building. Hence even with the removal of the signage, the proposal would have a neutral impact on the significance, character and appearance of the Odiham Conservation Area.

Conservation Officer also states there is insufficient information has been provided to fully

assess the impact of the works proposed on those elements which contribute to the significance or 'defined special interest' of the building. However, if the proposal is acceptable to Council, a detailed schedule of works, including measures to protect the historic fabric can be the subject of a planning condition to ensure that alterations are carried out with due care.

The submission demonstrates that the PH business is not a viable use for the heritage asset anymore. Given the physical constraints imposed by the peculiar footprint/layout of the building along with the marketing undertaken and lack of realistic interest for other commercial operations or from local amenity groups (OS, OPC and interested resident /group) to step in and bid for the property in line with legislative requirements; the residential proposal represents a viable optimum use for repairing, enhancing and sustaining the heritage asset in the long term and to a higher level in comparison to just complying with the minimal stewardship responsibilities of the building.

As such given the low/limited level of harm (less than substantial - bottom of the scale) the proposal would cause to the significance of the heritage asset and considering the heritage benefits the proposal attracts; the proposal would be compliant with adopted policy NBE8 of the HLP32, saved policy GEN1 of the HLP06, policy 6 of the ONWNP and the NPPF 2021 in this regard.

### QUALITY AND MIX OF RESIDENTIAL ACCOMMODATION

#### - Quality of residential accommodation

The Council has adopted the Nationally Described Space Standards (NDSS) for dwellings in the HLP32 through policy H6. The space standards set out the minimum gross internal floor areas for dwellings as well as requiring certain minimum sizes of bedrooms.

The dwellings proposed would have a Gross Internal Floor Area (GIA) in excess of the minimum requirements. Although internally the environment would be perceived materially different to new builds, this is due to historic fabric and low ceilings of such historic buildings. This, however, by no means would result in an unacceptable environment. Once adequately repaired and refurbished, the internal environment would be satisfactory. No concerns are raised in this respect.

Externally, the properties would be provided with limited outdoor amenity space for recreation purposes, however the Local Planning Authority does not have any standards set in the local policies. The constraints and historical value and use of the subject building in a central location result in a limited outdoor space, however the fact there is public open space within walking distance, the onsite shortage in this case would not be fatal to the application.

#### - Mix of residential accommodation

The proposal contains small units of accommodation, 2-bedroom dwellings. Adopted policy H1 (Market Housing) and its supporting text make clear that the highest housing need in the district is 2 beds and 3 beds dwellings. As such, the proposal would comply with adopted policies H1 and H6 of the HLP32, policy 4 of the ONWNP and the NPPF 2021 in this regard.

### IMPACTS ON RESIDENTIAL AMENITY

Policy NBE11 of the HLP32 supports development which does not give rise to, or would not be subject to, unacceptable levels of pollution. Saved policy GEN1 of the HLP06 supports development that, amongst other requirements, causes no material loss of amenity to

adjacent properties.

Paragraph 130 of the NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and also do not undermine quality of life for communities.

Since the proposed conversion is working with the fabric of the building and existing openings (with the exception of alterations to three ground floor doorways), no residential impacts are anticipated. It should be noted that successful PH operations and their patrons would likely cause detrimental impacts to surrounding residents when compared to a residential use fully compatible with the surroundings.

The proposal would not cause material impacts on neighbouring amenity as such compliance with adopted policies NBE9 of the HLP32, saved policy GEN1 of the HLP06 as well as the aims of the ONWNP and the NPPF 2021 in these respects.

### HIGHWAYS, SAFETY, ACCESS AND PARKING

Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

Saved policy GEN1 of the HLP06 supports developments that do not give rise to traffic flows on the surrounding road network which would cause material detriment to the amenities of nearby properties and settlements or to highway safety.

Paragraph 111 of the NPPF 2021 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal does not involve any new vehicular access or alterations to highway. As such there would not be any highway safety concern to raise. The Highway Authority did not raise any.

The subject site does not benefit from any off-street car parking, that has been a fact throughout the years the site operated as PH. The proposal does not change this long-established situation and there are not steps that can be taken to address this. However, a successful PH operation would result in far more impacts on parking in the locality than the residential use proposed.

The fact is that the site is located in an accessible location, the proposal includes cycle parking, and it is a short walking distance from the high street where there is easy access to services, goods and public transport. This level of accessibility falls well within the sustainability objectives of adopted policy INF3 of the HLP32, saved policy GEN1 of the HLP06, policy 5 of the ONWNP and the NPPF 2021, as such the on-site parking shortage in this case would not warrant refusal of the proposal.

### BIODIVERSITY, TREES AND LANDSCAPING

- Biodiversity

With regards to biodiversity, Policy NBE4 of the HLP32 states that: 'In order to conserve and enhance biodiversity, new development will be permitted provided:

a) It will not have an adverse effect on the integrity of an international, national or locally designated sites.

b) It does not result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;

c) opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity are taken where possible, including the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. All development proposals will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible'.

Biodiversity matters were assessed, and it was found that the information submitted acknowledged the potential of the roof to support bat roosting. However, the submission confirms that no bat evidence was found and that no major roof works were envisaged. There is a proposed insertion of two rooflights to the sloping roof, however appropriate inspections in this area can be undertaken before their installation. The Ecology officer has recommended that if a bat is subsequently discovered works should stop and Natural England be contacted as further surveys or licensing may be required. This can be suggested as an informative to remind the applicant.

#### - Trees

In terms of trees, saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value, planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these features. planning conditions may be imposed to require the planting of new trees or hedgerows to replace those lost.

The proposal is in a central location and there are no trees on site, as such no concerns are raised in this regard.

#### - Landscaping

Adopted policy NBE2 requires that development proposals include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings.

Whilst there would be a minor element of landscaping, this would largely be in the form of plant pots in the courtyards as opposed to planting trees in them. Given the nature of the site and its location, no concerns are raised in this respect.

### FLOOD RISK AND DRAINAGE

Policy NBE5 (Managing Flood Risk) of the HLP32 sets out five criteria when development would be permitted, in this case the applicable criteria are:

- Over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding;

- If located within an area at risk from any source of flooding, now and in the future, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests where necessary;

- Within Causal Areas (as defined in the SFRA) all development takes opportunities to reduce the causes and impacts of flooding.

The application site is within flood zone 1 for river flooding and the site does not present any issues with surface or ground water flooding. Since there would be no material alterations to existing levels of hardstanding, no policy conflicts are anticipated in this case.

## SUSTAINABILITY AND CLIMATE CHANGE

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District. Policy NBE9 of the HLP32 requires proposals to demonstrate that they would:

- i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and
- j) they incorporate renewable or low carbon energy technologies, where appropriate.

In this instance the proposal does not comprises any installation of low carbon/renewable technologies. It would re- use a Grade II\* listed building. Also, the fact that the existing building is a heritage asset of importance, the incorporation of green technologies would be likely to have an impact on the character/appearance and significance of this Grade II\* Listed Building.

The fact that this heritage asset would be reused by the applicant, rather than finding a different site and build new dwellings, would greatly contribute towards sustainability objectives. Historic England's approach to climate change seeks to look at how re-using existing historic building stock, rather than rebuilding, this in itself would help meet carbon targets. Re-using the historic building stock also saves energy and carbon dioxide through better maintenance, management and simple energy efficiency measures in the daily operations/activities within the buildings.

As such no concerns are raised in terms of Policy NBE9 of the HLP32.

## EQUALITY

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The Public Sector Equality Duty under the Equality Act 2010 identifies 'age' as a 'protected characteristic'. The proposed development would provide accommodation for older persons and the application raises no concerns about equality matters.

## PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. An important material consideration is subsection d) of Paragraph 11 of the NPPF, wherein the 'tilted balance' would apply if the adopted development plan has no relevant policies or relevant policies are out of date.

The LPA has carefully considered the character/appearance and significance of the Heritage Asset, great weight has been given to the heritage asset's long-term conservation, as per

requirements of paragraph 199 of the NPPF 2021.

In this case, it has been identified by the Council's officers there would be harm and benefits arising from the proposal and as such it is important to note the public benefits and weigh them.

- Social benefits/harms

Benefits would arise as a result of the provision of small units of accommodation in a sustainable location in the district for which there is high demand. This is a significant benefit, but it has to be acknowledged the Council currently has a 10+ years of housing land supply in the district;

The social harms arising would be the permanent loss of a Public House, which is regarded as a community facility and therefore a loss of public access to the building. However limited weight is afforded to such loss as the applicant has demonstrated there is a good level of social infrastructure/community facilities in Odiham and there is no shortage of PH for local people to meet and socialise.

- Economic benefits/harm

The benefits attracted by the proposal would be employment during the refurbishment/conversion of the building and the additional expenditure in the local economy during this process and following occupation. These benefits would be moderate

No economic harm has been identified in this respect, as the PH business closed its doors in March 2020 and the applicant has demonstrated that such a business would not be economically viable.

- Environmental benefits/harm

Benefits would arise a result of re-using an existing PDL site in the settlement and an existing historic building stock rather than rebuilding or a new built.

Benefits would arise due to the restoration of the building's fabric and the long-term sustainability of the heritage asset which would contribute to the preservation and management of historic buildings in Odiham, resulting from the residential use as an optimum viable use. This would attract a significant benefit and significant weight.

The harm identified at a 'less than substantial' level at the bottom end of the scale would rise as a result of the physical alterations proposed to the historic fabric of building. This harm is not regarded significant due to the fact that most of the physical alterations referred to in this report would be reversible (without material implications to the historic fabric).

Also, the permanent loss of public access to the building is not fully attributed to this proposal. It stopped with the closing of the PH in March 2020 and the applicant has demonstrated that such a business is not viable and as such the permanent loss is attributed to this factor. It has also been demonstrated that there isn't a pressing need to provide any other community use as Odiham well provided of spaces for community use and no local amenity groups came forward to bid for the property within the legislative timeframes.

Considering the significance and weight attributed to the above benefits versus the limited harm identified which by its nature is attributed limited weight, the proposed development would result in material benefits that would far outweigh the limited harm that would be



caused by the proposal.

As such the development would be, overall, in accordance with the policy objectives of the HLP32, the HLP06, the ONWNP and the NPPF 2021 in relation to the principle of the development, social infrastructure/ community facilities, design heritage assets, neighbouring amenity, highways, flood risk/ drainage and sustainability.

## **CONCLUSION**

The Development Plan Policies and the NPPF requires that sustainable development be approved without delay. The application proposal complies with the requirements of the relevant policies of the Development Plan and the site is considered to be sustainable and accessible in terms of its location, use of PDL and an historic building. The provision of additional housing is a significant benefit, and this development would help meet that need through the delivery of a windfall site.

Also, the heritage benefits identified would outweigh the limited heritage harm. There would not be adverse impact on highways, drainage, neighbouring amenity, biodiversity, trees and landscape. The proposed development would comply with the adopted policies of the HLP32, HLP06, ONWNP and with the NPPF 2021 and is therefore acceptable subject to planning conditions as detailed below.

## **RECOMMENDATION - Grant**

## **CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### **REASON:**

To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be fully implemented in accordance with the following plans/documents (including any mitigation/recommendation/enhancement contained therein):

### **Plans:**

34L01 Rev. C (Ground Floor, Existing and Proposed Layouts), 34L02 Rev. B (First Floor, Existing and Proposed Layouts), 34L03 Rev. B (Roof, Existing and Proposed Layouts), 34L04 Rev. B (Elevations, Existing and Proposed), 34L05 Rev. B (Sections, Existing and Proposed)

### **Documents:**

Design and Access Statement prepared by Consilian Ltd (November 2021), Heritage Statement prepared by Consilian Ltd (November 2021), Amendment to Design Proposals prepared by Consilian Ltd (February 2021), Viability Study prepared by Savills (October 2021), Pub/Restaurant minimum requirements email form Carlin Capital (May 2022), Viability Opinion Letter prepared by Savills (April 2022), Marketing Summary (dated November 2021), Marketing Summary Update (dated February 2022), Marketing Summary Update (dated May 2022), Planning Policy Assessment prepared by Murray Planning Associates Ltd (April 2022) Preliminary Roost Assessment prepared by the Ecology Partnership (dated June 2021), Transport

**REASON:**

To ensure that the development is carried out in accordance with the approved details and in the interest of proper planning.

- 3 No development shall commence on site until details of a construction management plan are submitted to and approved in writing by the Local Planning Authority and shall include but not limited to the following:
- i) Construction worker and visitor parking;
  - ii) Anticipated number, frequency and size of construction vehicles;
  - iii) Dust and Noise/Vibration mitigation measures;
  - iv) Dust suppression measures;
  - v) Site security;
  - vi) Vehicle manoeuvring/ turning and measures to avoid conflicts along the site access track with vehicles not associated with the construction of the development;
  - vii) Locations for the loading/unloading and storage of plant, building materials and construction debris and contractors offices;
  - viii) Procedures for on-site contractors to deal with complaints from local residents;
  - ix) Measures to mitigate impacts on neighbouring highways; and
  - x) Details of wheel water spraying facilities;
  - xi) Protection of pedestrian routes during construction;

Once approved, the details shall be fully implemented and retained for the duration of the works.

**REASON:**

To protect the amenity of neighbouring residents and to ensure adequate highway and site safety in accordance with Policies NBE11 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 and saved policy GEN1 of the Hart District Local Plan 1996-2006 (Saved Policies), the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 4 No development, demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours on weekdays or 08:00 to 13:00 hours Saturdays. No development, demolition/construction work or deliveries of materials shall take place on Sundays or Public Holidays.

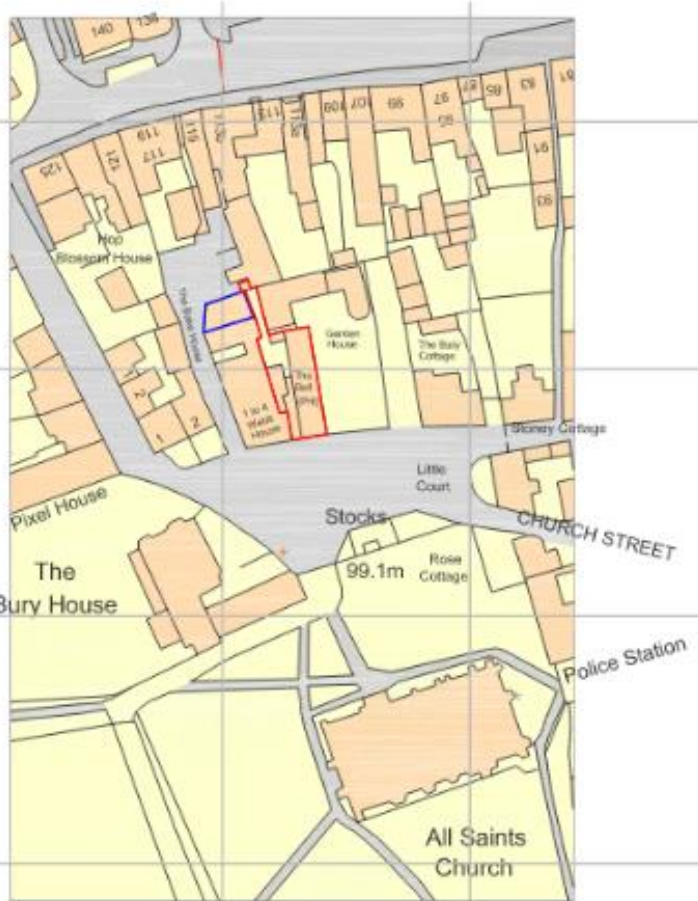
**REASON:**

To protect the residential amenity of adjoining/nearby residential occupiers and to satisfy to satisfy Policy NBE11 of the adopted Hart Local Plan and Sites 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

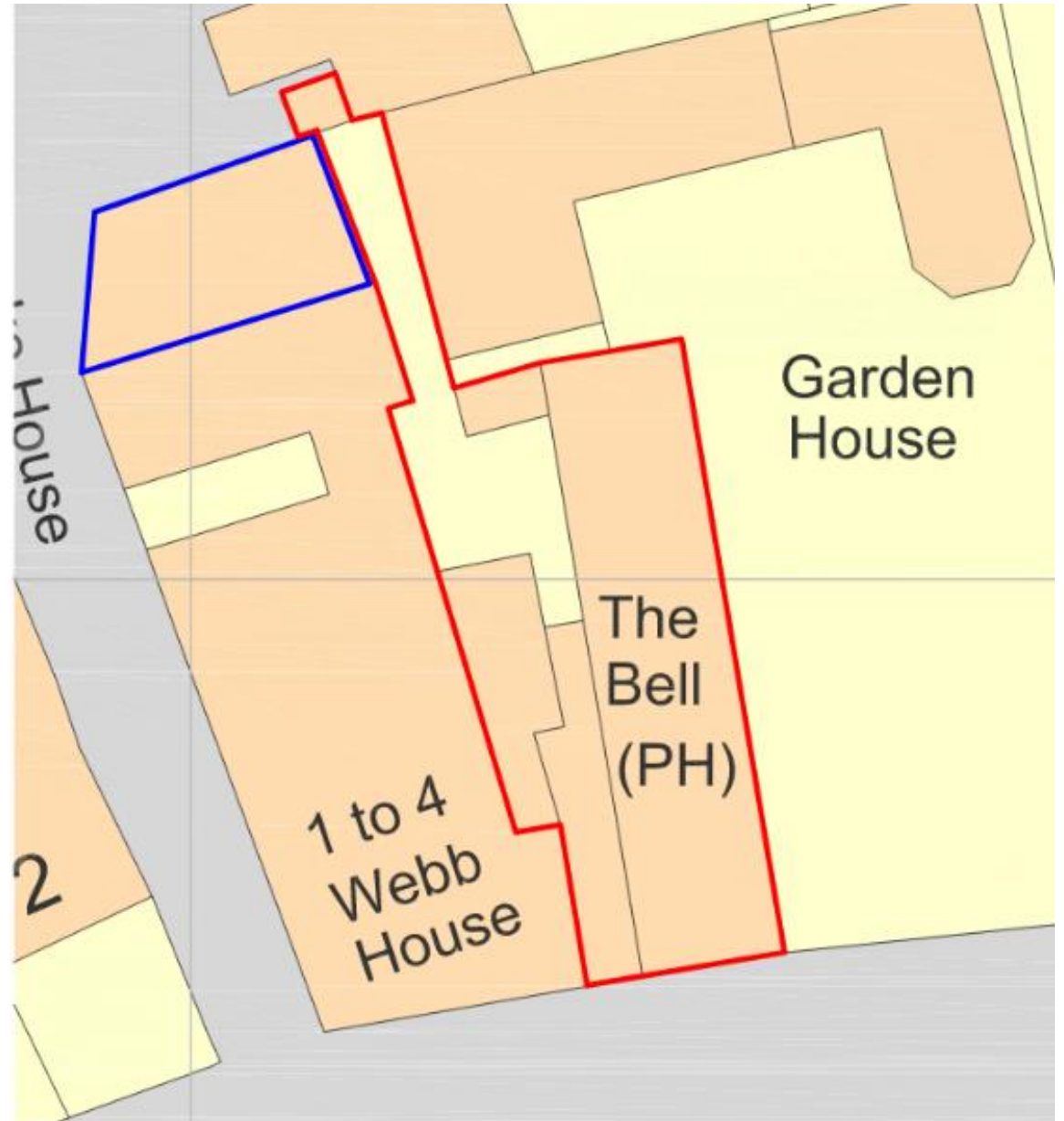
## **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application and once received, further engagement with the applicant was required and the application was subsequently acceptable.

- 2 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species, and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact Natural England (S.E. regional office) on 0238 028 6410.



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LOCATION AND BLOCK PLAN



**BASEMENT and GROUND FLOOR (EXISTING AND PROPOSED)**



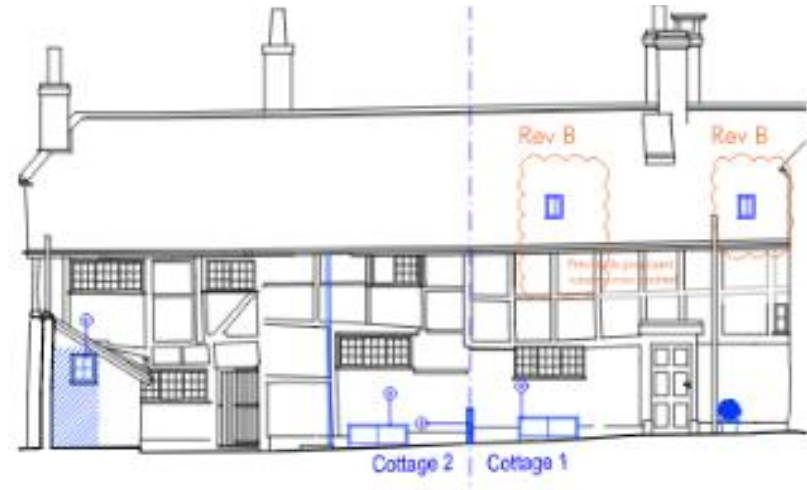
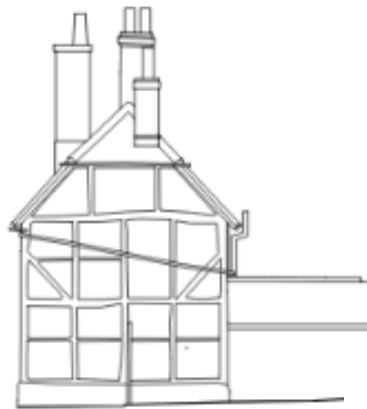
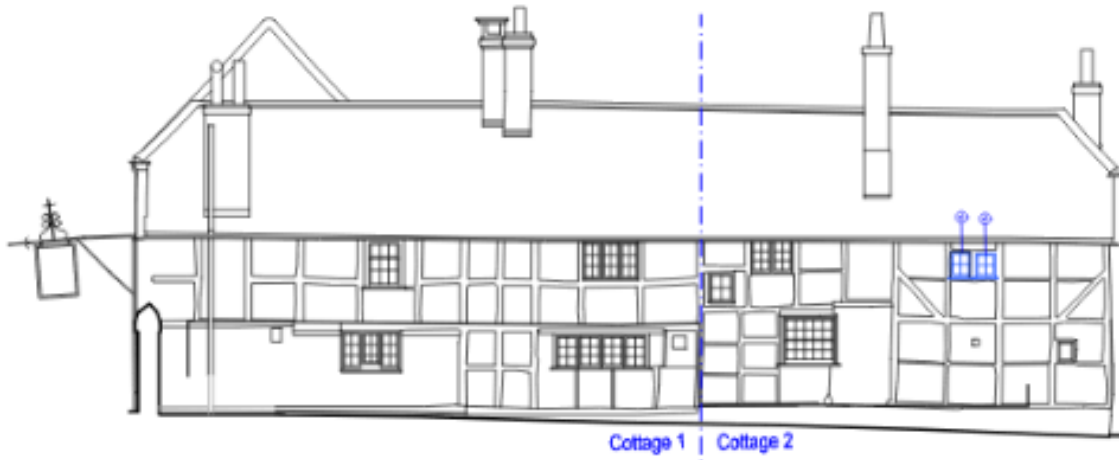
FIRST FLOOR (EXISTING AND PROPOSED)





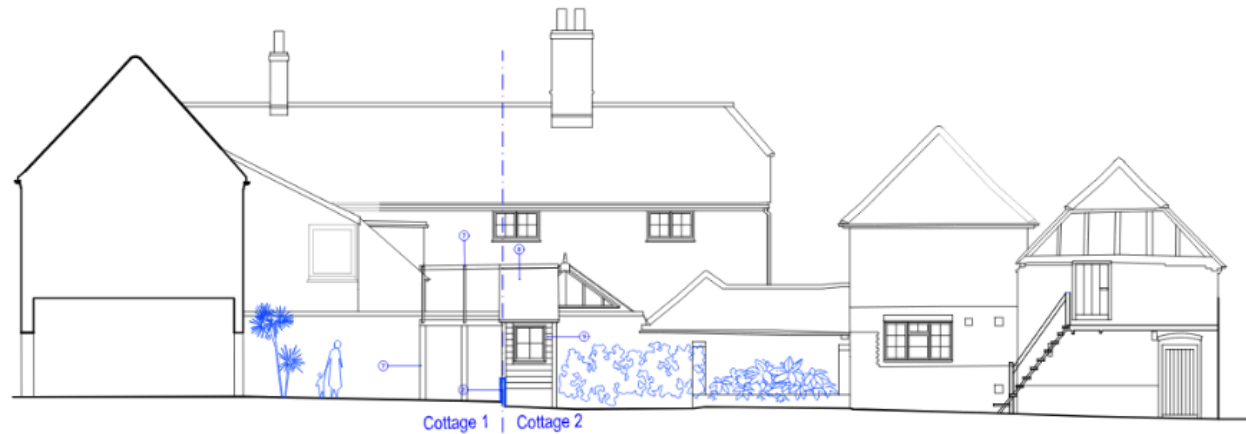
ROOF PLAN (EXISTING AND PROPOSED)





Proposed work

**PROPOSED ELEVATIONS**

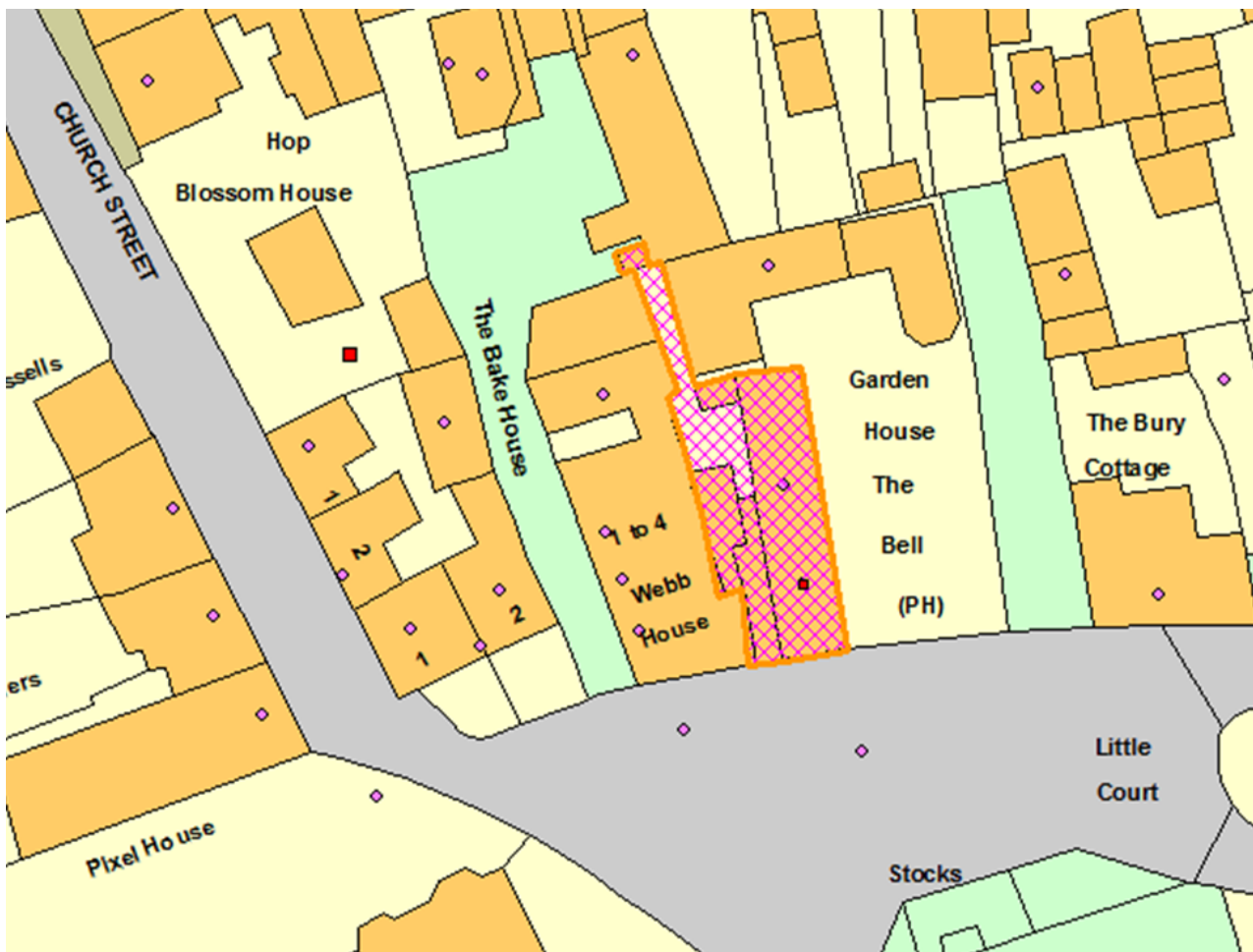


Courtyard Elevation - Proposed



## COMMITTEE REPORT ITEM NUMBER:

APPLICATION NO.	21/02878/LBC
LOCATION	<b>The Bell Ph The Bury Odiham Hook RG29 1LY</b>
PROPOSAL	Change of use of public house to form 2 x two-bedroom dwellings with associated internal and external alterations (following part demolition of external toilet block).
APPLICANT	Paul The Odiham Bell Ltd
CONSULTATIONS EXPIRY	13 June 2022
APPLICATION EXPIRY	20 January 2022
WARD	Odiham
RECOMMENDATION	<b>Grant, subject to planning conditions</b>



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## **BACKGROUND**

This planning application is brought to Planning Committee at the discretion of the Executive Director - Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation.

## **SITE**

The building known as The Bell was formerly a Public House (PH) which stopped trading as a result of the COVID- 19 pandemic in March 2020. Whilst the site and buildings have evolved in a phased manner over several centuries its established historic use is that of a public house or inn with ancillary related outbuildings

The building was added to the national heritage list in July 1952 and the history of the site appears to be intertwined with that of Webb House which is also a statutory listed building to which The Bell is adjoined. Webb House was formerly used as a Royal British Legion premises but is now in a residential use. Webb House was also first added to the national list in July 1952.

At present, the lawful use of the site and buildings is a public house, although currently the premises are unoccupied.

## **RELEVANT PLANNING DESIGNATIONS**

- The site is within the Odiham settlement boundary.
- The site falls within the Odiham Conservation Area.
- The site is occupied by is a Grade II Listed Building.
- The site falls in an area of Significant Archaeological features.
- The building is designated as an asset of community value (ACV)

## **PROPOSAL**

Listed building consent is sought for internal/external alterations associated with the conversion of the building into two self-contained dwelling units (2 x 2bed units).

The proposal would also result in the partial removal of an outbuilding in the courtyard of the site (former toilet facilities for the PH) to free space and provide outdoor courtyards to the units proposed. The retained part of the outbuilding would provide a cycle storage facility and would partly separate the courtyard area into two.

Note:

The proposal has been significantly revised from the original submission to address Conservation and practical issues.

## **RELEVANT PLANNING HISTORY**

The planning history consist of several applications for advertisement consent and external lighting. The associated Listed Building consents are also part of the list. The most relevant planning history is listed below:

22/00234/FUL & 22/00229/LBC - Pending consideration

Change of use of outbuilding into a two-bedroom dwelling with associated internal/external alterations and first floor balcony.

21/03241/FUL - Withdrawn, 31.01.2022

Change of use of outbuilding into a two-bedroom dwelling

21/01483/FUL & 21/01484/LBC - Withdrawn, 19.10.2021

Change of use of public house to form two dwellings with associated single storey side extensions, demolition and internal and external alterations.

21/01655/FUL - Withdrawn, 19.10.2021

Change of use of outbuilding into a two-bedroom dwelling

19/01823/LBC - Granted, 14.10.2019

Repair works and reconstruction of failing rear flanking wall and part of side walls.

Reconstruction of failed masonry riser and foundations. Localised timber repairs to rotten timber beams located at the rear.

17/02406/CON - Granted, 11.03.2019

Approval of conditions 2- structural details- and 3- samples of render, brick and mortar- pursuant to 17/02406/LBC.

17/02406/LBC - Granted, 12.12.2017

Repair works and reconstruction of failing rear flanking wall.

## **RELEVANT PLANNING POLICIES**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant adopted Development Plan for the District includes the Hart Local Plan: Strategy and Sites 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and the Odiham and North Warnborough Neighbourhood Plan 2014-2032. Adopted and saved policies are up-to-date and consistent with the NPPF (2021).

### Adopted Hart Local Plan - Strategy and Sites 2032 (HLP32)

NBE8 - Historic Environment

NBE9 - Design

INF5 - Community Facilities

### Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP 06)

GEN 1 - General Policy for Development

### Odiham and North Warnborough Neighbourhood Plan 2014-2032 (ONWNP)

Policy 5 - General Design Principles

Policy 6 - Odiham Conservation Area

Policy 13 - Assets of Community Value

### Other relevant material considerations

National Planning Policy Framework 2021 (NPPF)

Other guidance

Odiham and North Warnborough Conservation Area Character Appraisal (2022)

**CONSULTEES RESPONSES**

**Odiham Parish Council**

Objection

- The Bell is an important part of Odiham. Its position in the Bury places it at the centre of village life and activities. Without the Bell, the Bury would become mainly residential and not a village hub. The Bell should be retained as a business within the village.
- The applicant has failed to demonstrate this Asset of Community Value is not viable as a pub and failed to market the property sufficiently.
- Proposal does not meet Hart interim parking standards and do not include outdoor amenity space.
- The property is listed Asset of community value which means that the listing will be considered as a material planning consideration and has not been advertised properly to the community.

**Conservation/Listed Buildings Officer (Internal)**

Objection to proposal as originally submitted.

- The scheme would cause 'less than substantial' harm to the aesthetic, illustrative historic and communal heritage values of the building.
- The proposed subdivision would alter the historic layout of the building and the insertion of stairs and windows will result in the removal of historic fabric.
- The public access to the building would be lost.
- The scale and design of the two additions to the west elevation to accommodate both external entrances and additional WC facilities would conceal large areas of the building's elevation. Insufficient information has been provided on how the additions would be detailed or attached to the listed building or how the fabric of the listed building would be altered at the junction between the host and addition.
- Their addition to this elevation would appear as discordant additions marring the clean lines and linear arrangement of the existing building.
- The walled enclosures proposed to subdivide the 'service yard' area into two private amenity spaces would create an impact. Provision of an open communal area would be the most desirable option.
- No justification has been provided relating to the need to secure a viable alternative use.
- The proposal includes the removal of a curtilage listed building which is of C19th in origin and has been used as external toilet facilities. The case for its removal has not been convincingly made. The removal of the makeshift covered walkway is welcomed as it is a poor-quality utilitarian structure which is intrusive and mars the appearance of the building.
- Insufficient information has been provided to fully assess the impact of the works (and development) proposed on those elements which contribute to the significance or 'defined special interest' of the building.

**County Archaeologist**

No objection regarding the archaeology of the building's fabric.

## **The Odiham Society**

### **Objection**

- The Bell PH is a very important contributor to the character and life of Odiham' it is located in The Bury, the ancient centre of the village.
- is an important nucleus to the numerous village events held in The Bury.
- It is a major community asset.
- The Bell was licensed in 1508/9 and has been serving the village for over 500 years.
- Many village groups such as the local Rotary or Church bell ringers in addition to the visiting groups of bike riders or walkers used The Bell.
- The proposals would result in an unnecessary loss of a community facility.
- The property was not openly marketed, and no opportunity has been given to community participation.
- The viability of the pub cannot accurately be assessed following 15 months of shut down with the landlords on the verge of retiring.
- Local community interest has obtained Asset of Community Value status to prevent the loss of an important village asset (as a Public House) not "to stop renovations and improvements.
- The proposals are not about diversification of the Public House.
- The existing establishment may not have proved commercially "economically viable", but it must not be assumed that in a different (perhaps community) ownership.
- The cost of restoring and structurally stabilising the building can be included within any budget to purchase.
- The whole community needs to benefit from the "long term preservation of the building". If converted to private housing the building located as it is, would only be open to public view by way of its narrow frontage and certainly not internally.
- The property has not been openly marketed at a viable value.
- The Schedule of Community/Parish Engagement is minor and non-contributory in support of the application.
- We doubt that the Odiham Parish Council or Odiham Society have expressed any interest in purchase of the property and in any event, probably not empowered to do so.

### **NEIGHBOUR COMMENTS**

The 21-day public consultation on the proposal as submitted, expired on 20.12.2021. A further public consultation exercise was undertaken as a result of receipt of revisions to the scheme to deal with concerns raised during the consideration process. The re-consultation undertaken was for 14 days, expiring on 06.06.2022.

At the time of writing the officer's report, 12 public representations had been received in objection. The public objections largely repeat those submitted by the Odiham Society, which are summarised above. Additional public objections raised relate to:

- Lack of amenity space
- Total lack of parking for what would be a total of 5 double bedrooms.
- Harm to the fabric of this heritage building.

### **CONSIDERATIONS**

The main considerations to this application for listed building consent relate to the impact of the proposals on the significance of the listed building.

When considering this application, the Local Planning Authority must have regard to the desirability of preserving the building or its setting, or any features of special interest

(architectural or historic) as set out by the Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition, the LPA must have regard to the tests set out within the NPPF 2021 giving great weight to the Designated Heritage Asset's conservation and ensuring that any level of harm to (or loss of) significance is outweighed by clear and convincing justification and public benefits.

Paragraph 195 of the NPPF 2021 sets out the duty for LPAs to identify and assess significance of any Heritage Asset which would be affected by the proposal and take available evidence and necessary expertise into account.

Paragraph 200 of the NPPF requires any harm to be clearly and convincingly justified and Paragraph 202 requires the less than substantial harm to be weighed against public benefits.

Paragraph 020 of the Planning Practice Guidance confirms that public benefits can be economic, social or environmental and heritage benefits include those which are not visible or accessible to the public including examples of the following:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- reducing or removing risks to a heritage asset;
- securing the optimum viable use of a heritage asset in support of its long-term conservation.

## ASSESSMENT OF SIGNIFICANCE AND IMPACTS OF THE PROPOSAL

The Bell's list entry from Historic England of July 1952, describes the building stating:

C17, C18. A long narrow 2-storeyed timber-framed structure, with its gable (of C18) to the street formed as a continuation of the front of Webb House, of 1 window. The painted brick walling has a parapet (at the eaves level of Webb House), brick dentil eaves. A sash in exposed frame is above a modern casement. Fixed to the wall between the window and the access (in Webb House) is a wrought iron framework to take the hanging sign, containing scroll work. The east wall has exposed timber framing, with painted brick infill, irregularly spaced casements. Roof of red tiles 1/2-hipped at each end.

The significance of The Bell derives from its evidential, architectural (aesthetic), historic (illustrative) and its communal heritage values. It is also likely to have some (associative) historic value, but only at a local level.

- Architectural (aesthetic) and Historic Value (illustrative)

An initial objection was received from the Conservation Officer to the original scheme submitted on the following grounds:

- Internal alterations to internal layout through subdivision, insertion of staircases and windows.
- Inappropriate porch additions (entrance/wc)
- Walled enclosures to subdivide the outdoor 'service yard' into two separate areas.
- Removal of a curtilage listed building (shed - external toilet facilities).
- Loss of public access.
- insufficient information to fully assess the impact of the works.

## Impact of the works

Over the course of the application, the scheme was significantly amended.

The applicants resolved, in light of the commentary of the Conservation Officer, to amend the scheme by reducing the proposed 3 bedroom unit in the southern half of the building into a 2 bedroom unit, this consequently removed the need to insert an additional staircase and thus minimised the level of intervention necessary to facilitate the use of the building as two dwellings.

In terms of physical alterations to the building, the proposal also involves turning two existing doorways into windows (by partly blocking the existing voids), internal blocking of a door, installing casement timber windows, insertion/replacement of one small window in the east facing elevation at first floor and installation of two conservation rooflights into the west facing roofslope. These alterations do not require significant intervention to the fabric of the building.

The elements requiring minor intervention to the historic fabric of the building are the insertion of one window in the west elevation of the building at first floor, which is necessary to provide a bedroom with a reasonable level of daylight/sunlight and ventilation. This additional window would have similar modest proportions to an existing window directly adjacent to it which is proposed for replacement. The proposed window would result in removal of original fabric of approximately 0.45m x 0.55m, which is an area of wall with a timber frame. The window would largely match the existing one next to it, which is also located between a timber frame. The proposed works are sensitive to both the timber frame detailing and the overall appearance of the building.

The conversion proposes introduction of three bathrooms at first floor, two to serve one dwelling. Whilst bathrooms do not necessarily require a window, it is generally advisable to provide them whenever possible due to the damp environment within them which can result in problems within the fabric of the building. Conservation rooflights are proposed to be inserted which is a preferable solution to windows in this case, as their installation in the roof would result in a lesser intervention to the building's fabric than insertion of windows. They, would however need to be carefully positioned bearing in mind the timber structure of the roof and existing tiling.

These works would result in change to the fabric of the building; however, they are regarded, even cumulatively as a minor level of alteration. Officers consider that, subject to use of appropriate construction methods and detailing they would not result in a detrimental intervention to the historic fabric of the building.

Other internal changes would be necessary to accommodate two self-contained units. These works would involve the installation of two wall sections with fire/acoustic qualities to block an existing internal doorway at ground and at first floor. There would also be installation of additional partition walls. All these internal additions could be undertaken sympathetically and may be easily reversible if needed. The remainder of the physical layout of the buildings would be respected and given the potential reversibility of the works, it is unlikely the works would detrimentally affect the historic fabric of the building.

Furthermore, the porch additions and boundary wall enclosure in the outdoor courtyard have been removed from the proposal. With regards to the curtilage listed building in the outdoor courtyard (shed), originally this was proposed for total removal but has been reconsidered. The proposal now seeks consent to retain the timber cladding section of the building (northern end) which appears to have historical attributes and is relatively intact but in need

of repair. The rest of the shed (southern portion) is recent construction with asbestos cement sheeting and accommodates the 'modern' lavatories, this is the section that would be removed. As this modern section of the outbuilding has no historical/heritage value, its removal is not objectionable.

In their comments, the Conservation Officer referred to the desirability of retention of the pub signage on the front elevation of the building. The removal of the signage would not be considered inappropriate given the strong residential character in the context of the subject building. The removal would unlikely result in damage to the fabric of the building, as a result on balance, the removal of the signage is considered to have a neutral impact on the significance, character and appearance of the asset.

The Conservation Officer stated that insufficient information has been provided to fully assess the impact of the works proposed on those elements which contribute to the significance or 'defined special interest' of the building. Nevertheless, If the Council is minded to grant consent, conditions can be imposed to request details of construction methods for the proposed works along with details about any restoration/repairs which are necessary.

Overall, therefore, the proposal is respectful of architectural and historic values of the building, with internal features being integrated into the proposal rather than removed or altered. The interventions proposed are justified as the minimum necessary to provide a residential use, which is the current proposal seeking planning permission and listed building consent.

#### - Communal Heritage Values

In respect of the loss of public access, it is to be noted that whilst the property was a public house, the site and buildings are not in public ownership and there are no rights of access attributable to the site. The former PH operating closed its doors in March 2020, it is acknowledged, however, that conversion of the property into residential dwellings would remove the prospect of public access in the future.

In terms of the historic use as PH and its community values, the submission is accompanied by a viability study. The study clarifies the former operated in a tied tenancy. This means that a tenant operates a property under a lease agreement and is required to purchase some, or all, of the sold products and services from a particular Brewery or Pub Company at a margin.

The subject PH is described as a traditional 'wet' led pub with a single bar pub operation and limited kitchen facilities. As a result, the trade was entirely 'wet-led' with no further income from food sales.

The study acknowledges the tertiary position of the PH and lack of footfall in relation to the High Street, which is a primary position for these types of facilities but equally acknowledges that there may be 'local' trade as a result of surrounding residential development.

The historic trade detailed in the report shows a downward trend in the barrelage acquired by the PH from the brewery the tied tenancy was bound to. It also notes that the kitchen in the PH is not of a commercial format due to the domestic extraction system and limited size, which therefore cannot offer a viable food service. This put the subject PH to a great disadvantage in competition terms with other PH in Odiham that are properly set up for adequate food service (e.g., those in the High Street).

The report sets out requirements sought after for operators in the PH /restaurant market seeking additional sites, which are:



- Site size 0.5 -1.5 acres
- Prominent 'A' road locations
- 60 and 100 car parking spaces
- 100 to 200 external covers.
- 100 to 200 internal covers with optimal operation layout.

The above are the ideal requirements but smaller premises in countryside locations, for example, would still be considered suitable. However, the subject PH has a trading area of less than 50 sqm, unusual layout (long footprint) and limited space for internal covers (less than 60 covers). All these, it is stated, limits the potential interest for the premises.

The report also acknowledges the building needs repairs, requiring an approximate investment of £480k to potentially create a sustainable operation. Nevertheless, this level of investment along with the limited income from 'wet' sales, it is stated, is likely to result in low profit or potentially negative returns.

The applicant has also stated that minimal requirements for PH operators are buildings of approximately 280sqm – 650 sqm capable of accommodating in excess of 60 covers to make it viable. The applicant states that the subject building would be capable to accommodate 25 covers with some additional 'vertical drinking' adjacent to the bar servery. These space limitations in conjunction with the refurbishment requirements and limitations to install an appropriate commercial kitchen, cooking extraction and refrigeration equipment, means that additional income from food operation would also be limited.

The viability report also details a business case scenario with assumptions on investment and trade based on a small team earning the living wage, with additional support only at busy times. Since the level of trade in this location would be low, the general costs in running the business would be high as a percentage of turnover as there is a minimum cost of running a business, irrespective of the level of trade. The results show that it is likely the business would be operating with a profit margin of 6.3% before rent or interest payments are deducted, which it is likely to result in a loss for operators.

The conclusions from the professional opinion accompanying this application, summarises the short comings of the premises for a successful operation. The hypothetical business case shows the level of return against the capital costs required to achieve and sustain a healthy return would be unlikely to be achieved, all materially hindering a viable long-term operation as a PH.

Additionally, there is a need of substantial investment on the premises, as explained above, to improve the conditions and presentation of the property from the outset. The information submitted demonstrates and reflects reasonably the likely scenario for a PH business operation in the premises, as such officers accept the findings that such a business would not be commercially attractive or commercially viable.

Therefore, regardless of the residential conversion, it is the case that the retention of communal heritage values once enjoyed using the building as a PH are mainly affected by current trends and customer requirements in the drinking/catering market, along with the peculiar layout of the building, physical conditions of neglect by previous owners and its positioning in relation to main areas with commercial activity in Odiham.

Furthermore, in terms of alternative community facility that could be provided on the premises to preserve similar community values to those the building has benefited so far, the same physical constraints discussed in the previous paragraph along with the designation of

the building as a Heritage Asset would all impose restrictions for alternative community uses, which generally require a high degree of flexibility to be able to use internal space in a different manner and cater for a wider range of activities and users.

Linked to the communal heritage values of the building and alternative community uses, The Bell was designated an asset of community value (ACV) in June 2021 after residents were made aware that a residential conversion of the building was to be proposed through an application for planning permission/listed building consent.

The Assets of Community Value (England) Regulations 2012 require the legal owner(s) of the ACV to formally notify the Council of their intentions to sell. The applicants gave formal notice to the Council of their intentions to sell/ put the property in the market on the 21<sup>st</sup> March 2022 (despite the property being for sale since at least August 2021).

This notice triggered a moratorium period of 6 weeks (up to 2<sup>nd</sup> May 2022) where the ACV nominating person/group are given preference as a potential bidder for the property, in this case the ACV nominating group was the Odiham Parish Council (OPC). Hart District Council made the OPC aware about the moratorium period and their priority as bidders for the property. Nevertheless, the OPC confirmed to the Council they did not wish to pursue a bid for the property. There was no other interest received by the Council within this protected period.

The applicant has also provided evidence of prior contact being made not only with the OPC but also with the Odiham Society (OS) along with more recent posts in social media groups 'Odiham Community' and 'Odiham People' to make the residents aware that the premises were (still are) on the market for anyone interested in buying and running any other community facility. However, no formal purchasing proposals and or prospects have been submitted to the applicant (legal owner(s)) to date.

Therefore, the loss of communal historic values in this case cannot be solely attributed to the proposed development. There are external factors contributing to the loss of the communal historic values associated with the building as discussed above. Additionally, the physical restrictions and current condition of the building, are far removed from the type of buildings that are sought after by operators in the drinking/catering market. Such values are unlikely to be retained in the building going forward, regardless of the proposal for conversion that is before officers for consideration.

## PLANNING BALANCE

The proposed works would cause some harm to the physical fabric of the building. This harm would be at the lowest level on the spectrum of harm set out in the NPPF. The proposal would however achieve some conservation benefits arising from the repair and reuse of this vacant building.

The loss of public access to the building would be a neutral factor, however, the loss of an asset of community value is unavoidable in this instance as no alternative proposal or bids have been made to the legal owners within the related moratorium period.

To conclude therefore on the impacts on the significance of the heritage asset, paragraph 200 of the NPPF 2021 states that any harm to significance requires clear and convincing justification.

There would be a minor impact on significance as a result of the limited intervention to the historic fabric of the building, the loss of public access and communal historic values as a

result of the proposal. This impact would be at the bottom end of the 'less than substantial' heritage harm.

Nevertheless, the minor level of harm is justified to accommodate the only viable use before officers which is the residential conversion, which would bring significant heritage benefits. These heritage benefits would far outweigh the limited harm identified. Great weight (Paragraph 199 of the NPPF 2021) and considerable importance is afforded to the preservation and conservation of the setting of Listed Buildings. The proposal would result in an appropriate level of restoration and long-term sustainability of the heritage asset and its significance.

In addition to the heritage benefits, the residential conversion would also bring public benefits. These would relate to the provision of housing in the district, of which there is a high demand, expenditure in the local economy during construction and post occupation, re-use of an existing PDL site and re-purposing of the historic building stock.

### OTHER MATTERS

A concurrent full planning application (FUL) has been submitted alongside this application which addresses all other planning matters/considerations; 21/02877/FUL.

### **CONCLUSION**

On balance it is considered the public benefits associated with the scheme along with the conservation benefits deriving from the preservation, reuse and conservation of the heritage asset would outweigh the loss of an Asset of Community Value and the future possibility of public access into the building.

Conditional approval is therefore recommended.

### **RECOMMENDATION – Grant**

### **CONDITIONS**

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

**REASON:**

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 No works shall take place shall take place until a full structural survey of the building has been submitted to and approved in writing by the Local Planning Authority. The survey shall assess the current structural integrity of all elements of the building and the potential structural implications of the works hereby approved. Full details of any measures necessary to maintain the structural integrity and safety of the building shall be clarified through details, method statements and specifications.

The details shall be fully implemented as approved.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan

(Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 3 No works shall take place until details and samples and method statements of all works hereby approved, finishing materials and their implication with the historic fabric of the building have first been submitted to and approved in writing by the Local Planning Authority. These shall include all restoration works, and approved works associated with the residential conversion of the building (internal partitions, external walls, fencing, rooflights, brickwork, timber cladding, render, basement lanterns, bathroom and kitchen furniture, any mechanical and engineering installations, flooring, tiling, water goods, access ladder, trapdoors, etc).

The works shall thereafter be implemented in accordance with the approved details.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

4. No installation or replacement of windows/ doors shall take place until detailed joinery plans and elevation drawings (scale 1:20) are submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to:
- works needed to the historic fabric to accommodate any new window/door
  - sections through glazing bars
  - method of opening
  - type of glazing
  - depth of reveals
  - profile of cills
  - joinery details
  - window and door furniture
  - colour of painted finish

The works shall be carried out in accordance with the approved details.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 5 Prior to their installation, details of the required plumbing, heating, lighting, ventilation, and all mechanical and electrical services, and of upgraded services where modifications to the existing are required and details to make good historic fabric where these works are undertaken, shall be submitted to, and approved in writing by, the Local Planning Authority.

Where details are to be submitted for approval, detailed floor plans and sections showing existing and proposed routes, voids and channels for each service run.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 6 Prior to the installation of any insulation that may be required, details of such work shall be submitted to and approved in writing by the local planning authority. The details must clearly demonstrate how the insulation would be installed and the implications with the fabric of the building shall be detailed.

The information shall specify the materials to be used, the method of affixation and where the insulation would affect the fabric of the listed building, it shall contain a method statement detailing how installing the insulation will affect the fabric, fixtures and fittings of the listed building as well as existing mechanical & electrical fittings.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 7 Details of how any damage to the building fabric or to curtilage listed structures caused by or during the course of the carrying out of the works hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any of the repairs. Any damage shall be made good before the occupation of the development.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

## **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application and once received, further engagement with the applicant was required and the application was subsequently acceptable.

2 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species, and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact Natural England (S.E. regional office) on 0238 028 6410.

3 The approved documents associated with this consent are listed below:

Plans:

34L01 Rev. C (Ground Floor, Existing and Proposed Layouts), 34L02 Rev. B (First Floor, Existing and Proposed Layouts), 34L03 Rev. B (Roof, Existing and Proposed Layouts), 34L04 Rev. B (Elevations, Existing and Proposed), 34L05 Rev. B (Sections, Existing and Proposed)

Documents:

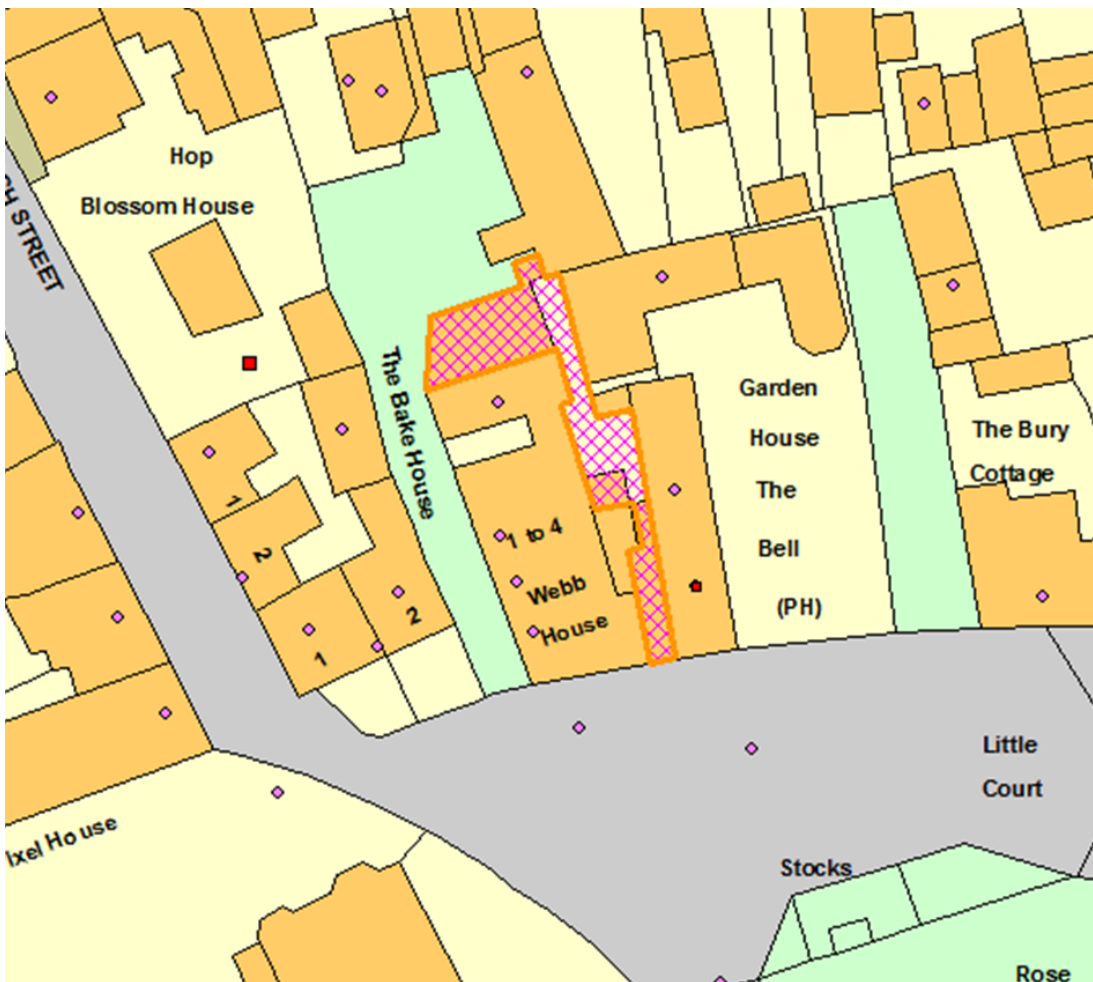
Design and Access Statement prepared by Consilian Ltd (November 2021), Heritage Statement prepared by Consilian Ltd (November 2021), Amendment to Design Proposals prepared by Consilian Ltd (February 2021), Viability Study prepared by Savills (October 2021), Pub/Restaurant minimum requirements email form Carlin Capital (May 2022), Viability Opinion Letter prepared by Savills (April 2022), Marketing Summary (dated November 2021), Marketing Summary Update (dated February 2022), Marketing Summary Update (dated May 2022), Planning Policy Assessment prepared by Murray Planning Associates Ltd (April 2022) Preliminary Roost Assessment prepared by the Ecology Partnership (dated June 2021), Transport Technical Note 502.0115/TN/3A prepared by Paul Basham (April 2021)

4 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operatives vehicles should be normally arranged on site.

5 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.

**COMMITTEE REPORT  
ITEM NUMBER:**

APPLICATION NO. 22/00234/FUL  
LOCATION **The Bell Ph The Bury Odiham Hook Hampshire RG29 1LY**  
PROPOSAL Change of use of outbuilding into a two-bedroom dwelling with associated internal/external alterations and first floor external balcony (following demolition of external deck/stairs and single storey extension).  
APPLICANT Mr Paul Rodger  
CONSULTATIONS EXPIRY 6 June 2022  
APPLICATION EXPIRY 6 April 2022  
WARD Odiham  
RECOMMENDATION **Grant**



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## **BACKGROUND**

This planning application is brought to Planning Committee at the discretion of the Executive Director - Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation.

## **SITE**

The building known as The Bell was formerly a Public House (PH) which stopped trading as a result of the COVID- 19 pandemic in March 2020. Whilst the site and building has evolved in a phased manner over several centuries its established historic use is that of a public house or inn with ancillary related outbuildings.

The building was added to the national heritage list in July 1952 and the history of the site appears to be intertwined with that of Webb House which is also a statutory listed building to which The Bell is adjoined. Webb House was formerly used as a Royal British Legion premises but is now in a residential use. Webb House was also first added to the national list in July 1952.

At present, the lawful use of the site and buildings is as a public house although currently premises are unoccupied.

## **PLANNING DESIGNATIONS**

- The site is within the Odiham settlement boundary.
- The site falls within the Odiham Conservation Area.
- The site is occupied by a curtilage Listed Building.
- The site falls in an area of Significant Archaeological features.
- The building forms part of an asset of community value (ACV) designation.

## **PROPOSAL**

Planning permission is sought for the conversion of the annex rear building (curtilage listed building) into a two-bedroom dwelling with associated internal/external alterations and first floor external balcony (following demolition of external covered way and single storey extension)

It is worth noting this proposal would share the rear entrance with the rest of the buildings on site, which are part of the section of the and outlined in blue colour in the location plan submitted.

Note: There is a separate planning application being considered seeking planning consent of the conversion of the main PH into residential use, as detailed below.

## **RELEVANT PLANNING HISTORY**

The planning history consist of several applications for advertisement consent and external lighting. The associated Listed Building consents are also part of the list. The most relevant planning history is listed below:

21/02877/FUL & 21/02878/LBC - Pending consideration

Change of use of public house to form 2 x two-bedroom dwellings with associated internal and external alterations (following part demolition of external toilet block).



21/03241/FUL - Withdrawn, 31.01.2022

Change of use of outbuilding into a two-bedroom dwelling

21/01483/FUL & 21/01484/LBC - Withdrawn, 19.10.2021

Change of use of public house to form two dwellings with associated single storey side extensions, demolition and internal and external alterations.

21/01655/FUL - Withdrawn, 19.10.2021

Change of use of outbuilding into a two-bedroom dwelling

19/01823/LBC - Granted, 14.10.2019

Repair works and reconstruction of failing rear flanking wall and part of side walls.

Reconstruction of failed masonry riser and foundations. Localised timber repairs to rotten timber beams located at the rear.

17/02406/CON - Granted, 11.03.2019

Approval of conditions 2- structural details- and 3- samples of render, brick and mortar- pursuant to 17/02406/LBC.

17/02406/LBC - Granted, 12.12.2017

Repair works and reconstruction of failing rear flanking wall.

## **RELEVANT PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant adopted Development Plan for the District includes the Hart Local Plan: Strategy and Sites 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and the Odiham and North Warnborough Neighbourhood Plan 2014-2032. Adopted and saved policies are up-to-date and consistent with the NPPF (2021).

### Adopted Hart Local Plan - Strategy and Sites 2032 (HLP32)

SD1 - Sustainable Development

SS1 - Spatial Strategy and Distribution of Growth

H1 - Market Housing

H6 - Internal Space Standards for New Homes

NBE4 - Biodiversity

NBE5 - Managing Flood Risk

NBE7 - Sustainable Water Use

NBE8 - Historic Environment

NBE9 - Design

NBE11 - Pollution

INF3 - Transport

INF5 - Community Facilities

### Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP 06)

GEN 1 - General Policy for Development

GEN2 - General Policy for Changes of Use

## Odiham and North Warnborough Neighbourhood Plan 2014-2032 (ONWNP)

Policy 1 - Spatial Plan for Parish  
Policy 4 - Housing Mix  
Policy 5 - General Design Principles  
Policy 6 - Odiham Conservation Area  
Policy 13 - Assets of Community Value

### Other relevant material considerations

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance (PPG)  
National Design Guide 2021 (NDG)  
Section 66(1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990  
The Assets of Community Value (England) Regulations 2012  
Hart 5 Year Housing Land Supply Position Statement and Housing Trajectory at 1st April 2022

### Other guidance

Odiham and North Warnborough Conservation Area Character Appraisal (2022)  
Planning Technical Advice Note: Cycle and Car Parking in New Development (2022)

## **CONSULTEES RESPONSES**

### **Odiham Parish Council**

Objection

- Lack of parking.
- Lack of amenity space.
- Development of these outbuildings could impact on the remainder of the site operating as a pub.
- The Bell is an Asset of Community Value; its future is still undecided. The future of this outbuilding should not be decided until the future of The Bell is decided. If this building becomes a dwellinghouse it would remove vital storage for the public house.
- No parking provision has been made, as such the application does not meet Hart's parking guidelines
- Parking provision could be achieved by installing an integral garage.

### **The Odiham Society**

Objection

Any change of use of the outbuilding should only be considered in conjunction with the main pub building, as it would be useful to anyone wanting to run the pub, which must still be allowed for, given its status as Asset of Community Value.

### **Conservation/Listed Buildings Officer (Internal)**

No comments received.

### **Streetcare Officer (Internal)**

No objection.

- The proposed development will be required to leave wheeled containers on The Bury for collection by 0630hrs on the specified collection day and removed from the bin collection point and returned back to the property as soon as possible following collection.

### **Hampshire County Council (Highways)**

No objection.

### **Ecology Consult (Internal)**

No objection subject to the following conditions:

- Implementation of Ecological information
- Submission of biodiversity enhancement details

### **County Archaeologist**

No objection, with the following comments:

- With regard to the below ground impact of the proposal, I note that under floor heating is intended below a screed layer, but it is not clear to me if this layer is to be built up or dug down, and if dug down to what depth. I would be grateful if some clarification could be sought, if the excavation is relatively shallow (up to circa 30cm) I would not raise any below ground archaeological issues.

## **NEIGHBOUR COMMENTS**

The 21-day public consultation expired on 23.03.2022. At the time of writing the Officer report there were 2 representations received in objection to the proposal. One of them is from the Odiham Society. The grounds of objection listed below:

### Environment

- Impacts to streetscene and Conservation Area.

### Amenity

- Loss of privacy/overlooking.
- No consideration to right of way over Terry's Alley, owned by Derri Properties Ltd.
- No more expensive accommodation is needed.

### Highways

- No parking provision proposed.
- The Bury is unsuitable for more dwellings and there is a lack of parking.

### Infrastructure

- No proposals for connecting proposal to utilities.
- Further strain in local infrastructure.

### ACV designation

- Proposal may compromise registration of The Bell, as an Asset of Community Value.
- Any change of use of the outbuilding should only be considered in conjunction with the main pub building, as it would be useful to anyone wanting to run the pub, which must still be allowed for, given its status as Asset of Community Value.
- This cannot be determined in advance of, nor in isolation from The Bell (main building) which is an ACV.
- A pub is needed 1000 times over 2 houses.
- The Bell is a social centrepiece of the Bury.
- COVID-19 was used as an excuse to close it.

- The Bell can be community run.

## **CONSIDERATIONS**

### PRINCIPLE OF DEVELOPMENT

The application site is located within the defined settlement boundary of Odiham as defined by the HLP32. Policy SS1 sets out that development will be focused within the defined settlement boundaries as well as on previously developed land.

The policy goes on to set out the Council's Housing requirement and indicates that this will, in part, be delivered through development or redevelopment within settlement boundaries. The supporting text makes it clear that some of the Council's housing requirements will be delivered through windfall sites such as the application site.

Thus, a residential development in this location would be compliant with the adopted spatial strategy of the HLP32 and would be acceptable in principle subject to planning.

### SOCIAL INFRASTRUCTURE / ASSET OF COMMUNITY VALUE DESIGNATION

- Social Infrastructure

Notwithstanding the subject application does not contain the whole curtilage of the Bell, at present, the subject building is ancillary to the Lawful use of the whole site as PH. As such it is relevant to consider social infrastructure matters as part of this application.

Public Houses (PH) are regarded as social infrastructure/ community facility. Adopted policy INF5 is concerned with community facilities in the district. This policy only allows the loss of community facilities in certain circumstances, where it is demonstrated that:

- i. a suitable replacement facility of a similar or improved nature is provided that meets the needs of the local population or its current and intended users; or
- ii. the existing premises are no longer required or viable.

Policy INF5 regards local shops and PH as community facilities, even though these may be privately owned and operated. The reason being that such facilities can contribute positively to and enhance the quality of community life.

Policy 13 of the ONP states that 'Development proposals that will result in either the loss of, or significant harm to, an Asset of Community Value will be resisted, unless it can be clearly demonstrated that the operation of the asset, or the ongoing delivery of the community value of the asset, is no longer financially viable.'

In policy terms, this proposal would involve the loss of a community use, although it is recognised the use has not been in operation since the first COVID-19 lockdown in March 2020 when it stopped its operations permanently.

In terms of criterion i) above, the proposal would neither involve the replacement nor improvement of a community facility, as such this criterion is not engaged. The proposed development would result in a loss of the PH and the applicant has sought to justify the proposed development through the second criterion above, by demonstrating that the premises are no longer required or viable. These tests are discussed below.

Whether the PH is required in the locality. -

The applicant has pointed out that Odiham has a number of PH, restaurants and cafes within Odiham town centre. Four PH are located within a mile of the site, and The Anchor and The Waterwitch, The Bell & Dragon and the Red Lion (the latter two located on the High Street). Additionally, the submitted information notes that there are other PH just over a mile from the application site, these being the Fox and Goose, The Mill House and the Derby Inn.

Therefore, Odiham is well served by this type of community facility. It is acknowledged that none of the examples referenced occupies a similar locational position in Odiham, which public responses to this application refer to as an important aspect of the community fabric of the town. Nevertheless, the other PH cited have a charm of their own and their locations also offer an amenable environment/setting.

As such, in terms of this particular test, the loss of this PH would not prove fatal to the community life and fabric of Odiham, as such this test is regarded as complied with.

Whether the premises are no longer viable. -

The submission is accompanied by a viability study, it states that PH operated in a tied tenancy. This means that a tenant operates a property under a lease agreement and is required to purchase some, or all, of the sold products and services from a particular Brewery or Pub Company at a margin.

The subject PH is described as a traditional 'wet' led pub with a single bar pub operation and limited kitchen facilities. As a result, the trade was entirely 'wet-led' with no further income from food sales.

The study acknowledges the tertiary position of the PH and lack of footfall in relation to the High Street, which is a primary position for these types of facilities but equally acknowledges that there may be 'local' trade as a result of surrounding residential development.

The historic trade detailed in the report shows a downward trend in the barrelage acquired by the PH from the brewery the tied tenancy was bound to. It also notes that the kitchen in the PH is not of a commercial format due to the domestic extraction system and limited size, which therefore cannot offer a viable food service. This put the subject Ph to a great disadvantage in competition terms with other PH in Odiham that are properly set up for adequate food service (e.g., those in the High Street).

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- Site size 0.5 -1.5 acres
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investment along with the limited income from 'wet' sales, it is stated, is likely to result in low profit or potentially negative returns.

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The conclusions from the professional opinion accompanying this application, summarises the short comings of the premises for a successful operation. The hypothetical business case shows the level of return against the capital costs required to achieve and sustain a healthy return would be unlikely to be achieved, all materially hindering a viable long-term operation as a PH.

Additionally, there is a need of substantial investment on the premises, as explained above, to improve the conditions and presentation of the property from the outset. The information submitted demonstrates and reflects reasonably the likely scenario for a PH business operation in the premises, as such officers accept the findings that such a business would not be commercially attractive or commercially viable.

Moreover, as part of the INF5 requirements for the loss of social infrastructure, the supporting text of this policy sets out that to comply with this policy, applications resulting in loss of community facilities are required to demonstrate the following:

- Evidence that an alternative facility could be provided through a change of use/ redevelopment.
- Marketing for a period of at least 12 months; and
- Opportunities made available for the community to be made aware the premises are in the market.

Each of these are dealt with in turn, below.

Evidence that an alternative facility could be provided through a change of use/ redevelopment. -

The redevelopment of the site is simply not an easy option in this case due to the fact the premises are a grade II listed building located within a designated Conservation Area. In terms of exploration of providing an alternative type of social infrastructure in the locality, the submission also contains information of community buildings in the locality that can be used for multiple social activities for the community, those listed in the documentation are:

*"The Cross Barn, Palace Gate Farm, Odiham  
A fine Tudor Barn offering rooms for hire, clubs and classes. The Odiham Society*

*themselves utilise this for many of their gatherings.*

*The Baker Hall, Odiham*

*Home to the Odiham's Scout and Guide troops, this not for profit, community building is available for events of all kinds and also offers community events and get togethers such as Ceilidhs. The Rotary Club of Odiham and Hook supported the refurbishment of the hall in 2019-21.*

*The Bridewell*

*A community building providing Odiham's Library and other services. We understand that this has been gifted to the Odiham Parish.*

*The Vine Church, London Rd, Odiham*

*A large hall with catering kitchen and recently refurbished. Marketing themselves as "the heart for Hart", this building is used for many community events and parties for groups of all age groups.*

*North Warborough Village Hall*

*A large hall with catering kitchen and options to utilise as 2 separate spaces. Offering good size parking, PA systems and disabled access, this is a popular choice and well used by the community.*

*All Saints Church*

*A very large hall with a small catering kitchen, used mainly for community charity events*

*The Parish Rooms*

*Used by the Odiham Council for meetings and other village groups. It is expected to become the centre for archives in the village with historical displays"*

Furthermore, the applicant states that Mayhill School and Robert Mayes School have also been regularly utilised by locally groups and to stage the community pantomime and activities from Odiham Art Group.

It is worth mentioning that the layout and footprint of the building, along with its heritage status would not allow for flexibility to cater for a wide range of community gatherings, which all the above community facilities offer in terms of internal space.

As it stands, therefore, the locality is well provided with community buildings that can cater for a variety of events/gatherings and as such an alternative provision in this building would not be regarded as reasonably justified or necessary. Additionally, given the heritage designation of the building, adaptation and significant changes to layout would be unlikely acceptable on heritage grounds. As such, officers are satisfied this requirement has been complied with.

Marketing for a period of at least 12 months. -

The applicant submitted a marketing report (MR) in support of the application. The MR states that the premises were marketed by Fleurets Commercial Agents in November 2020. As part of this marketing exercise, the applicant acquired ownership of the property completing a land transaction in May 2021 ( before any planning submission for conversion of the premises into residential use and before the ACV designation).

The MR accompanying this application is dated November 2021, however there were previous iterations that accompanied previously withdrawn applications listed in the planning

history above. The current report states that the premises have been marketed for sale since May 2021. Officers are aware that the subject site has been advertised for sale since at least August 2021 (following discussions with the applicant during the first set of planning applications submitted for this site) and confirm the site has continued to be advertised for sale..

The submission states that 5 interested parties undertook viewings of the property within the marketing period; however, they proceeded no further. The reasons why they did not proceed any further than a visit were stated to be that:

- Change of use into residential: too much building work required
- Gastro pub: Not viable
- Investment property: planning permission needs to be in place
- Investment property: project too big
- Commercial (pet/storage): too much building work required

As such Officers are satisfied the marketing exercise was/is undertaken for at least 12 months and confirm the property remains on the market.

Opportunities made available for the community to be aware the PH is in the market. -

Objections received have stated that the applicant has not undertaken appropriate marketing to avoid alerting the local community that the premises are for sale (e.g., 'for sale' signs on the premises or approach local community groups, etc).

It is worth clarifying that neither adopted policy INF5 nor the Assets of Community Value (England) Regulations required any specific marketing strategies are undertaken. In this case, in addition to listing the property online in the Carlin Capital website, Officers are satisfied based on evidence that the applicant has approached the Odiham Society (OS) and the Odiham Parish Council (OPC) and that there have been posts in social media groups 'Odiham Community' and 'Odiham People' indicating the property is for sale.

Officers are satisfied that the premises have been on the market for over a year and that reasonable efforts have been made to make local amenity groups and the OPC aware the premises were on the market at the time and is available.

Officers are also satisfied that the evidence before them concerning other potential buyers have not progressed to a land transaction and the viability report/analysis provided demonstrates that the operation of the premises as a PH business is not viable, and therefore the criteria of planning policy INF5 of the adopted HLP32 and Policy 13 of the ONWNP are satisfied.

- Asset of Community Value Designation

Adopted policy INF5 states that the listing of premises as an ACV will be considered a material consideration. The Bell was designated an asset of community value (ACV) in June 2021. This followed attendance by the prospective owner at a Parish Council meeting in March 2021 to introduce themselves and share their plans for the property.

The Assets of Community Value (England) Regulations 2012 require the legal owner(s) of the ACV to formally notify the Council of their intentions to sell. Despite of the applicant having the property on the market since at least August 2021 and being unaware of the regulations' requirements at that time; the applicant was subsequently made aware by the Council of their obligations under the ACV legislation. They complied with the legislative



requirement of giving formal notice to the Council of their intentions to sell/ put the property on the market on the 21<sup>st</sup> March 2022.

In accordance with the ACV legislation, this notice triggered a moratorium period of 6 weeks (up to 2<sup>nd</sup> May 2022) where the ACV nominating person/group are given preference as a potential bidder for the property. In this case the ACV nominating group was the OPC. Hart District Council made OPC aware about the moratorium period and their priority as bidders for the property. Nevertheless, the OPC confirmed to the Council they did not wish to pursue a bid for the property, and there was no other interest received by the Council within this protected period.

From 2<sup>nd</sup> May 2022 onwards, the legal owner has been free to dispose of the property (for a period of 18 months starting from the date notice was served to the Council) to whoever wants to buy it without having to give preference to local bidders. Therefore, the applicant has complied with the requirements of the Assets of Community Value (England) Regulations 2012.

It is worth mentioning that on the 26<sup>th</sup> May 2022 (after the protected period had ended), a Parish Councillor contacted the Council in a personal capacity to enquire about the status of the current applications and the property. She advised that in her opinion, it may be possible to raise sufficient capital from the community to buy and renovate the subject PH. She also objected to the application in her correspondence and subsequently provided a copy of a petition with comments from the community as to why the subject PH should be saved (available in the public record).

It is clear that a strong community campaign has taken place to seek to save the Bell, It is noted that viewings of the property have taken place and a clear and firm intention to bid for/purchase the property is underway.

The community campaign has made significant progress including raising of capital, public consultation meetings, applications for Grants, which along with public pledges would help to raise the necessary capital.

The campaign has updated officers stating that an outline business plan/strategy has been put together and that there was a plan to set up a publicly limited community interest company. It has been stated that the selling of shares to the public to raise £1M capital (£500k to buy the PH, £500 to repair and renovate the building) would be set up. The interested resident also advised that a further £500k would be sought through grants, donations and loans from local organisations and residents to refurbish and reopen the PH.

Given this progress and the correspondence received along with the considerable efforts conveyed to officers to progress the community bidding process during the months of June-August, officers agreed to delay a decision on the applications until the end of November 2022. This would not only allow activities to obtain the capital necessary for the community project to progress, but would also provide time for a bid and or transaction to take place between the current legal owner and the community group.

It is unfortunate that at the time of producing this report, the community group has been unable to make a formal bid or land transaction with the owner.

It is important to note that the provision of additional time in these circumstances was purely an act of good will. The applicant has discharged their obligations under the Assets of Community Value (England) Regulations 2012 by 2nd May 2022 (expiration of the moratorium -protected- period) there is no legislative requirement or obligation from either

the applicant or the Council to provide additional time for local groups to bid for the property.

The interested resident has advised officers that the decision on her application for the grant for the Community Ownership Fund has been delayed until December, which is a material part of the funding that is being put together for the community project. She has advised that once the outcome of the grant has been announced, then she would be able to make an offer to buy the PH.

Whilst her predicament is noted, the time originally agreed has expired. The applicant, after working with the interested resident since June 2022 and allowing additional time for a formal suitable offer to come forward, which has not materialised, has requested to progress their planning applications, which were put on hold over and above legislative requirements.

The interested resident has also stated that the designation of the PH as an ACV offers protections until 2026 and refers to paragraph 93 of the NPPF 2021 stating that her community project would prevent the loss of the PH in accordance with that NPPF paragraph.

Firstly, the PH was designated as an ACV and such designation lasts for five years (2026). This designation does not mean that nothing can be done with the ACV during the 5 years. The legislation prescribes certain actions/timeframes that the Council, interest groups and the applicant must meet. In this case, the Council and the applicant complied with them. The interest from the resident was submitted after the deadlines prescribed by legislation, therefore at this point in time, there is no legislative preference for bids or any legislative restriction preventing planning proposals associated with the ACV to be considered and decided.

In terms of paragraph 93 of the NPPF, the applicant has demonstrated there is a satisfactory level of provision of social infrastructure in Odiham and, the loss of the PH in this case has been demonstrated to be in compliance with the Local Development Plan, which is the starting position point for decision making.

Officers, in the interest of fairness, consider it necessary to progress this application and present it Committee for a resolution, as officers are satisfied that the information submitted by the applicant demonstrates there is no conflict with objectives of adopted policy INF5 of the HLP32, policy 13 of the ONWNP and the NPPF in this regard.

### DESIGN/ APPEARANCE OF THE DEVELOPMENT

HLP32 Policy NBE9 and saved policy GEN1 of the HLP06 seek to ensure that development achieves a high-quality design and that it would positively contribute to the overall character of the area.

The NPPF 2021 (para. 130) also reinforces the need to promote good design in developments and states that decisions should ensure that developments will:

- function well and add to the overall quality of the area not just for the short term but over the lifetime of the development;
- are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
- are sympathetic to local character ..., including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Policy 5 of the ONP also supports good design that reflects high quality local design references, reinforces local distinctiveness and is in keeping with neighbouring properties.

The design for the external appearance of the subject building would be that of a 'barn conversion'. The proposed approach would be largely respecting the voids/solids in the different elevations with the exception of a couple of adaptations to suit the internal residential environment, however they would be well integrated. Re-using the original barn doors in a converted form would result in a suitable adaptation to maintain the character of the building.

Equally the east face elevation (not publicly visible) would undergo a door replacement and the dilapidated and unsafe external decking would be replaced with a well-proportioned balcony removed from the site boundaries.

The re-laying of the original clay peg tiles of the building accommodating the rooflights proposed would not affect the design and appearance of the building in a significant manner and therefore are acceptable changes to the roof of the subject building.

As such the proposal would not conflict with design policies of the HLP32, HLP06, the ONWNP nor the advice contained in the NPPF 2021 in this regard.

## HERITAGE ASSETS

Policy NBE8 of the HLP32 states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

Paragraphs 195, 199, 200 and 202 are of relevance for determining the significance of a Heritage Asset (HA), assessing the impact on significance and the need to weigh harm.

The Bell is a grade II Listed Building and is located within the Odiham Conservation Area. The subject building is only curtilage listed.

The architectural merit of the building is limited but its significance derive from the more functional character and use for which it was constructed. This is due to the high-level loading doors in either flank of the building and the barn doors facing onto Terry's Alley.

Externally, the north facing elevation would have the timber windows replaced and a doorway would be partly blocked up to insert a further window unit. The removal of the single storey extension would allow for a timber gate to be installed.

In the west facing elevation the high-level loading doors would be replaced by a window with a privacy screen and the ground floor barn doors would be repaired and reinstalled but, in a rail, to partly convert them into sliding doors (one fixed and sliding). There would be a set of French doors centrally positioned.

The east facing elevation would have the external deck/stairs removed/replaced with a painted galvanised balcony and the high-level loading door would be replaced with a glazed window. Finally, the building would have its roof tiles re-laid but with three rooflights installed to the north roofslope and two in the south roofslope.

Internally, the ground floor would have partition walls added to accommodate a WC, pantry and stairs for which the ceiling would have to be cut to allow access to the loft accommodation proposed. At first floor there would be partitioned walls proposed to

accommodate two bedrooms and bathrooms and wardrobe.

The residential conversion is proposed in such a manner as to largely maintain the external barn character of this building, there would be, inevitably, some alterations necessary to achieve a successful conversion.

The internal interventions to the fabric of this building would be the removal of a section of the suspended timber ceiling/attic floor to achieve an internal access to the loft, which currently is only achieved externally. The attic/roof accommodation at roof level would require the alteration/ repositioning of the roof trusses which would turn the attic a usable residential space.

The conversion, therefore, whilst having some positive alterations and being overall suitable, would result in a 'less than substantial' harm (bottom end of the scale) to the significance and character of this curtilage listed building.

However, it has been demonstrated that the prospect of the main PH building this barn is ancillary to accommodating a food/drinking establishment operation or other community use is it is highly unlikely. This as a result of business viability and the capital required to bring the premises to an acceptable standard so they are capable of being re-usable. No local community groups have shown any interest in the premises despite being approached by the applicant and notified by the Council they were priority bidders for the property under ACV legislation (benefit already expired).

Also, local residents, from looking at the documentation accompanying the application, would have been made aware the property has been available in the market for over a year and no one has come forward with a realistic purchasing proposal so far, despite the applicant engaging with a local resident for the last six months.

The unviability demonstrated by this submission and lack of local interest to step forward to purchase, restore and re-use the main building would mean that the future of the curtilage building listed subject to this application is even more uncertain and therefore further deterioration is more likely than not.

The residential proposal before officers, therefore, would be the only viable use that would secure a satisfactory restoration and sustain this heritage asset for the long term, which is a significant heritage benefit.

In terms of the other heritage asset, the Odiham Conservation Area, the external alterations to the building would not cause any demonstrable harm to the Conservation Area character and appearance, as they are considered suitable in this residential context, particularly considering that similar residential conversions in neighbouring properties that front onto Terry's Alley have been given planning permission in recent years.

As such given the low/limited level of harm (less than substantial - bottom of the scale) the proposal would cause to the significance of the heritage asset and considering the heritage benefits the proposal attracts; the proposal would be compliant with adopted policy NBE8 of the HLP32, saved policy GEN1 of the HLP06, policy 6 of the ONWNP and the NPPF 2021 in this regard.

#### QUALITY AND MIX OF RESIDENTIAL ACCOMMODATION

- Quality of residential accommodation

The Council has adopted the Nationally Described Space Standards (NDSS) for dwellings in the HLP32 through policy H6. The space standards set out the minimum gross internal floor areas for dwellings as well as requiring certain minimum sizes of bedrooms.

The dwelling proposed would have a Gross Internal Floor Area (GIA) of 79.8 sqm, meeting minimum requirements of 70sqm for a two-bedroom dwelling of 2-beds for 3 occupants. Although internally the environment would be perceived materially different to new builds, this is due to historic fabric and low ceilings of such historic buildings. This, however, by no means would result in an unacceptable environment. Once adequately repaired and refurbished, the internal environment would be satisfactory. No concerns are raised in this respect.

Externally, the property would be provided with limited outdoor amenity space for recreation purposes. A balcony only, however the Local Planning Authority does not have any standards set in the local policies. Additionally, the site constraints, historical value and use of the subject building in a central location result in a limited outdoor space, however the fact there is public open space within walking distance, the on-site shortage in this case would not be fatal to the application.

- Mix of residential accommodation

The proposal contains a small unit of accommodation, a 2-bedroom dwelling. Adopted policy H1 (Market Housing) and its supporting text make clear that the highest housing need in the district is 2 beds and 3 beds dwellings. As such, the proposal would comply with adopted policies H1 and H6 of the HLP32, policy 4 of the ONWNP and the NPPF 2021 in these regards.

#### IMPACTS ON RESIDENTIAL AMENITY

Policy NBE11 of the HLP32 supports development which does not give rise to, or would not be subject to, unacceptable levels of pollution. Saved policy GEN1 of the HLP06 supports development that, amongst other requirements, causes no material loss of amenity to adjacent properties.

Paragraph 130 of the NPPF 2021 advises that planning decisions should ensure that developments achieve a high standard of amenity for existing and future users and also do not undermine quality of life for communities.

The proposed conversion is largely working with the fabric of the building and existing openings (with the exception of alterations to ground floor doorways (x2)). Representations received raised concerns about loss of privacy as a result of the west facing high level window proposed (replacing a loading barn opening). A site inspection revealed that existing properties facing each other's along Terry's Alley at a distance of approximately 3.30m from each other have windows facing directly each other.

This historic area of Odiham has a tight building grain, so it is not unusual such a relationship and the proposal would not introduce a relationship between dwellings that is not unseen in the surroundings. It should be noted that the cill of the window in question would be levelled with the floor of the first level as opposed to being the typical 1.1m above it, so the opportunity for direct overlooking of neighbouring premises is reduced, when compared to other dwellings in the alley. Also, a screen in front of this window is proposed that can further reduce any perceived impacts on neighbours by directing outlook in certain direction.

Furthermore, the only other instance where impact on neighbours could arise s due to the

balcony proposed, as this area is enclosed by a residential building adjoining the site. This neighbouring building to the site features a clay roof sloping away from the application site, which features a rooflight and a dormer. The dormer is directly above the single storey extension proposed for demolition and is directly facing onto Terry's Alley. The rooflight is south from it and therefore closer to the area where the balcony is proposed.

Currently the external deck providing access to the loft of the subject building extends to the boundary with this neighbouring property and would provide higher opportunity to look into the rooflight at close proximity. However, it is acknowledged there has not been any residential use occurring in the building.

The proposed balcony would be set back 0.60m away from the site's boundary. Whilst someone standing in the balcony in the north-eastern corner would almost be directly opposite the rooflight at a distance of 1.6m to the centre of it, because of the position of the rooflight in the roof slope, there would not be opportunity to look into it. Also, in terms of the dormer window when someone standing anywhere along the northern end of the balcony, the views into its windows would be so oblique that there is no privacy impact anticipated.

The balcony would also achieve some views of the outdoor courtyard within the site; however, a timber screen could be incorporated to minimise overlooking if the planning application for the residential conversion of the main PH Listed Building is supported by Council.

The roof lights proposed would not cause any impact on neighbours.

The proposal, therefore, would not cause material impacts on neighbouring amenity as such compliance with adopted policies NBE9 of the HLP32, saved policy GEN1 of the HLP06 as well as the aims of the ONWNP and the NPPF 2021 in these respects.

### HIGHWAYS, SAFETY, ACCESS AND PARKING

Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improve accessibility to services and support the transition to a low carbon future.

Saved policy GEN1 of the HLP06 supports developments that do not give rise to traffic flows on the surrounding road network which would cause material detriment to the amenities of nearby properties and settlements or to highway safety.

Paragraph 111 of the NPPF 2021 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The proposal does not involve any new vehicular access or alterations to highway. As such there would not be any highway safety concern to raise. The Highway Authority did not raise any.

The subject site does not benefit from any off-street car parking, that has been a fact throughout the years the site operated as PH. The proposal does not change this long-established situation and there are not steps that can be taken to address this.

The fact is that the site is located in a sustainable location, the proposal includes cycle parking, and it is a short walking distance from the high street where there is accessibility to services, goods and public transport. This level of accessibility falls well within the

sustainability objectives of adopted policy INF3 of the HLP32, saved policy GEN1 of the HLP06, policy 5 of the ONWNP and the NPPF 2021, as such the on-site car parking shortage would not warrant refusal of this application.

## BIODIVERSITY, TREES AND LANDSCAPING

### - Biodiversity

With regards to biodiversity, Policy NBE4 of the HLP32 states that: 'In order to conserve and enhance biodiversity, new development will be permitted provided:

a) It will not have an adverse effect on the integrity of an international, national or locally designated sites.

b) It does not result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;

c) opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity are taken where possible, including the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. All development proposals will be expected to avoid negative impacts on existing biodiversity and provide a net gain where possible'.

Biodiversity matters were assessed, and it was found by the applicant's Ecologist that there appeared to be a brown long eared bat roosting. However, the ecology submission outlines a mitigation strategy and the Council's Ecologist finds acceptable and requires it is implemented under a Natural England license.

The ecology submission also outlines biodiversity enhancements that although limited opportunities due to the site constrains, could be implemented. All biodiversity matters can be the subject of conditions/ informatives.

### - Trees

In terms of trees, saved policy CON8 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value, planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these features. planning conditions may be imposed to require the planting of new trees or hedgerows to replace those lost.

The proposal is in a central location and there are no trees on site, as such no concerns are raised in this regard.

### - Landscaping

Adopted policy NBE2 requires that development proposals include a comprehensive landscaping scheme to ensure that the development would successfully integrate with the landscape and surroundings.

Given the nature of the site and its location landscape opportunities are not possible. In this instance, no concerns are raised in this respect.

## FLOOD RISK AND DRAINAGE

Policy NBE5 (Managing Flood Risk) of the HLP32 sets out five criteria when development would be permitted, in this case the applicable criteria are:

- Over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding;
- If located within an area at risk from any source of flooding, now and in the future, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests where necessary;
- Within Causal Areas (as defined in the SFRA) all development takes opportunities to reduce the causes and impacts of flooding.

The application site is within flood zone 1 for river flooding and the site does not present any issues with surface or ground water flooding. Since there would be no material alterations to existing levels of hardstanding, no policy conflicts are anticipated in this case.

## SUSTAINABILITY AND CLIMATE CHANGE

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the Hart District. Policy NBE9 of the HLP32 requires proposals to demonstrate that they would:

- i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and
- j) they incorporate renewable or low carbon energy technologies, where appropriate.

In this instance the proposal does not comprises any installation of low carbon/renewable technologies. It would re- use a vacant curtilage listed building. Also, the fact that the existing building is a heritage asset, the incorporation of green technologies would be likely to have an impact on the character/appearance and significance of this building.

The fact that this heritage asset would be reused by the applicant, rather than finding a different site and build new dwellings, would greatly contribute towards sustainability objectives. Historic England's approach to climate change seeks to look at how re-using existing historic building stock, rather than rebuilding, this in itself would help meet carbon targets. Re-using the historic building stock also saves energy and carbon dioxide through better maintenance, management and simple energy efficiency measures in the daily operations/activities within the buildings.

As such no concerns are raised in terms of Policy NBE9 of the HLP32.

## EQUALITY

The Council has a responsibility to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act and those who do not. The Public Sector Equality Duty under the Equality Act 2010 identifies 'age' as a 'protected characteristic'. The proposed development would provide accommodation for older persons and the application raises no concerns about equality matters.



## OTHER MATTERS

The archaeologist noted that the proposal would incorporate underfloor heating and there are not enough details to establish whether excavation would be necessary and how deep. He stated that if there were a need for it, shallow excavation would not present a concern (up to 30cm).

From researching on underfloor heating requirements, such installation requires 100mm-150mm but insulation has to be considered as well. The drawings show the bottom section of the insulation would be 290mm below the floor level inside the subject building. A planning condition to this effect can be suggested if the Council is minded to support the development, however such condition would be suggested as part of the parent Listed Building Consent to this application (22/00229LBC). which is also under consideration.

## PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. An important material consideration is subsection d) of Paragraph 11 of the NPPF, wherein the 'tilted balance' would apply if the adopted development plan has no relevant policies or relevant policies are out of date.

The LPA has carefully considered the character/appearance and significance of the Heritage Asset, great weight has been given to the heritage asset's long-term conservation, as per requirements of paragraph 199 of the NPPF 2021.

In this case, it has been identified by the Council's officers there would be harm and benefits arising from the proposal and as such it is important to note the public benefits and weigh them.

### - Social benefits/harms

Benefits would arise as a result of the provision of a small unit of accommodation in a sustainable location in the district for which there is high demand. This is a significant benefit, but it has to be acknowledged the Council currently has a 10+ years of housing land supply in the district;

No social harms are identified as a result of the conversion proposed for this building as it has always been an ancillary to the PH on the land up to 2020.

However, it has been demonstrated that a food/drinking operation in the main PH building is unviable and there is no prospect for this or other community use to be undertaken on the main PH building as no local ground or local residents have come forward up to now with a realistic proposal to acquire the PH building. As such the prospect of the subject building being re-used is even lower. The applicant has also demonstrated there is a good level of social infrastructure/community facilities in Odiham and there is no shortage of PH for local people to meet and socialise.

### - Economic benefits/harm

The benefits attracted by the proposal would be employment during the refurbishment/conversion of the building and the additional expenditure in the local economy during this process and following occupation. These benefits would be moderate

No economic harm has been identified in this respect, as the PH business closed its doors in March 2020 and the applicant has demonstrated that such a business would not be economically viable going forward.

- Environmental benefits/harm

Benefits would arise a result of re-using an existing PDL site in the settlement and an existing historic building stock rather than rebuilding or a new built.

Benefits would arise due to the restoration of the building's fabric and the long-term sustainability of the heritage asset which would contribute to the preservation and management of historic buildings in Odiham, resulting from the optimum viable residential use before officers. This would attract a significant benefit and significant weight.

The harm identified at a 'less than substantial' level at the bottom end of the scale would rise as a result of the limited intervention to the historic fabric of this curtilage listed building, in terms of removing a section of the timber suspended ceiling and works to roof truss required, however they are necessary and justified to accommodate the residential use proposed.

Considering the significance and weight attributed to the above benefits versus the limited harm identified which by its nature is attributed limited weight, the proposed development would result in material benefits that would far outweigh the limited harm that would be caused by the proposal.

As such the development would be, overall, in accordance with the policy objectives of the HLP32, the HLP06, the ONWNP and the NPPF 2021 in relation to the principle of the development, social infrastructure/ community facilities, design heritage assets, neighbouring amenity, highways, flood risk/ drainage and sustainability.

## **CONCLUSION**

The Development Plan Policies and the NPPF requires that sustainable development be approved without delay. The application proposal complies with the requirements of the relevant policies of the Development Plan and the site is considered to be sustainable and accessible in terms of its location, use of PDL and an historic building. The provision of additional housing is a significant benefit, and this development would help meet that need through the delivery of a windfall site.

Also, the heritage benefits identified would outweigh the limited heritage harm. There would not be adverse impact on highways, drainage, neighbouring amenity, biodiversity, trees and landscape. The proposed development would comply with the adopted policies of the HLP32, HLP06, ONWNP and with the NPPF 2021 and is therefore acceptable subject to planning conditions as detailed below.

## **RECOMMENDATION – Grant**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

### **REASON:**

To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 2 The development hereby permitted shall be fully implemented in accordance with the following plans/documents (including any mitigation/recommendation/enhancement contained therein):

Plans:

34L11 (Ground Floor, Existing and Proposed Layouts), 34L12 (First Floor, Existing and Proposed Layouts), 34L13 (Roof Plan, Existing and Proposed Layouts), 34L14 (Elevations, Existing and Proposed), 34L15 (East Elevation+ Sections, Existing and Proposed)

Documents:

Heritage Statement / Design and Access Statement prepared by Consilian Ltd (February 2022), Viability Study prepared by Savills (October 2021), Pub/Restaurant minimum requirements email form Carlin Capital (May 2022), Viability Opinion Letter prepared by Savills (April 2022), Marketing Summary Update (dated February 2022), Marketing Summary Update (dated May 2022), Planning Policy Assessment prepared by Murray Planning Associates Ltd (April 2022) Preliminary Roost Assessment prepared by the Ecology Partnership (dated June 2021).

REASON:

To ensure that the development is carried out in accordance with the approved details and in the interest of proper planning.

- 3 No development shall commence on site until details of a construction management plan are submitted to and approved in writing by the Local Planning Authority and shall include but not limited to the following:

- i) Construction worker and visitor parking;
- ii) Anticipated number, frequency and size of construction vehicles;
- iii) Dust and Noise/Vibration mitigation measures;
- iv) Dust suppression measures;
- v) Site security;
- vi) Vehicle manoeuvring/ turning and measures to avoid conflicts along the site access track with vehicles not associated with the construction of the development;
- vii) Locations for the loading/unloading and storage of plant, building materials and construction debris and contractors offices;
- viii) Procedures for on-site contractors to deal with complaints from local residents;
- ix) Measures to mitigate impacts on neighbouring highways; and
- x) Details of wheel water spraying facilities;
- xi) Protection of pedestrian routes during construction;

Once approved, the details shall be fully implemented and retained for the duration of the works.

REASON:

To protect the amenity of neighbouring residents and to ensure adequate highway and site safety in accordance with Policies NBE11 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 and saved policy GEN1 of the Hart District Local Plan 1996-2006 (Saved Policies), the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 4 Notwithstanding the information submitted with this application, no development shall commence (except demolition permitted by this planning permission) until details of

biodiversity enhancements outlined in the Preliminary Roost Assessment approved under condition no. 2 are submitted to and approved in writing by the Local Planning Authority.

The details approved shall be fully implemented prior to first occupation of the development hereby approved.

**REASON:**

In the interest of biodiversity in the site and locality, in accordance with Policy NBE4 of the Hart Local Plan (Strategy and Sites) 2016-2032 and the NPPF 2021.

- 5 Notwithstanding the information submitted with this application, details of a privacy screen to be incorporated to the southern end of the balcony hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the balcony installation.

The details shall be fully implemented as approved prior to first occupation of the dwelling hereby approved and retained thereafter.

**REASON:**

In pursuance to satisfactory level of neighbouring residential amenity and to satisfy Policy NBE9 of the adopted Hart Local Plan and Sites 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 6 No development, demolition work or delivery of materials shall take place at the site except between 07:30 hours to 18:00 hours on weekdays or 08:00 to 13:00 hours Saturdays. No development, demolition/construction work or deliveries of materials shall take place on Sundays or Public Holidays.

**REASON:**

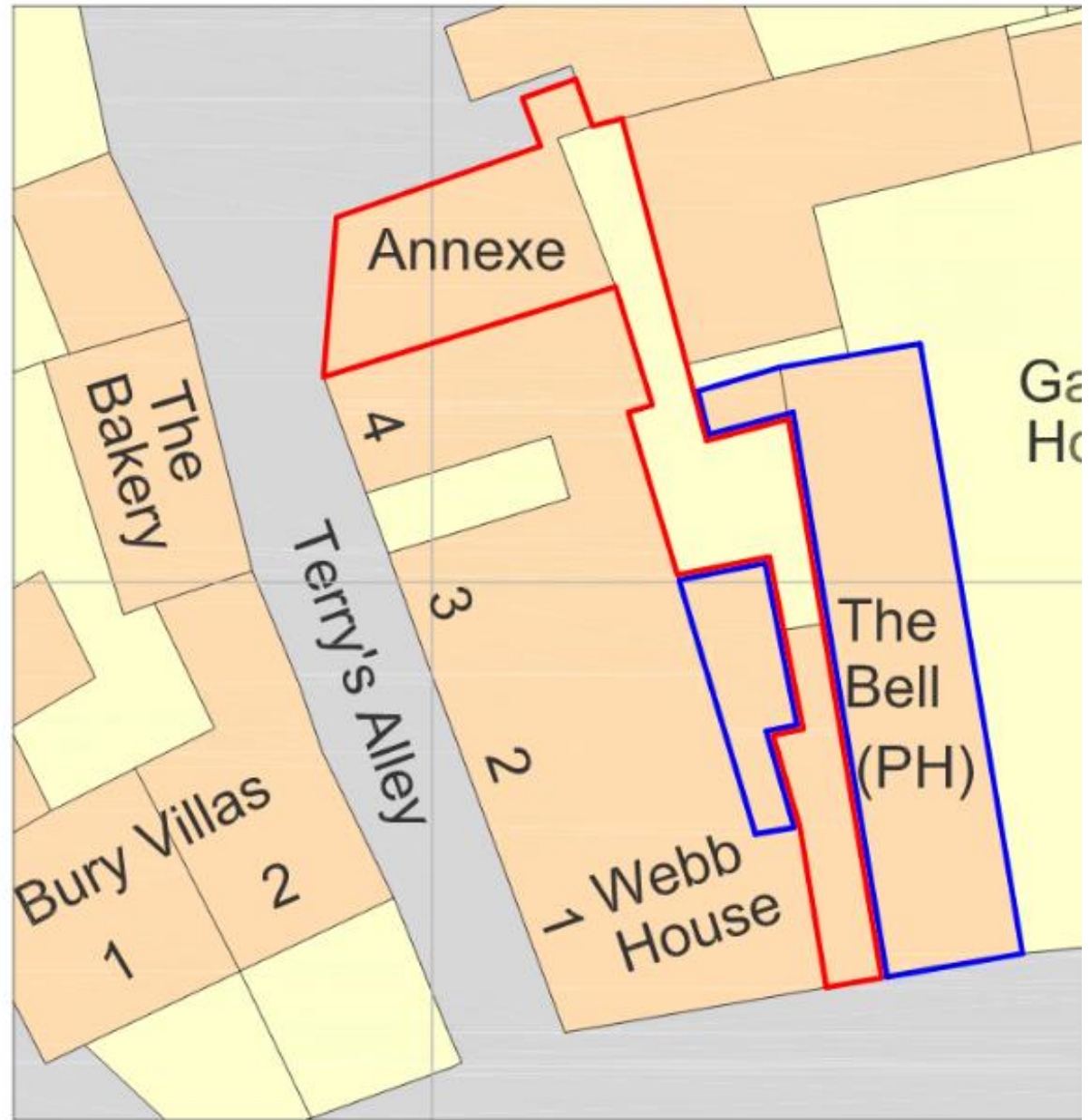
To protect the residential amenity of adjoining/nearby residential occupiers and to satisfy to satisfy Policy NBE11 of the adopted Hart Local Plan and Sites 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

## **INFORMATIVES**

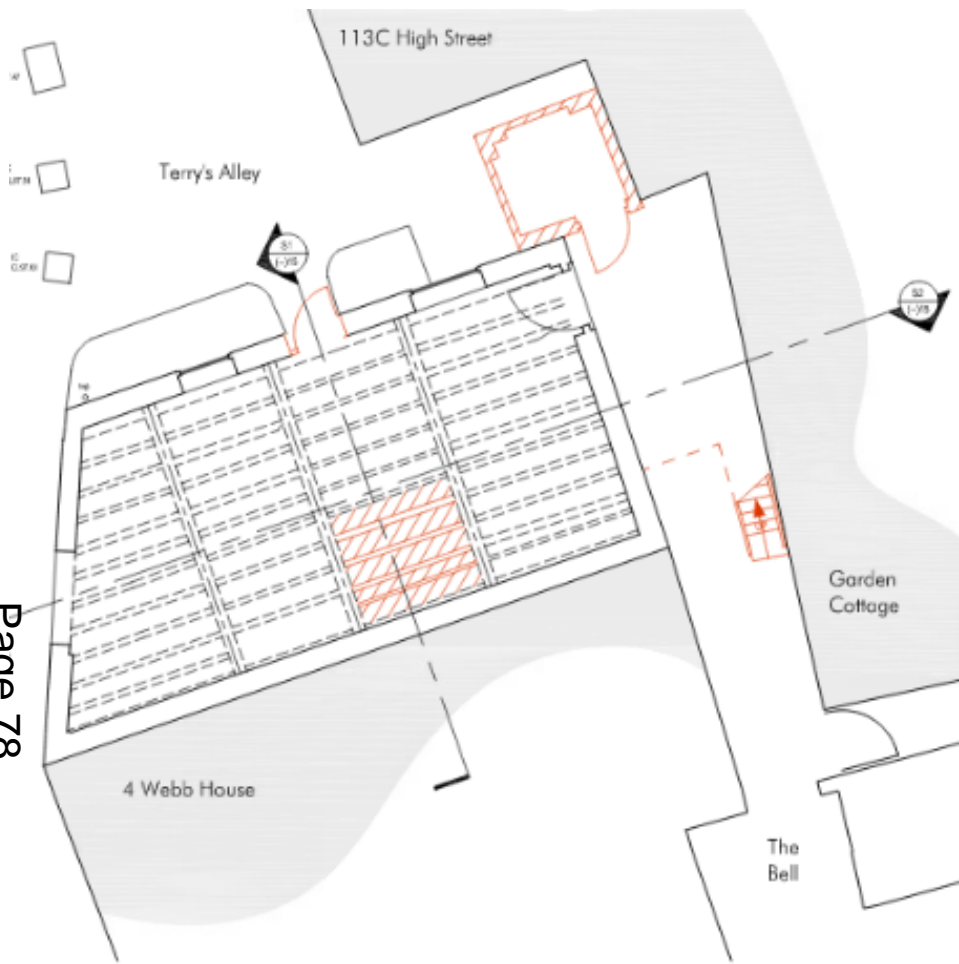
- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application and once received, further engagement with the applicant was required and the application was subsequently acceptable.
- 2 The applicant is advised that the Bat mitigation strategy approved under condition no. 2 should be undertaken under appropriate Natural England license. Under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species, and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact Natural England (S.E. regional office) on 0238 028 6410.



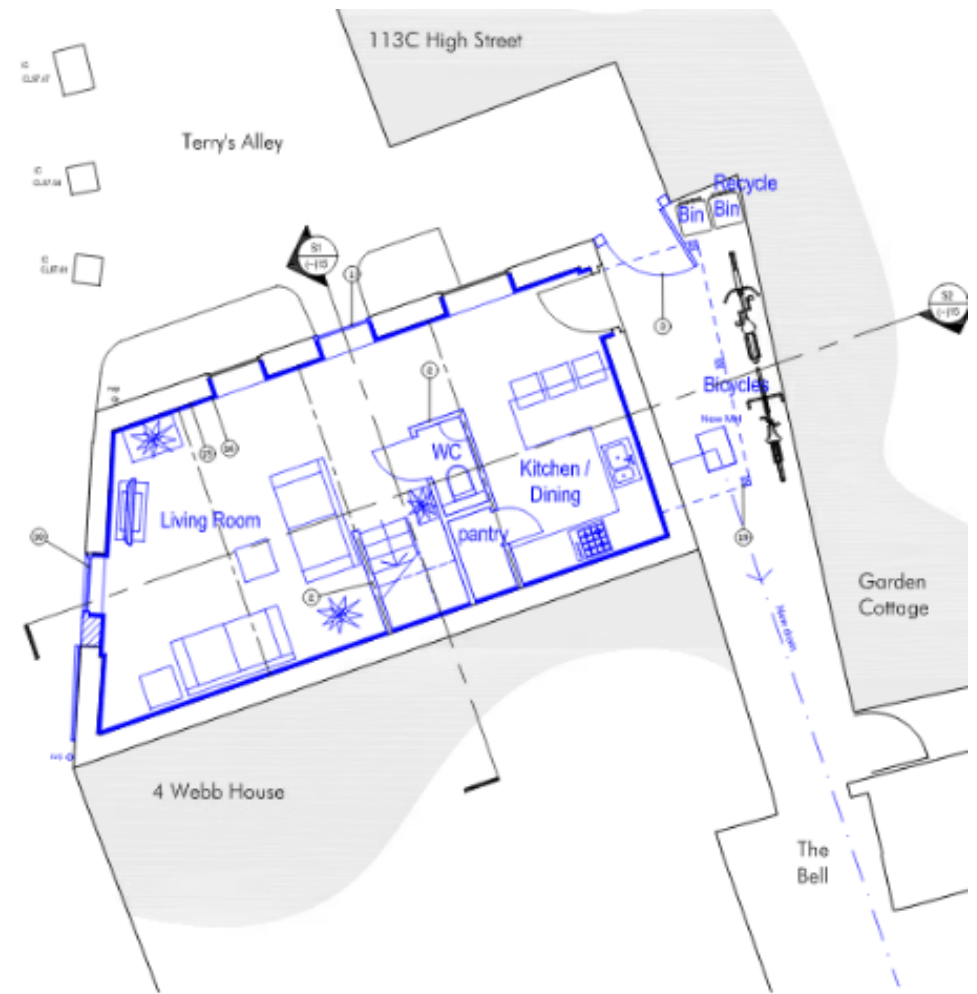
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**LOCATION AND BLOCK PLAN**



Existing Ground Floor Layout / Reflected Ceiling Plan

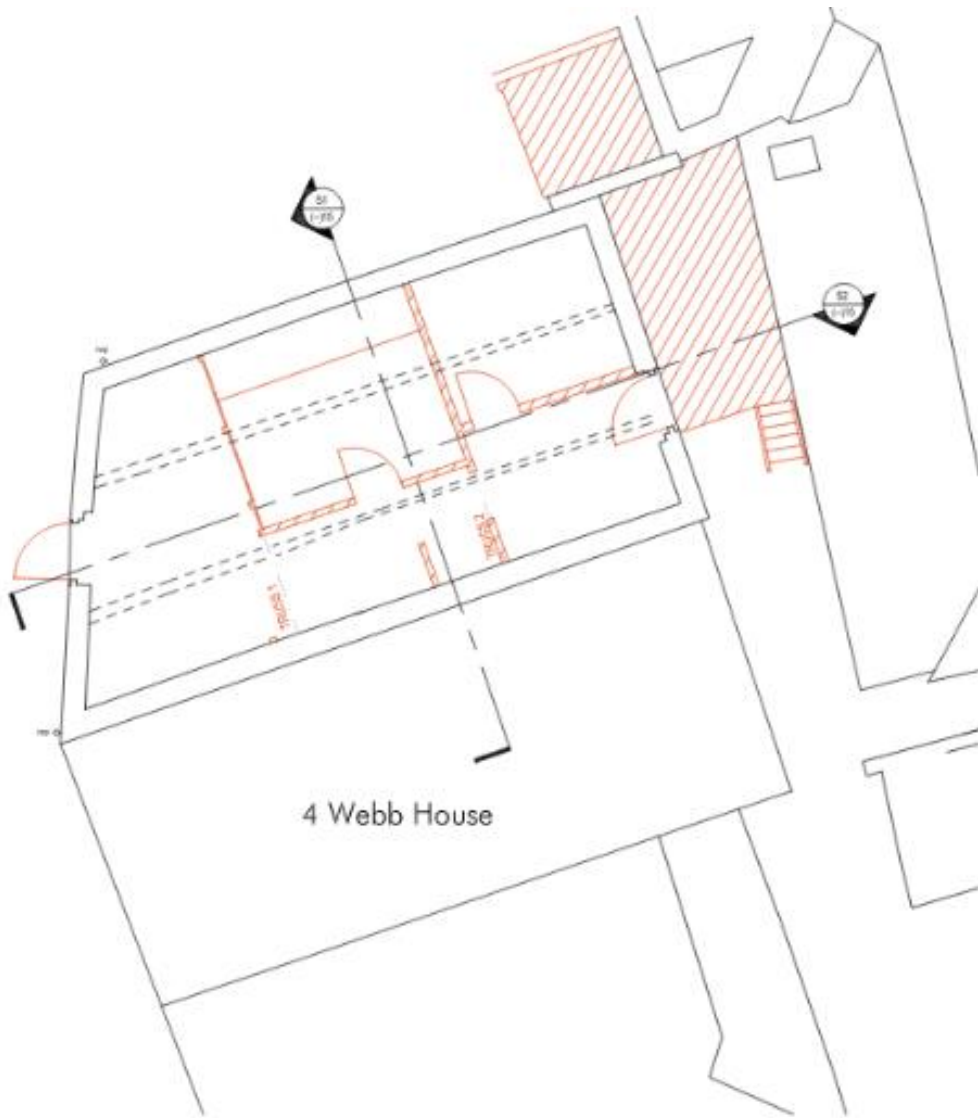


Proposed Ground Floor Layout

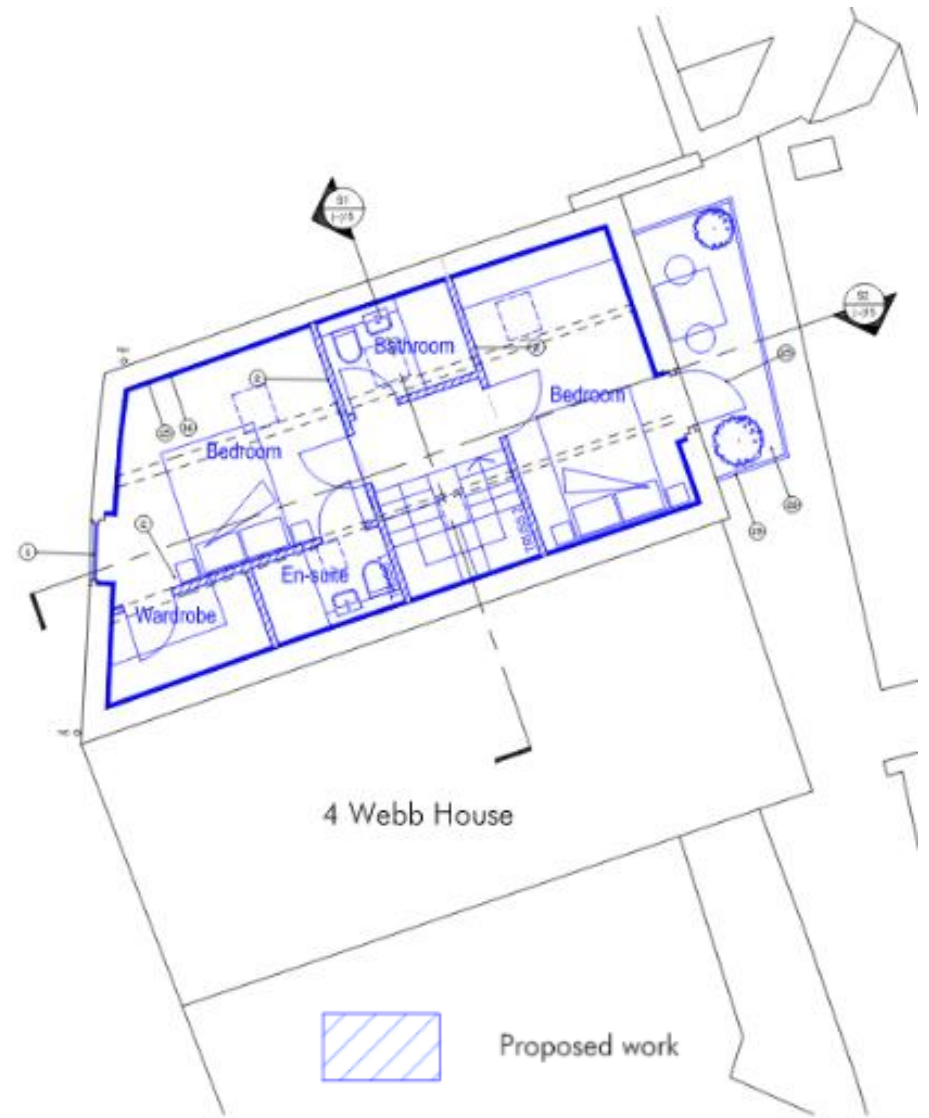


Proposed work

**GROUND FLOOR (EXISTING AND PROPOSED)**



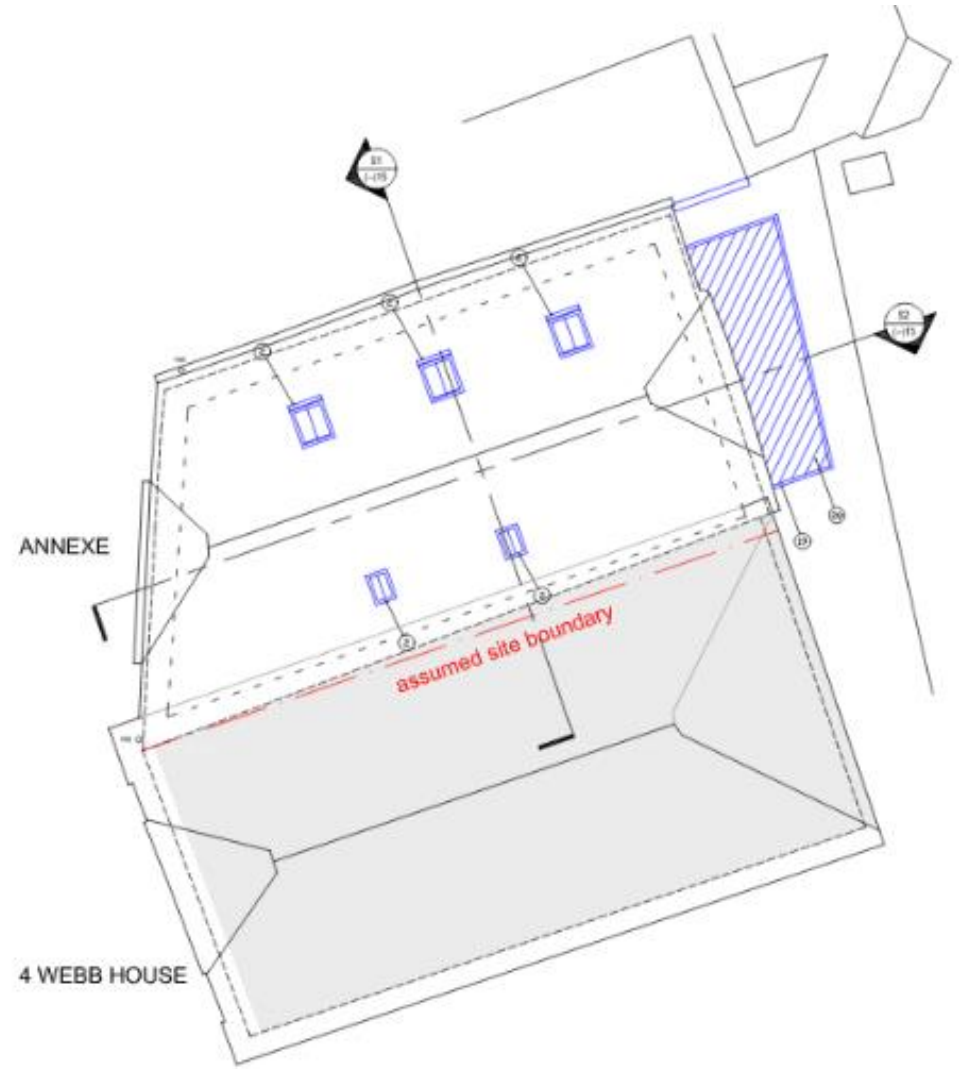
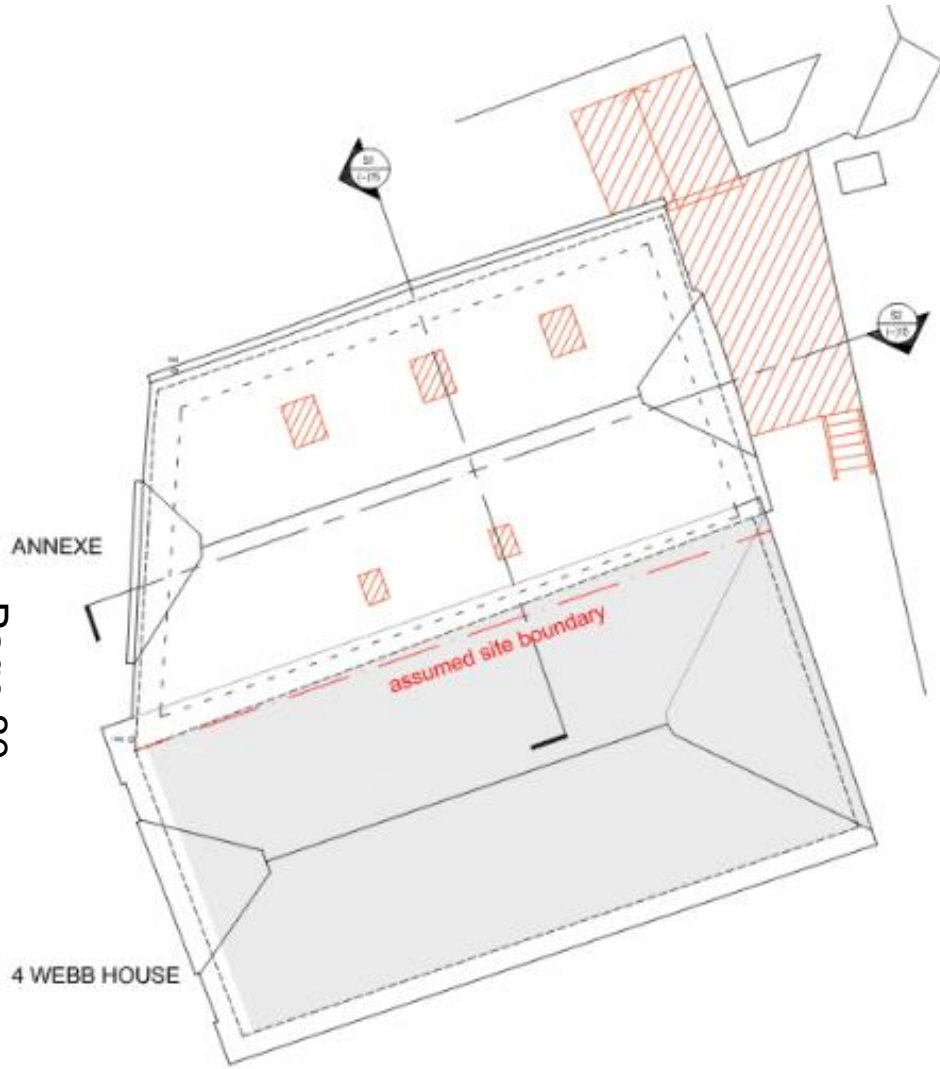
Existing First Floor Layout



Proposed First Floor Layout

 Proposed work

**FIRST FLOOR (EXISTING AND PROPOSED)**



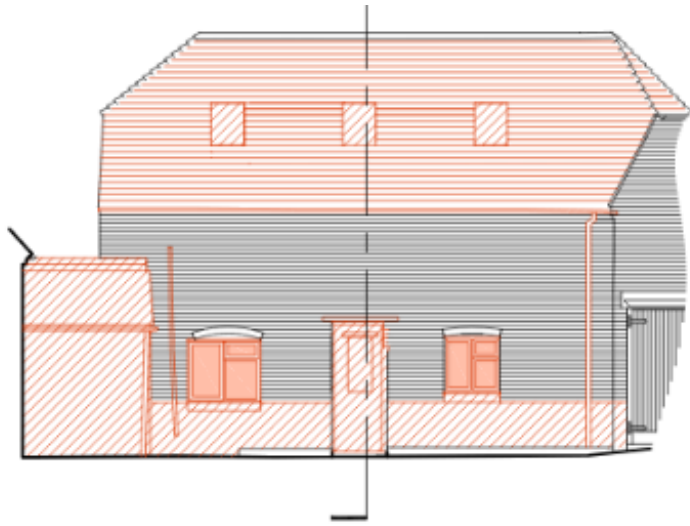
Proposed work

Existing Roof Plan

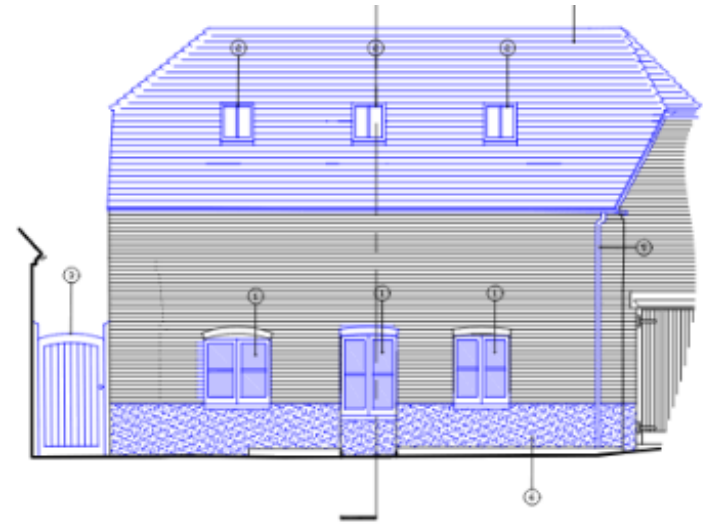
Proposed Roof Plan

**ROOF PLAN (EXISTING AND PROPOSED)**

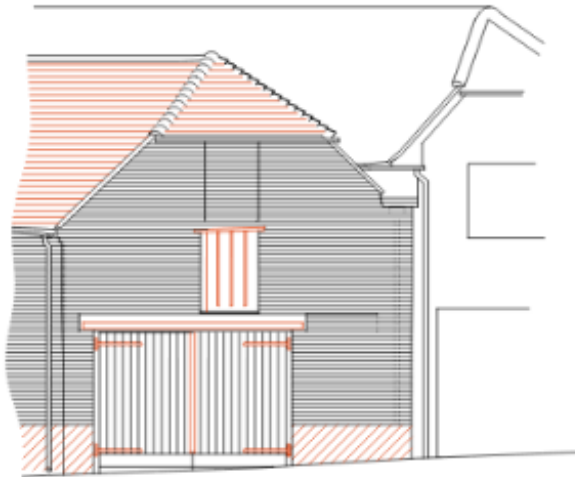




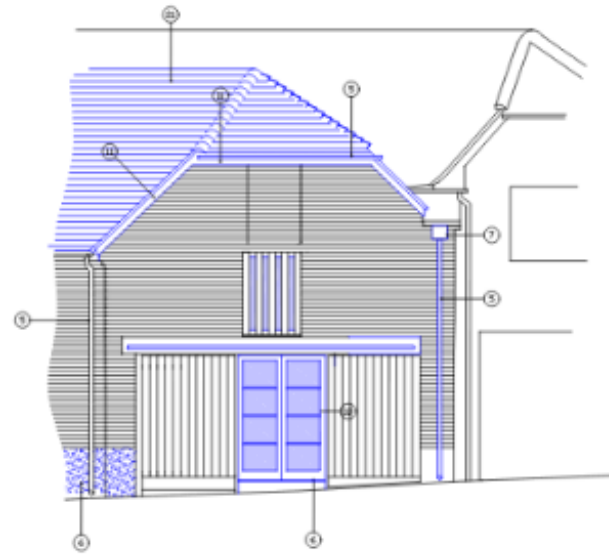
Existing North Elevation



Proposed North Elevation



Existing West Elevation



Proposed West Elevation

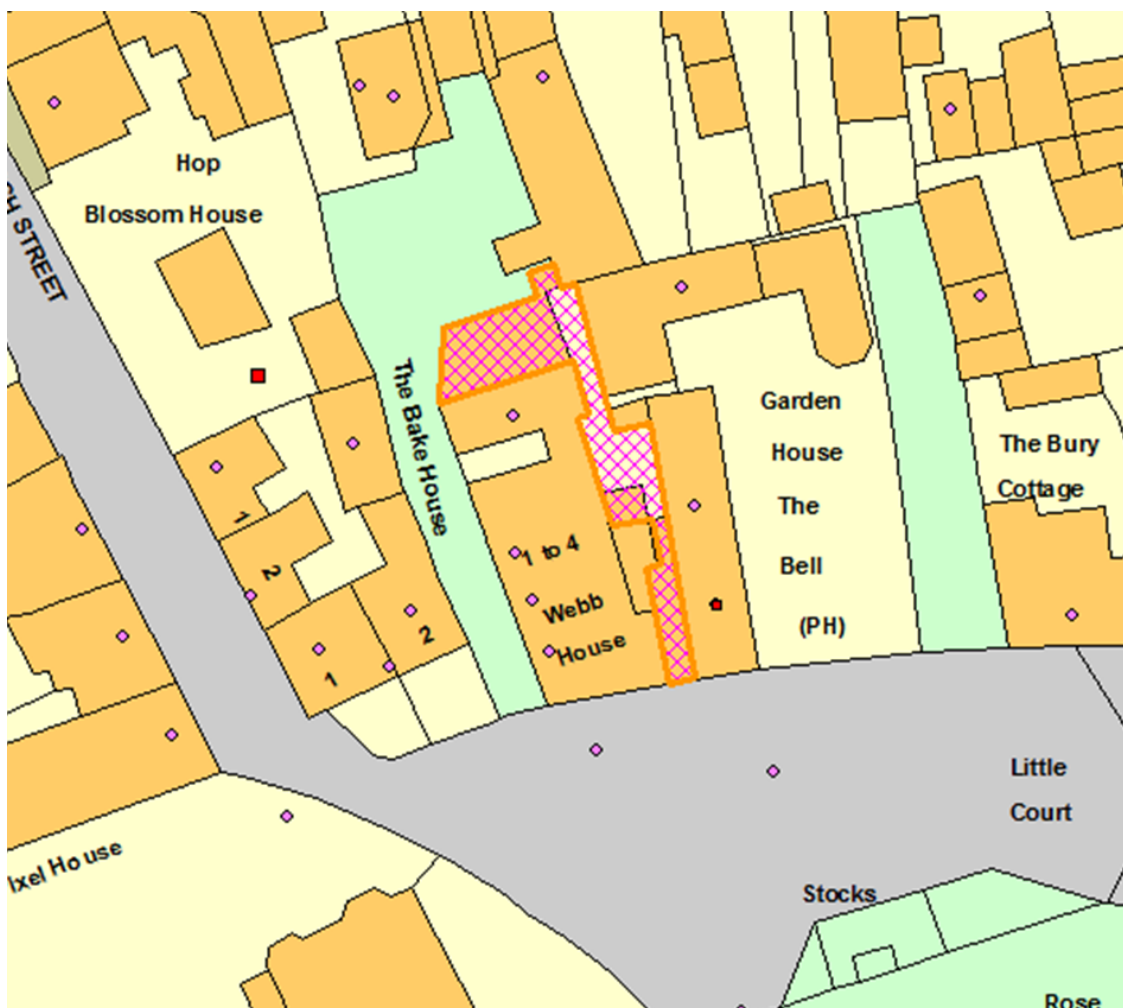


Proposed work

**ELEVATIONS (EXISTING AND PROPOSED)**

**COMMITTEE REPORT  
ITEM NUMBER:**

APPLICATION NO.	22/00229/LBC
LOCATION	<b>The Bell Ph The Bury Odiham Hook Hampshire RG29 1LY</b>
PROPOSAL	Change of use of outbuilding into a two-bedroom dwelling with associated internal/external alterations and first floor external balcony (following demolition of external deck/stairs and single storey extension).
APPLICANT	Mr Paul Rodger
CONSULTATIONS EXPIRY	6 June 2022
APPLICATION EXPIRY	6 April 2022
WARD	Odiham
RECOMMENDATION	<b>Grant</b>



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## **BACKGROUND**

This planning application is brought to Planning Committee at the discretion of the Executive Director - Place. This is in line with Appendix A (1b) of the Council's Constitution relating to the Scheme of Delegation.

## **SITE**

The building known as The Bell was formerly a Public House (PH) which stopped trading as a result of the COVID- 19 pandemic in March 2020. Whilst the site and building has evolved in a phased manner over several centuries its established historic use is that of a public house or inn with ancillary related outbuildings.

The building was added to the national heritage list in July 1952 and the history of the site appears to be intertwined with that of Webb House which is also a statutory listed building to which The Bell is adjoined. Webb House was formerly used as a Royal British Legion premises but is now in a residential use. Webb House was also first added to the national list in July 1952.

At present, the lawful use of the site and buildings is as a public house although currently premises are unoccupied.

## **PLANNING DESIGNATIONS**

- The site is within the Odiham settlement boundary.
- The site falls within the Odiham Conservation Area.
- The site is occupied by a curtilage Listed Building.
- The site falls in an area of Significant Archaeological features.
- The building forms part of an asset of community value (ACV) designation.

## **PROPOSAL**

Listed Building Consent is for the external/internal alterations to the subject Annex building associated with its conversion into a two- bedroom dwellinghouse. The alterations proposed are listed as follows:

External:

- Demolition of single storey lean-to allow rear access to courtyard and installation of entrance gate.
- Replacement of external staircase, 1st floor deck and landing door with balcony/ balustrade supported on three columns and a glazing door.
- Replacement of badge boards in east and west elevation.
- Replacement of door in the north facing elevation with low brick wall/ casement window.
- Replacement windows x no. 2 in north elevation.
- Re- rendering of bottom section of northwest facing elevation.
- Width reduction of ground floor opening and installation of French doors in west elevation, and modified retention of barn doors, one fixed and one to be fixed with a sliding mechanism.
- Conversion of high-level loading door into a window by repairing/ converting into a 'hit and miss screen' by removing every other timber plank. Installation of window behind.
- Installation of conservation rooflights no.3 to north roof slope and no.2 to south roof slope.

- Rebuilding of concealed box gutter along the edge of the building adjoining no. 4 Weeb House.
- Installation of cast iron gutters and downpipes.
- Roof to be stripped and renewed, reusing existing materials and retaining original features (as far as possible).

Internal:

- Addition of insulated limecrete floor with underfloor heating.
- Creating an opening to suspended ceiling to allow installation of staircase to access roof space (Removal of 4x joists and floorboards, infill battens, plasterboard and shipboard roof coverings)
- Internal fit out - staircase/ partitions/door sets, kitchen and bathroom fittings/fixtures.
- Renewal of electric installation, installation of water supply/wastewater disposal/ gas boiler and mechanical ventilation.
- Internal addition of thermal insulation to building envelope (walls and roof)
- Roof trusses modifications to allow passageway to achieve head room and repositioning to match floor frame and proposed internal layout.

It is worth noting this proposal would share the rear entrance with the rest of the buildings on site, which are part of the section of the and outlined in blue colour in the location plan submitted.

## RELEVANT PLANNING HISTORY

The planning history consist of several applications for advertisement consent and external lighting. The associated Listed Building consents are also part of the list. The most relevant planning history is listed below:

21/02877/FUL & 21/02878/LBC - Pending consideration

Change of use of public house to form 2 x two-bedroom dwellings with associated internal and external alterations (following part demolition of external toilet block).

21/03241/FUL - Withdrawn, 31.01.2022

Change of use of outbuilding into a two-bedroom dwelling

21/01483/FUL & 21/01484/LBC - Withdrawn, 19.10.2021

Change of use of public house to form two dwellings with associated single storey side extensions, demolition and internal and external alterations.

21/01655/FUL - Withdrawn, 19.10.2021

Change of use of outbuilding into a two-bedroom dwelling

19/01823/LBC - Granted, 14.10.2019

Repair works and reconstruction of failing rear flanking wall and part of side walls.

Reconstruction of failed masonry riser and foundations. Localised timber repairs to rotten timber beams located at the rear.

17/02406/CON - Granted, 11.03.2019

Approval of conditions 2- structural details- and 3- samples of render, brick and mortar- pursuant to 17/02406/LBC.

17/02406/LBC - Granted, 12.12.2017

Repair works and reconstruction of failing rear flanking wall.

## **RELEVANT PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant adopted Development Plan for the District includes the Hart Local Plan: Strategy and Sites 2032 (HLP32), the saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP06) and the Odiham and North Warnborough Neighbourhood Plan 2014-2032. Adopted and saved policies are up-to-date and consistent with the NPPF (2021).

### Adopted Hart Local Plan - Strategy and Sites 2032 (HLP32)

NBE8 - Historic Environment  
NBE9 - Design  
INF5 - Community Facilities

### Saved policies of the Hart District Local Plan (Replacement) 1996-2006 (HLP 06)

GEN 1 - General Policy for Development

### Odiham and North Warnborough Neighbourhood Plan 2014-2032 (ONWNP)

Policy 5 - General Design Principles  
Policy 6 - Odiham Conservation Area  
Policy 13 - Assets of Community Value

### Other relevant material considerations

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance (PPG)  
Section 66(1) and 72 of the Planning (Listed Building and Conservation Areas) Act 1990  
The Assets of Community Value (England) Regulations 2012

### Other guidance

Odiham and North Warnborough Conservation Area Character Appraisal (2022)

## **CONSULTEES RESPONSES**

### **Odiham Parish Council**

Objection

- Lack of parking.
- Lack of amenity space.
- Development of these outbuildings could impact on the remainder of the site operating as a pub.
- The Bell is an Asset of Community Value; its future is still undecided. The future of this outbuilding should not be decided until the future of The Bell is decided. If this building becomes a dwellinghouse it would remove vital storage for the public house.
- No parking provision has been made, as such the application does not meet Hart's parking guidelines
- Parking provision could be achieved by installing an integral garage.

## **The Odiham Society**

### Objection

Any change of use of the outbuilding should only be considered in conjunction with the main pub building, as it would be useful to anyone wanting to run the pub, which must still be allowed for, given its status as Asset of Community Value.

## **County Archaeologist**

No objection, with the following comments:

- With regard to the below ground impact of the proposal, I note that under floor heating is intended below a screed layer, but it is not clear to me if this layer is to be built up or dug down, and if dug down to what depth. I would be grateful if some clarification could be sought, if the excavation is relatively shallow (up to circa 30cm) I would not raise any below ground archaeological issues.

## **Conservation/Listed Buildings Officer (Internal)**

No response received.

### **NEIGHBOUR COMMENTS**

The 21-day public consultation expired on 23.03.2022. At the time of writing the Officer report there were 4 public representations received in objection to the proposal. The grounds of objection listed below:

#### Heritage

- Special attention should be paid to the desirability of preserving or enhancing the character and appearance of the area.
- Negative impacts to its special interests and contribution to the character of the locality.

#### ACV designation

- Support other objections about The Bell and it's outbuilding conversion into housing.
- The Bury area is actively used for popular local events throughout the year.
- The Bell should be retained as a Community Asset.

### **CONSIDERATIONS**

The main considerations to this application for listed building consent relate to the impact of the proposals on the significance of the subject curtilage listed building.

When considering this application, the Local Planning Authority must have regard to the desirability of preserving the building or its setting, or any features of special interest (architectural or historic) as set out by the Planning (Listed Buildings and Conservation Areas) Act 1990.

In addition, the LPA must have regard to the tests set out within the NPPF 2021 giving great weight to the Designated Heritage Asset's conservation and ensuring that any level of harm to (or loss of) significance is outweighed by clear and convincing justification and public benefits.

Paragraph 195 of the NPPF 2021 sets out the duty for LPAs to identify and assess significance of any Heritage Asset which would be affected by the proposal and take available evidence and necessary expertise into account.

Paragraph 200 of the NPPF requires any harm to be clearly and convincingly justified and Paragraph 202 requires the less than substantial harm to be weighed against public benefits.

Paragraph 020 of the Planning Practice Guidance confirms that public benefits can be economic, social or environmental and heritage benefits include those which are not visible or accessible to the public including examples of the following:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting;
- reducing or removing risks to a heritage asset;
- securing the optimum viable use of a heritage asset in support of its long-term conservation.

## ASSESSMENT OF SIGNIFICANCE AND IMPACTS OF THE PROPOSAL

The building subject to this listed building consent is an ancillary building to The Bell PH. The Bell's list entry from Historic England states that it was first listed in July 1952, and only describes the main building stating:

C17, C18. A long narrow 2-storeyed timber-framed structure, with its gable (of C18) to the street formed as a continuation of the front of Webb House, of 1 window. The painted brick walling has a parapet (at the eaves level of Webb House), brick dentil eaves. A sash in exposed frame is above a modern casement. Fixed to the wall between the window and the access (in Webb House) is a wrought iron framework to take the hanging sign, containing scroll work. The east wall has exposed timber framing, with painted brick infill, irregularly spaced casements. Roof of red tiles 1/2-hipped at each end.

No reference is made to the annex building associated with this listed building consent application. The architectural merit of the subject building is limited but its character/appearance and significance would derive from the more functional character and use for which it was constructed.

- Architectural (aesthetic) and Historic Value (illustrative)

### Impact of the works

In terms of the impacts arising in these respects, externally, the north facing elevation would have the timber windows replaced and a doorway would be partly blocked up to insert a further window unit. The removal of the single storey extension would allow for a timber gate to be installed.

In the west facing elevation the high-level loading doors would be replaced by a window with a privacy screen and the ground floor barn doors would be repaired and reinstalled but, in a rail, to partly convert them into sliding doors (one fixed and sliding). There would be a set of French doors centrally positioned.

The east facing elevation would have the external deck/stairs removed/replaced with a painted galvanised balcony and the high-level loading door would be replaced with a glazed window. Finally, the building would have its roof tiles re-laid but with three rooflights installed to the north roofslope and two in the south roofslope.

Internally, the ground floor would have partition walls added to accommodate a WC, pantry and stairs for which the ceiling would have to be cut to allow access to the loft

accommodation proposed. At first floor there would be partitioned walls proposed to accommodate two bedrooms and bathrooms and wardrobe.

The residential conversion is proposed in such a manner as to largely maintain the external barn character of this building, there would be, inevitably, some alterations necessary to achieve a successful conversion.

The internal interventions to the fabric of this building would be the removal of a section of the suspended timber ceiling/attic floor to achieve an internal access to the loft, which currently is only achieved externally. The attic/roof accommodation at roof level would require the alteration/ repositioning of the roof trusses which would turn the attic a usable residential space.

The conversion, therefore, whilst having some positive alterations and being overall suitable, would result in a 'less than substantial' harm (bottom end of the scale) to the significance and character of this curtilage listed building.

With regards to impacts to the historic value (illustrative) of the building, it would not appear to have an intrinsic significance, however on account of its age and past use (likely to have been an ancillary building to Webb House (built in 1781); it affords some level of significance. It is also noted that it is identified as a positive building in the Odiham Conservation appraisal.

This building has remained as an ancillary building used in connection to the PH, however as referred to earlier there is no PH operation in the main building any longer. Furthermore, the discussion below demonstrates the unlikely prospect of such land use continuing. As such the proposal seeks to bring this curtilage building into use, however it would not cause a harm to the ability of this curtilage building to illustrate its original purpose and likely activities it supported. Visually, the structure would be perceived as a 'barn like' storage building, which is likely to represent the ancillary use given to it up to recent years.

#### - Communal Heritage Values

In respect of communal values, this building did not have any of its own, per say, as it was simply an ancillary building to the PH which is the main building such values are attributed to.

In respect of the loss of public access to the PH of which the subject building is part, it is to be noted that whilst the property was a public house, the site and buildings are not in public ownership and there are no rights of access attributable to the site. The former PH operating closed its doors in March 2020, it is acknowledged, however, that conversion of the property into residential dwellings would remove the prospect of public access in the future.

In terms of the historic use as PH and its community values, the submission is accompanied by a viability study. The study clarifies the former operated in a tied tenancy. This means that a tenant operates a property under a lease agreement and is required to purchase some, or all, of the sold products and services from a particular Brewery or Pub Company at a margin.

The subject PH is described as a traditional 'wet' led pub with a single bar pub operation and limited kitchen facilities. As a result, the trade was entirely 'wet-led' with no further income from food sales.

The study acknowledges the tertiary position of the PH and lack of footfall in relation to the High Street, which is a primary position for these types of facilities but equally acknowledges that there may be 'local' trade as a result of surrounding residential development.



The historic trade detailed in the report shows a downward trend in the barrelage acquired by the PH from the brewery the tied tenancy was bound to. It also notes that the kitchen in the PH is not of a commercial format due to the domestic extraction system and limited size, which therefore cannot offer a viable food service. This put the subject PH to a great disadvantage in competition terms with other PH in Odiham that are properly set up for adequate food service (e.g., those in the High Street).

The report sets out requirements sought after for operators in the PH /restaurant market seeking additional sites, which are:

- Site size 0.5 -1.5 acres
- Prominent 'A' road locations
- 60 and 100 car parking spaces
- 100 to 200 external covers.
- 100 to 200 internal covers with optimal operation layout.

The above are the ideal requirements but smaller premises in countryside locations, for example, would still be considered suitable. However, the subject PH has a trading area of less than 50 sqm, unusual layout (long footprint) and limited space for internal covers (less than 60 covers). All these, it is stated, limits the potential interest for the premises.

The report also acknowledges the building needs repairs, requiring an approximate investment of £480k to potentially create a sustainable operation. Nevertheless, this level of investment along with the limited income from 'wet' sales, it is stated, is likely to result in low profit or potentially negative returns.

The applicant has also stated that minimal requirements for PH operators are buildings of approximately 280sqm – 650 sqm capable of accommodating in excess of 60 covers to make it viable. The applicant states that the subject building would be capable to accommodate 25 covers with some additional 'vertical drinking' adjacent to the bar server. These space limitations in conjunction with the refurbishment requirements and limitations to install an appropriate commercial kitchen, cooking extraction and refrigeration equipment, means that additional income from food operation would also be limited.

The viability report also details a business case scenario with assumptions on investment and trade based on a small team earning the living wage, with additional support only at busy times. Since the level of trade in this location would be low, the general costs in running the business would be high as a percentage of turnover as there is a minimum cost of running a business, irrespective of the level of trade. The results show that it is likely the business would be operating with a profit margin of 6.3% before rent or interest payments are deducted, which it is likely to result in a loss for operators.

The conclusions from the professional opinion accompanying this application, summarises the short comings of the premises for a successful operation. The hypothetical business case shows the level of return against the capital costs required to achieve and sustain a healthy return would be unlikely to be achieved, all materially hindering a viable long-term operation as a PH.

Additionally, there is a need of substantial investment on the premises, as explained above, to improve the conditions and presentation of the property from the outset. The information submitted demonstrates and reflects reasonably the likely scenario for a PH business operation in the premises, as such officers accept the findings that such a business would not be commercially attractive or commercially viable.

Therefore, regardless of the residential conversion, it is the case that the retention of communal heritage values once enjoyed using the building as a PH are mainly affected by current trends and customer requirements in the drinking/catering market, along with the peculiar layout of the building, physical conditions of neglect by previous owners and its positioning in relation to main areas with commercial activity in Odiham.

Furthermore, in terms of alternative community facility that could be provided on the premises to preserve similar community values to those the building has benefited so far, the same physical constraints discussed in the previous paragraph along with the designation of the building as a Heritage Asset would all impose restrictions for alternative community uses, which generally require a high degree of flexibility to be able to use internal space in a different manner and cater for a wider range of activities and users.

Linked to the communal heritage values of the building and alternative community uses, The Bell was designated an asset of community value (ACV) in June 2021 after residents were made aware that a residential conversion of the building was to be proposed through an application for planning permission/listed building consent.

The Assets of Community Value (England) Regulations 2012 require the legal owner(s) of the ACV to formally notify the Council of their intentions to sell. The applicants gave formal notice to the Council of their intentions to sell/ put the property in the market on the 21<sup>st</sup> March 2022 (despite the property being for sale since at least August 2021).

This notice triggered a moratorium period of 6 weeks (up to 2<sup>nd</sup> May 2022) where the ACV nominating person/group are given preference as a potential bidder for the property, in this case the ACV nominating group was the Odiham Parish Council (OPC). Hart District Council made the OPC aware about the moratorium period and their priority as bidders for the property. Nevertheless, the OPC confirmed to the Council they did not wish to pursue a bid for the property. There was no other interest received by the Council within this protected period.

The applicant has also provided evidence of prior contact being made not only with the OPC but also with the Odiham Society (OS) along with more recent posts in social media groups 'Odiham Community' and 'Odiham People' to make the residents aware that the premises were (still are) on the market for anyone interested in buying and running any other community facility. However, no formal purchasing proposals and or prospects have been submitted to the applicant (legal owner(s)) to date.

Therefore, the loss of communal historic values in this case cannot be solely attributed to the proposed development. There are external factors contributing to the loss of the communal historic values associated with the building as discussed above. Additionally, the physical restrictions and current condition of the building, are far removed from the type of buildings that are sought after by operators in the drinking/catering market. Such values are unlikely to be retained in the building going forward, regardless of the proposal for conversion that is before officers for consideration.

## PLANNING BALANCE

The proposed works would cause some harm to the physical fabric of the building. This harm would be at the lowest level on the spectrum of harm set out in the NPPF. The proposal would however achieve some conservation benefits arising from the repair and reuse of this vacant building.

The loss of public access to the building would be a neutral factor, however, the loss of an asset of community value is unavoidable in this instance as no alternative proposal or bids have been made to the legal owners within the related moratorium period.

To conclude therefore on the impacts on the significance of the heritage asset, paragraph 200 of the NPPF 2021 states that any harm to significance requires clear and convincing justification.

There would be a minor impact on significance as a result of the limited intervention to the historic fabric of the building, the loss of public access and communal historic values as a result of the proposal. This impact would be at the bottom end of the 'less than substantial' heritage harm.

Nevertheless, the minor level of harm is justified to accommodate the only viable use before officers which is the residential conversion, which would bring significant heritage benefits. These heritage benefits would far outweigh the limited harm identified. Great weight (Paragraph 199 of the NPPF 2021) and considerable importance is afforded to the preservation and conservation of the setting of Listed Buildings. The proposal would result in an appropriate level of restoration and long-term sustainability of the heritage asset and its significance.

In addition to the heritage benefits, the residential conversion would also bring public benefits. These would relate to the provision of housing in the district, of which there is a high demand, expenditure in the local economy during construction and post occupation, re-use of an existing PDL site and re-purposing of the historic building stock.

#### OTHER MATTERS

A concurrent full planning application (FUL) has been submitted alongside this application which addresses all other planning matters/considerations; 22/00234/FUL.

#### **CONCLUSION**

On balance it is considered the public benefits associated with the scheme along with the conservation benefits deriving from the preservation, reuse and conservation of the heritage asset would outweigh the loss of an Asset of Community Value and the future possibility of public access into the building.

Conditional approval is therefore recommended.

#### **RECOMMENDATION - Grant**

- 1 The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

##### REASON:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 No works shall take place until a structural survey of the building has been submitted to and approved in writing by the Local Planning Authority. The survey shall assess the current structural integrity of all elements of the building and the potential structural implications of the removal of a section of the suspended timber ceiling and all the works to be undertaken to the main roof of the building. Full details

of any measures necessary to maintain the structural integrity and safety of the building shall be clarified through details, method statements and specifications.

The details shall be fully implemented as approved.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 3 No works shall take place until details and/or samples and method statements of all works hereby approved, finishing materials and their implication with the historic fabric of the building have first been submitted to and approved in writing by the Local Planning Authority. These shall include all restoration works, and approved works associated with the residential conversion of the building (internal partitions, external wall repairs, rooflights, roof works, bathroom and kitchen furniture, any mechanical and engineering installations flooring, tiling, water goods, staircase, etc).

The works shall thereafter be implemented in accordance with the approved details.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 4 No installation or replacement of windows/ doors shall take place until detailed joinery plans and elevation drawings (scale 1:20) are submitted to and approved in writing by the Local Planning Authority. The details shall include, but not be limited to:
- works needed to the historic fabric to accommodate any new window/door
  - sections through glazing bars
  - method of opening
  - type of glazing
  - depth of reveals
  - profile of cills
  - joinery details
  - window and door furniture
  - colour of painted finish

The works shall be carried out in accordance with the approved details.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 5 Prior to their installation, details of the required plumbing, heating, lighting, ventilation, and all mechanical and electrical services, and of upgraded services where modifications to the existing are required and details to make good historic fabric where these works are undertaken, shall be submitted to, and approved in writing by, the Local Planning Authority.

Where details are to be submitted for approval, detailed floor plans and sections showing existing and proposed routes, voids and channels for each service run.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 6 Prior to the installation of any insulation that may be required, details of such work shall be submitted to and approved in writing by the local planning authority. The details must clearly demonstrate how the insulation would be installed and the implications with the fabric of the building shall be detailed.

The information shall specify the materials to be used, the method of affixation and where the insulation would affect the fabric of the listed building, it shall contain a method statement detailing how installing the insulation will affect the fabric, fixtures and fittings of the listed building as well as existing mechanical & electrical fittings and mitigation measures for that impact.

**REASON:**

To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 7 Any excavation undertaken to install underfloor heating on the ground floor of the development here approved, shall not exceed 300mm, measured from the existing floor level inside the subject building.

**REASON:**

To prevent any harm to potential underground archaeological remains and to satisfy Policy NBE8 of the adopted Hart Local Plan and Sites 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

- 8 Details of how any damage to the building fabric or to curtilage listed structures caused by or during the course of the carrying out of the works hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of any of the repairs. Any damage shall be made good before the occupation of the development.

## REASON:

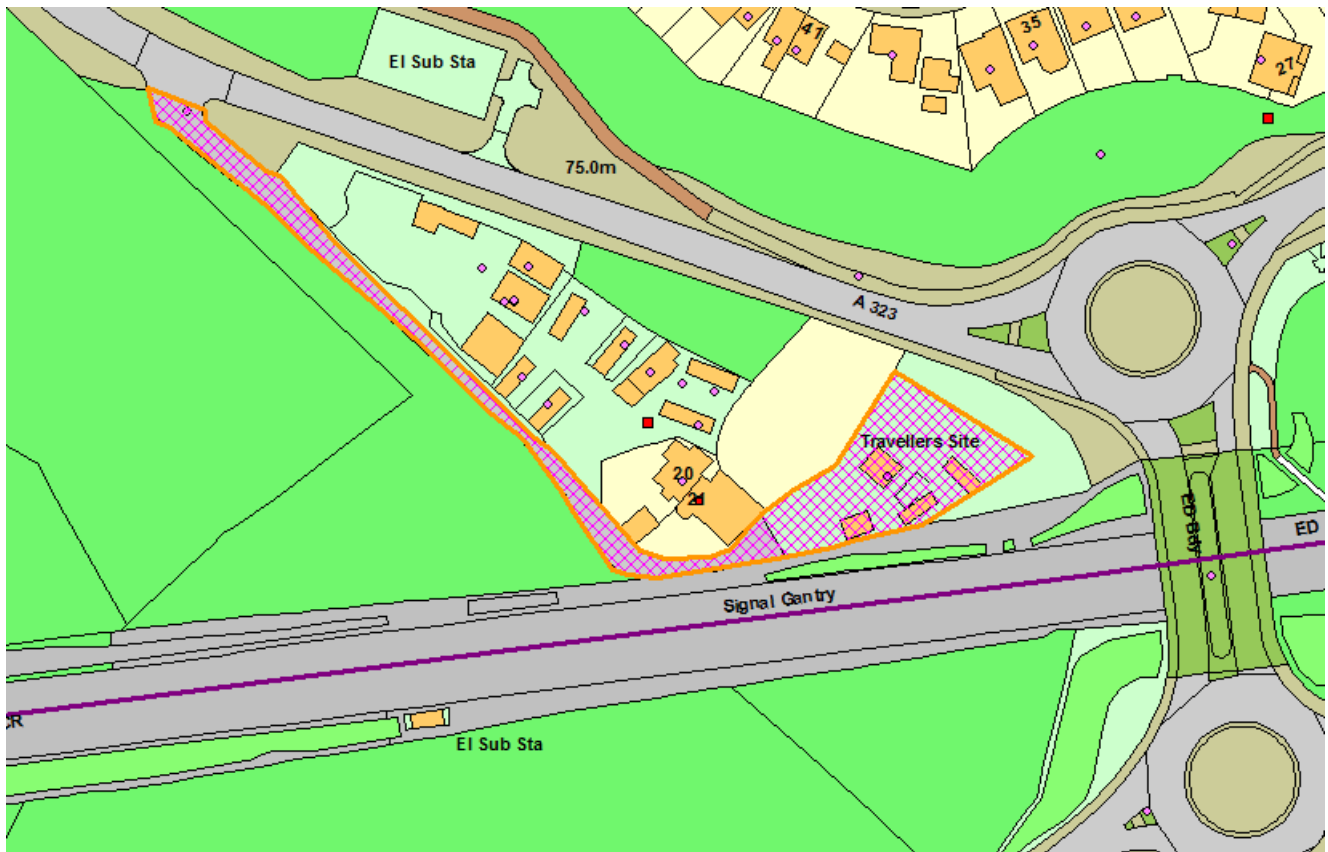
To ensure that special regard is paid to protecting the architectural and historic interest and integrity of the building under Section 16 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032, saved policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the Odiham and North Warnborough Neighbourhood Plan 2014-2032 and the NPPF 2021.

## INFORMATIVES

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application and once received, further engagement with the applicant was required and the application was subsequently acceptable.
- 2 The applicant is advised that under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, bats are a protected species, and it is illegal to intentionally or recklessly damage, disturb or destroy a bat or its habitat. If any evidence of bats is found on site, Natural England must be informed and a licence for development obtained from them prior to works continuing. For further information go to [www.naturalengland.org.uk](http://www.naturalengland.org.uk) or contact Natural England (S.E. regional office) on 0238 028 6410.
- 3 The approved documents associated with this consent are listed below:  
  
Plans:  
34L11 (Ground Floor, Existing and Proposed Layouts), 34L12 (First Floor, Existing and Proposed Layouts), 34L13 (Roof Plan, Existing and Proposed Layouts), 34L14 (Elevations, Existing and Proposed), 34L15 (East Elevation+ Sections, Existing and Proposed)  
  
Documents:  
Heritage Statement / Design and Access Statement prepared by Consilian Ltd (February 2022), Viability Study prepared by Savills (October 2021), Pub/Restaurant minimum requirements email form Carlin Capital (May 2022), Viability Opinion Letter prepared by Savills (April 2022), Marketing Summary Update (dated February 2022), Marketing Summary Update (dated May 2022), Planning Policy Assessment prepared by Murray Planning Associates Ltd (April 2022) Preliminary Roost Assessment prepared by the Ecology Partnership (dated June 2021).
- 4 The applicant is advised to make sure that the works hereby approved are carried out with due care and consideration to the amenities of adjacent properties and users of any nearby public highway or other rights of way. It is good practice to ensure that works audible at the boundary of the site are limited to be carried out between 8am and 6pm Monday to Friday, 8am and 12 noon on Saturdays with no working on Sunday and Bank Holidays. The storage of materials and parking of operatives vehicles should be normally arranged on site.
- 5 Hart District Council has declared a Climate Emergency. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider district. The applicant is encouraged to explore all opportunities for implementing the development approved by this permission in a way that minimises impact on climate change.

## COMMITTEE REPORT ITEM NUMBER:

APPLICATION NO.	22/02181/LDC
LOCATION	<b>21 Elvetham Bridge Fleet Hampshire GU51 1AF</b>
PROPOSAL	Change of use of land for the siting of four mobile homes
APPLICANT	Mr Robert Black
CONSULTATIONS EXPIRY	4 November 2022
APPLICATION EXPIRY	8 December 2022
WARD	Fleet West
RECOMMENDATION	<b>Refuse</b>



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## **BACKGROUND**

The application is brought before Planning Committee as the agent is a District Councillor.

## **DESCRIPTION OF THE SITE**

The application site is located to the south of the A323 Fleet to Hartley Wintney Road.

To the west of the site the dwellings known as 20 and 21 Elvetham Bridge, a caravan site (which includes 6 caravans) following the granting of a lawful development certificate (reference 08/00964/LDCEX) and commercial units.

## **PROPOSAL**

The application seeks a Lawful Development Certificate (LDC) for an Existing Use or Operation comprising the use of land for the siting of four mobile homes for residential purposes. The application seeks the LDC on the grounds that the use began more than 10 years before the date of this application.

## **RELEVANT PLANNING HISTORY**

08/00964/LDCEX - Application for a certificate of lawful development for existing use of land as a caravan site. Certificate Issued 20.06.2008.

## **CONSULTEE RESPONSES**

None received.

## **NEIGHBOUR COMMENTS**

None received.

## **CONSIDERATIONS**

## **LEGISLATIVE BACKGROUND**

Section 171B of the Town and Country Planning Act 1990 (as amended) confirms that:

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining, or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period 10 years beginning with the date of the breach.

In order to allow the Local Planning Authority to issue a lawful development certificate it is therefore necessary for the applicant to demonstrate that four mobile homes have been situated on the site and used for residential purposes for a period in excess of 10 years from the date this application was submitted.



## ONUS OF PROOF

The onus of proof in a Lawful Development Certificate (LDC) application is firmly on the applicant. This is confirmed within the Planning Practice Guidance (PPG) which outlines: The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counterevidence. (Paragraph: 006 Reference ID: 17c-006-20140306 Revision date: 06 03 2014).

In the case of applications for existing use, if a Local Planning Authority (LPA) has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Section 191 of the Town and Country Planning Act 1990 states that in assessing this balance of probability, "if the LPA are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application."

While the LPA should always co-operate with an applicant seeking information they may hold about the planning status of land, by making records available, they need not go to great lengths to show that the use specified in the application is or is not lawful. While LPAs are statutorily required to maintain the planning register, this is not a complete record of the planning status of all land in their area. In many cases, the applicant for a certificate will be best placed to produce information about the present, and any previous, activities taking place on the land, including a copy of any planning permission they may hold.

The fact that a LDC may be refused because the onus of proof is not discharged by the applicant does not preclude the submission of a further application if better evidence is subsequently available. A refusal to issue a LDC is therefore not necessarily conclusive that something is not lawful; it may merely mean that, so far, insufficient evidence has been presented to satisfy the LPA that the use, operation or activity is lawful.

The Planning Practice Guidance clarifies:

An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced.

(Paragraph: 005 Reference ID: 17c-005-20140306 Revision date: 06 03 2014)

The Courts have held that the relevant test of evidence on such matters is "the balance of probability". As this test will accordingly be applied by the Secretary of State in any appeal against their decision, an LPA should not refuse a certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "beyond reasonable doubt". Moreover, the Courts have held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no

evidence of their own, or from others, to contradict or otherwise make the Applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".

The LPA should proceed on the basis that neither the identity of the applicant (except to the extent that he or she may or may not be able personally to confirm the accuracy of any claim being made about the history of a parcel of land), nor the planning merits of the operation, use or activity, are relevant to the consideration of the purely legal issues which are involved in determining an application. Evidence is very often submitted in the form of Affidavits or Statutory Declarations with supporting documentation exhibited and annexed.

## **EVIDENCE SUBMITTED**

The Applicant presented the following with their application as evidence:

- Supporting statement and four photographs

## **ASSESSMENT OF EVIDENCE SUBMITTED**

No Statutory Declarations have been submitted with the application. The supporting statement completed by the agent makes no reference to the number of caravans on the site. It states that the agent visited the site some 20 years ago and recalls there being some mobile homes on site. Four photographs have also been submitted showing some structures and two vehicles. The photographs are not date stamped and it is not clear where they have been taken from. Furthermore, the Location and Site Plans do not indicate where precisely the caravans are located within the site.

It is not disputed that caravans have been on the wider site since 1997 (as discussed within the Officers report for 08/00964/LDCEX). Within the Officers report it was noted that there were six caravans on site and a workshop building.

### Siting of the mobile homes

At the time of the Officer site visit the four caravans that are the subject of the application were witnessed in the area contained within the red line of the application site. From reviewing aerial imagery dating back to 1999 it can be seen that there are some structures on the site, however it cannot be established whether these structures are caravans (or other residential paraphernalia), how many structures there are, or if they are the caravans referred to within this submission as their precise locations have not been indicated on the submitted plans. Aerial imagery can be part of an evidence package however cannot alone confirm continuity of use or siting of caravans for a continuous period as such images are a snapshot in time.

### Use of mobile homes for residential purposes

It is noted that on the Valuation Office Agency's website since 2009, units 2, 3, 4, 6 and 7 have been registered on the residential listings, however these appear to relate to the units as part of application 08/00964/LDCEX. There are no Council Tax records relating to the four mobile homes the subject of this application.

The applicant has not provided satisfactory evidence to demonstrate that four caravans have been sited on the land and been continuously occupied for residential purposes for the last 10 years. The applicant's evidence is not particularly detailed, nor is it supported by any

corroborating paperwork, such as utility bills, bank statements, dated photographs, witness statements (for example from current or previous tenants) or Statutory Declarations. The Council considers that there is insufficient evidence submitted with the application to enable a conclusion that the development is lawful; this being the siting of four mobile homes and the continued use of the mobile homes for residential purposes during the requisite period of at least 10 years.

In respect of the relevant test, the balance of probability, it is considered that insufficient evidence has been provided to prove that the mobile homes have been sited on the land and been continuously occupied for residential purposes for the last 10 years.

## **CONCLUSION**

The Council is not satisfied that, on the balance of probability, the evidence submitted proves that four caravans at the subject site have been continuously used for residential purposes for at least ten years prior to the date of the application. As such the time limit set out in section 171B(3) of the Town and Country Planning Act 1990 has not been demonstrated to have been passed.

Accordingly, it is recommended that the Lawful Development Certificate be refused.

## **RECOMMENDATION – REFUSE TO GRANT CERTIFICATE**

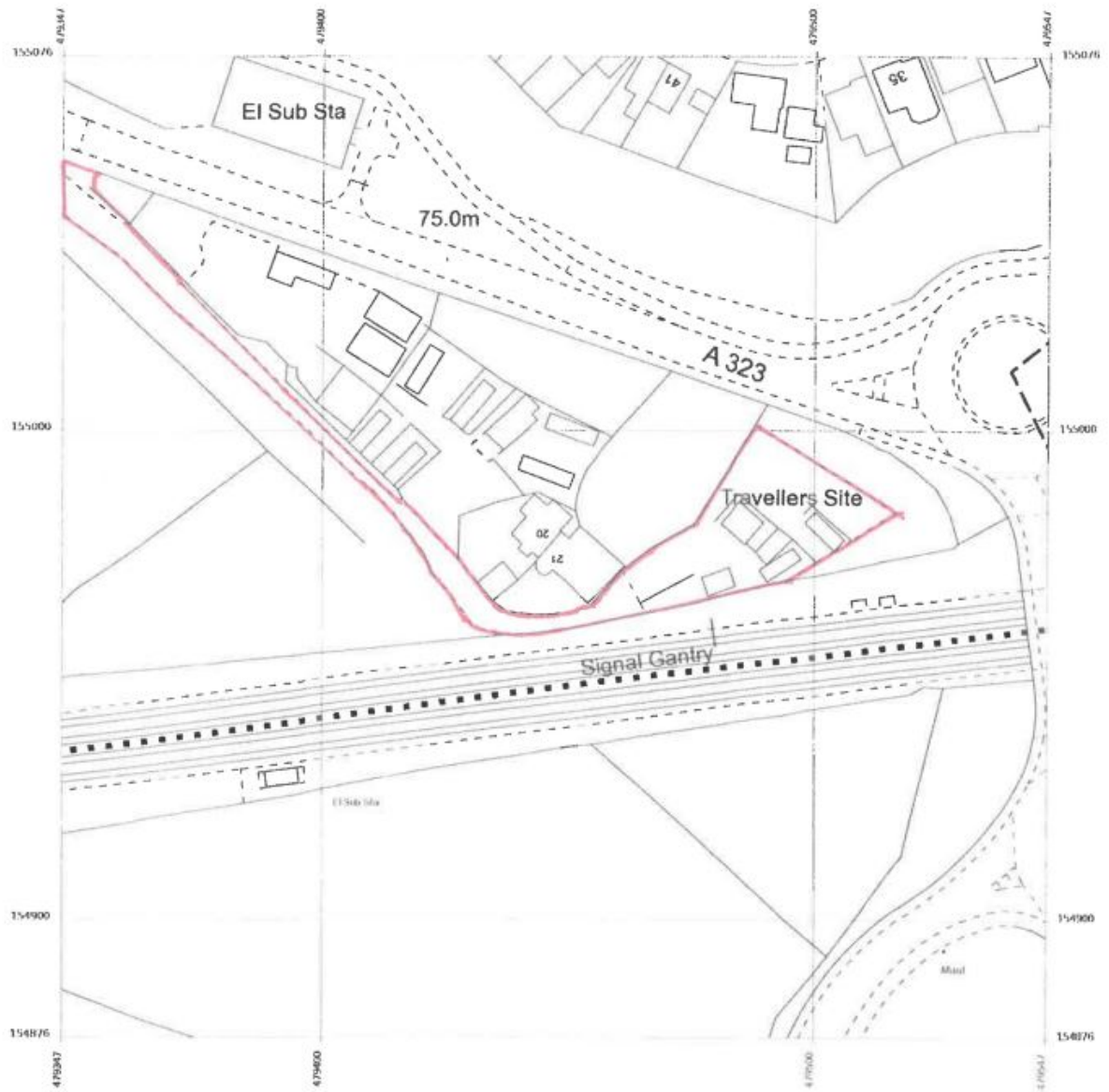
- 1 The evidence submitted with the application and other evidence available to the Local Planning Authority is not considered to be sufficiently precise or unambiguous to enable the Local Planning Authority to establish that, on the balance of probability, the land to the east of 21 Elvetham Bridge has been used for the siting of four caravans and has been occupied for residential purposes for a continuous 10-year period before the date of the application.

In these circumstances it is not possible for the Local Planning Authority to grant any certificate under the terms of section 191 of the Planning Act to confirm that the use is lawful due to the passage of time and immune from enforcement action.

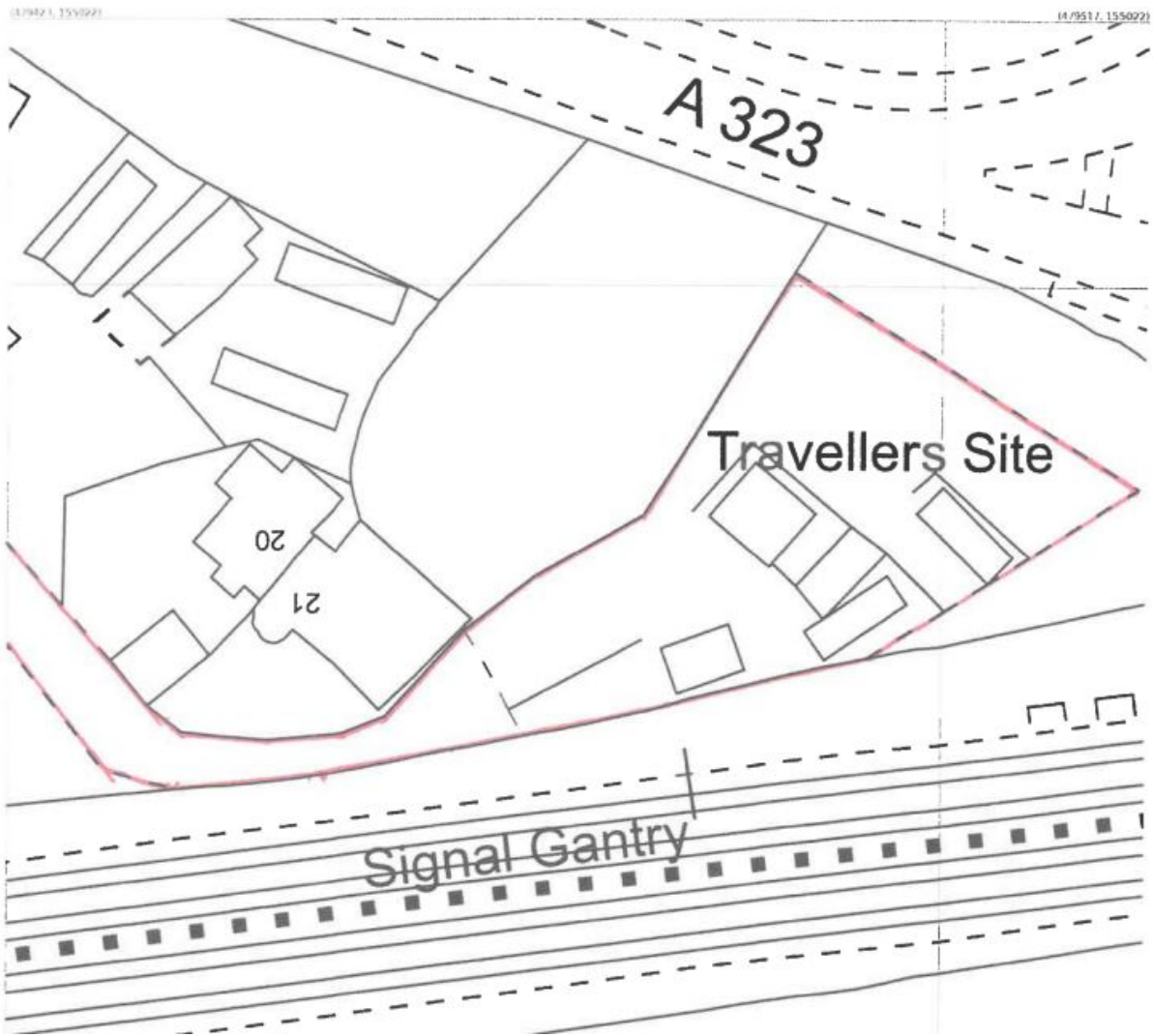
## **INFORMATIVES**

- 1 The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance: The application was determined on the basis of the information provided and on other information available to the local planning authority. It is important to note that the information was inadequate to show continuous use for the requisite period does not preclude the applicants from a further application, containing additional evidence.

# Location Plan



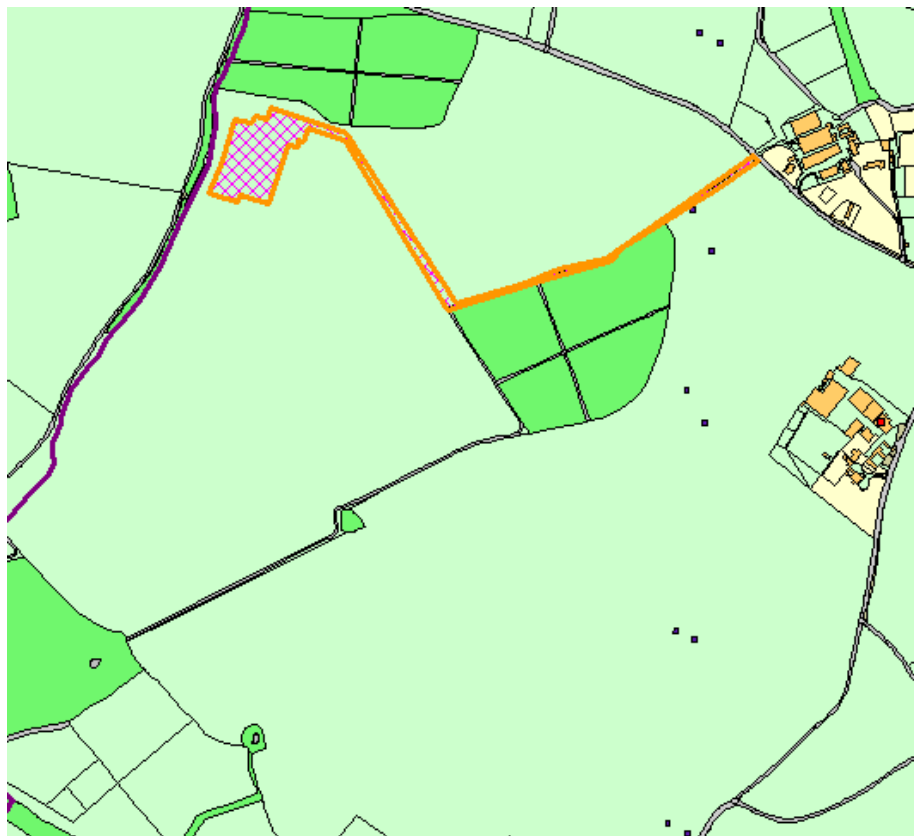
Block plan



**COMMITTEE REPORT  
ITEM NUMBER:**

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APPLICATION NO.	21/02937/FUL
LOCATION	<b>Penn Croft Farm, Penn Croft, Crondall, Farnham, GU10 5PX</b>
PROPOSAL	Installation of an energy storage facility comprising of battery containers, fencing, switching station, kiosk and associated works
APPLICANT	Fleet BESS Limited & SSE Energy Solutions Ltd (Mr Josef Balodis)
CONSULTATIONS EXPIRY	17 <sup>th</sup> November 2022
APPLICATION EXPIRY	16 <sup>th</sup> December 2022 (extension of time)
WARD	Odiham
RECOMMENDATION	Refer to Full Council with a recommendation to <b>GRANT</b> , subject to conditions



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## **BACKGROUND**

The application has been referred to Planning Committee as the application is a Departure from the Local Plan, as the application is recommended for approval, this is in line with Appendix A, 1c, of the Council's Constitution.

Members are reminded that the determination of planning applications is not delegated to the Planning Committee where the Committee propose a determination that is contrary to the Development Plan (or policy approved by Council). In cases where the Planning Committee resolves to grant any such application then the Committee's recommendations will be placed before Full Council to consider the policy issues that gave rise to the referral.

## **DESCRIPTION OF THE SITE**

The application site includes an existing access track and a roughly rectangular section of a much larger agricultural field, which forms part of Penn Croft Farm. The application site is 2.2 hectares in area and lies approximately 1 kilometre to the west of the village of Crondall.

The application site comprises of land to the south of ancient woodland known as 'New Copse' and to the west of ancient woodland 'Long Copse', both are designated as a Site of Importance for Nature Conservation (SINC).

The western boundary of the site is that of a dense field boundary comprising of mature trees and hedgerows. The wider field slopes from the south-east to the north-west, resulting in the application site being within one of the lowest-lying areas of the field.

The field is accessed via Itchel Lane where an existing agricultural track heads south-west into the field. Itchel Lane to the west of the site is identified as a surface water indicative flood problem area (surface water IFPA) and land to the south of the site as a causal flooding area and a groundwater flooding indicative flood problem area (groundwater IFPA). The site is otherwise within Flood Zone 1 as designated by the Environment Agency for flood risk for planning.

There are no designated built heritage assets or conservation areas within close vicinity of the application site. Public Right of Way 51 (PRoW51) runs east/west to the south of the site between Park Corner Farm and Swanthorpe Lane.

Fleet electrical sub-station is around 1.5 kilometres to the north of the site and is a high-voltage substation. The substation acts as a hub for the local power distribution network.

This site is in a countryside location in planning policy terms as it falls outside of any defined settlement in the Hart Local Plan 2032 (HLP32).

## **PROPOSAL**

The application seeks full planning permission for the installation of an energy storage facility comprising of battery containers, fencing, switching station, kiosk, and associated works. This facility would connect to the National Grid and function as an

energy balancing facility. The development would be connected to the aforementioned agricultural track by a newly constructed access track (375m in length) across the agricultural field.

The application proposes battery units that would be stored within sealed metal containers, transformers, a switching room and control room. No substantive lighting is proposed beyond that of very minimal task lighting from sensors. CCTV is proposed. The control 'room' or building is the tallest component in the submitted layout, but it is not substantially taller than the battery containers that form the bulk of the development that are 2.59m in height.

A green fence of 2.4m in height, with a natural fence covering such as willow, would be erected around the perimeter of the compound. The proposals include a landscape buffer between 3 and 7 metres deep around the boundary of the development, and a Landscape Strategy has been submitted.

During the course of the application further information has been provided particularly in respect of drainage, trees and ecology and documentation has been updated for accuracy.

## **RELEVANT PLANNING HISTORY**

20/03152/PREAPP

Development of a 100MW battery storage system and associated infrastructure  
Opinion Issued 12.04.2021

Other applications for similar proposals in the district which are considered to be relevant to the determination of this application are:

### Land at Rye Common Lane, Crondall

20/01180/FUL

Proposed energy storage facility to provide energy balancing services to the National Grid.

Refused 11/12/2020. Appeal Allowed 28/09/2021.

### Little Holt, Holt Lane, Hook

16/01789/FUL

Erection of storage containers, support infrastructure and security fence for Battery Energy Storage facility. Refused 11/11/2016. Appeal Allowed 16/05/2017.

## **RELEVANT PLANNING POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 (as amended) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The application is considered to be a departure from the Local Plan as there are no policies which allocate such development at this site and no relevant policies for the determination of energy storage proposals. The Council may depart



from development plan policies where material considerations indicate that the plan should not be followed, in line with s38(6) of the PCPA 2004.

The relevant Development Plan for the District includes the Hart Local Plan (Strategy and Sites) 2032 (HLP32), Crondall Neighbourhood Plan (CNP) 2021 and saved policies from the Hart District Local Plan (Replacement) 1996-2006 (HLP06). Adopted and saved policies are up-to-date and consistent with the NPPF. The relevant policies are as follows:

Hart Local Plan (Strategy and Sites) 2032 (HLP32):

SD1 Sustainable Development  
SS1 Spatial Strategy and Distribution of Growth  
ED3 The Rural Economy  
NBE1 Development in the Countryside  
NBE2 Landscape  
NBE4 Biodiversity  
NBE5 Managing Flood Risk  
NBE8 Historic Environment  
NBE9 Design  
NBE10 Renewable and Low Carbon Energy  
NBE11 Pollution  
INF1 Infrastructure  
INF2 Green Infrastructure  
INF3 Transport

Saved Policies from the Hart Local Plan (Replacement) 1996-2006 (updated 01.05.2020) (HLP06):

GEN1 General Policy for Development  
CON23 Development affecting Public Rights of Way

Crondall Neighbourhood Plan (CNP) 2017-2032

Policy 1 – Spatial Growth  
Policy 3 – Good Design  
Policy 6 – The Natural Environment

Relevant Guidance:

National Planning Policy Framework (NPPF) 2021  
Planning Practice Guidance (PPG)  
National Policy Statement for Overarching Energy (NPS1)  
Hart District Landscape Assessment (HDLA, 1997)  
Hart Landscape Capacity Study 2016 (HLCS)  
Hart's Strategic Flood Risk Assessment 2016  
Hart's Climate Change Action Plan

## **CONSULTEE RESPONSES**

### **Crandall Parish Council:**

#### Updated Response:

“Whilst fully supporting the need for facilities such as this, the Parish Council feels that the site chosen needs to be suitable. They do not feel that this one is.

Object on the basis that:

Proposal is located in the countryside, contrary to HLP NBE1

Proposal has adverse effects on:

- Agricultural land (no assessment has been made as to Grade 3a or 3b). Contrary to HLP NBE10;
- Biodiversity: No net gain quantification has been given and harm to the New Copse SINC, Ancient Woodland and Semi-Natural Woodland. Contrary to HLP NBE4 and NBE10;
- Residential amenity: The +9 to +14dB increase in night-time noise is a significant adverse impact resulting in adverse impacts on residential amenity contrary to HLP NBE10;
- Landscape and Visual: Harm to the open countryside contrary to HLP NBE2 and HLP NBE10.”

#### Initial consultation response:

“Object on the basis that:

- Proposal is located in the countryside, contrary to HLP NBE1
- Proposal has adverse effects on:
- Agricultural land (no assessment has been made as to Grade 3a or 3b). Contrary to HLP NBE10
- Biodiversity: No net gain quantification has been given and harm to the New Copse SINC, Ancient Woodland and Semi-Natural Woodland. Contrary to HLP NBE4 and NBE10
- Residential amenity: The +9 to +14dB increase in night time noise is a significant adverse impact resulting in adverse impacts on residential amenity contrary to HLP NBE10
- Landscape and Visual: Harm to the open countryside contrary to HLP NBE2 and HLP NBE10”

### **Councillor Dorn**

- Fire Safety including potential ecological impacts that would arise, including water contamination.
- Testing of industrial systems and accuracy.

- Fire Industry Association guidance.
- Proximity of ancient woodland
- Effect of noise on wildlife
- 4-metre-high CCTV poles
- Clarification on lighting required (would be highly intrusive in rural setting).
- Pre-app response the proposed development was unjustified and intrusive.
- The means/method to link the site to the power grid have not been defined.
- Effect of fire (NBE10) (neighbour highlights as well), risk of fire and how a fire would be fought.
- All battery technologies have a risk of fire due to thermal “runway”.
- Toxic fumes will be driven towards Crondall and Church Crookham.
- Tesla emergency response guide notes refer to such fires requiring specialist techniques, due to the amount of water required to extinguish and deal with gases.
- Application provides little information on the proposed batteries and their safety history.
- Four background documents.
- Discussed fire-pollution issues with Hampshire Water Management Team raising water contamination.
- A bund would be necessary to contain pollutants and manage surface infiltration.

### **Environmental Health (Internal)**

No objection on environmental noise and nuisance grounds.

It is indicated that the absolute level of sound predicted is low and unlikely to be perceptible in neighbouring properties. From the industry standards, where background sound level and rating levels are low, absolute levels might be as, or more, relevant, than the margin by which the rating level exceeds the background. This is especially true at night. No objection to the noise impact assessment findings submitted by the applicant.

### **Tree Officer (Internal)**

No objection subject to the proposals being undertaken in full accordance with details and methods contained in the Arboricultural Survey Addendum Oct 2022 and suggested conditions.

### **Ecology (Internal)**

No objection subject to conditions.

Previous comments related to the requirement of a 15m buffer to protect New Copse SINC, an ancient semi-natural woodland (ASNW), in line with Natural England’s Standing Advice. Initially no buffer was included, however subsequent submissions have addressed this issue. Further concerns were raised regarding Long Copse SINC, also ASNW, due to the access track directly adjacent to the SINC being

unlikely to be suitable for heavy goods vehicle movements without risking harm to the root systems.

It is noted that the Tree officer is satisfied regarding the suitability of measures to protect the Long Copse SINC. The Addendum to the Arboricultural Impact Assessment details materials and methods to install temporary ground protection, including barrier fencing, to be in place for the duration of the construction phase, at least. This approach is accepted and considered to be satisfactory for the purposes of protecting the biodiversity features of the SINC also.

The Ecological Impact Assessment details sufficient protections and enhancements on site, including native hedgerow planting being proposed, timing works to seasons unlikely to impact on breeding birds, and best practice measures for development.

A Construction Environmental Management Plan (CEMP) is proposed to provide a site-specific method statement relating to protection of habitats and protected species, such as vegetation clearance for herptiles and breeding birds, and reducing lightning impact on foraging or commuting bats. This approach is accepted by the Council's Ecologist.

The Council's Ecologist has no objection to the proposals subject to conditions requiring the submission of a CEMP detailing any temporary or permanent measures for the protection of the adjacent SINCS and protected species, and the recommendations for mitigation and enhancement provided the recommendations in the Ecological Management Plan (Section 7) are undertaken in full. The Ecologist recommends a condition requiring development in accordance with the Ecology report and a CEMP.

### **Landscape Manager (Internal)**

The proposals are contrary to HLP2032 NBE2 Landscape a), b) and d), NBE9 Design d).

The proposal will fundamentally remove part of a rural feature from a rural landscape (section of the field) and replace it with highly industrialised features (battery containers/transformers/switch gear etc). This in turn negatively affects the rural features that make up the landscape character around the site. The adverse effects occur from the onset and will impact the visual amenity and scenic quality of the adjacent landscape. The range of the adverse effects will occur in the local environs of the site but beyond that, appear limited.

A scheme of soft landscape mitigation accompanies the proposals but needs refining. A suitable scheme will, once established, reduce the industrialising impact of the proposals to some extent, further reducing the range of the adverse effects.

Subject to a number of conditions and clarification of issues, no objection to the proposals as whilst contrary to policy, the adverse effects could be reduced and thus limited to the adjacent environs of the site resulting in a negligible change to area 15:

Hart Downs of the Hart Landscape Character Assessment and LCA 8c: North East Hampshire Open Downs of the Hampshire County Council Integrated Landscape Assessment.

### **Hampshire County Council – Archaeology (External)**

No objection subject to condition. On the Historic Environment Record (HER) there is an archaeological heritage asset (HER 35744) which is an enclosure recognised from aerial photographs which is directly impacted by the development. The nature of the evidence means that it is undated, but its form suggests it cannot be ruled out that it encloses a prehistoric settlement. It would require some preliminary archaeological evaluation to establish the nature of the archaeology at that location.

### **Cadent Gas**

Application falls outside Cadent's distribution network. Contact National Grid and/or local gas distributor.

### **Natural England (External)**

No objection.

Not assessed for impacts on protected species (see standing advice and LPA Ecologist).

There is potential to adversely affect woodland classified on the ancient woodland inventory. Natural England refers to standing advice on ancient woodland. Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees.

The site includes an area of Priority Habitat as identified on Section 41 of the Natural Environmental Rural Communities Act.

### **Local Highway Authority (External)**

No objection following the submission of further information.

Due to the nature of the roads leading to the site and the size of the transformers required for this development's construction further information was requested from the Local Highway Authority (LHA). Construction traffic tracking information was reviewed and the LHA was satisfied that the construction traffic for this development can traverse Itchel Lane and that the approach laid out in the transport statement for the transport of wide loads to the site during construction would be acceptable.

The LHA raised no objection to the narrowing of a section of the access track to accommodate the required 15m buffer from the ancient woodland. It was acknowledged that the track would see a low number of vehicle movements. The length of the narrowing means that it only will be a pinch point with the rest of the track still able to allow two-way traffic. The narrowing to 4 metres still provides

adequate carriageway width for the expected maintenance vehicles to this site once in operation.

### **Lead Local Flood Authority (LLFA) (External)**

No objection subject to condition. During the course of the application an Addendum to Flood Risk and Drainage Design Statement was submitted, this provided additional information and clarification to the initial consultation response. This highlighted the need for infiltration information prior to the determination of the planning application.

The LLFA reviewed the further infiltration information that has been submitted, which has been undertaken to demonstrate whether there are suitable rates. The LLFA highlight that no groundwater monitoring has been completed. It is known that groundwater flooding occurs within the Crondall area, however, given the nature of the site, difference in location and elevation, a condition is acceptable to deal with this element.

### **Hampshire Fire and Rescue (HFR) (External)**

HFR note that the proposal includes the installation of large battery energy storage systems. Due the nature of battery energy storage systems (BESS) HFR may encounter difficulty fully extinguishing a fire involving these systems. It may there be necessary to implement additional measures to prevent fire spread beyond the point of origin. The following items are highlighted to be given due consideration by the applicant and Local Planning Authority to ensure that a fire involving BESS can be safely contained:

- Firefighting Arrangements
- Water Supply
- Separation
- Environmental Impact

There is also reference to compliance with Building Regulations: Access for Firefighting (B5), Hampshire Act 1983 Section 12 – Access for Fire Service, Access for High-reach Appliances, Water Supplies and Fire Protection, Testing of Fire Safety Systems and Firefighting and the Environment.

(Officer note: Building Regulations are not applicable to external areas).

### **Health and Safety Executive (HSE) (External)**

The proposed development site does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore, at present HSE does not need to be consulted on any developments on this site.

Battery storage facilities are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to

the population at a new development. However, if the proposed development is located within a safeguarding zone for a HSE licensed explosives site then please contact HSE's Explosives Inspectorate.

The HSE Land Use Planning Web App can be used to find out if a site is within an explosives site zone (as well as in zones for major hazard sites and major accident hazard pipelines), HSE has provided planning authorities with access to the HSE Planning Advice Web App - <https://pa.hsl.gov.uk/> - for them to use to consult HSE and obtain HSE's advice.

(Officer Note: The site is not located within a safeguarding zone for a HSE licensed explosives site).

If the development is over a major accident hazard pipeline or in the easement around a major accident hazard pipeline, please consult the pipeline operator.

If the development involves a new substation or the storage of electrical energy such as in a large battery storage unit and the development is proposed adjacent to a COMAH (Control of Major Accident Hazards) establishment then please consult the operator of the COMAH establishment. If the development involves a substation or the storage of electrical energy such as in a large battery storage unit and is proposed in the vicinity of a nuclear site, the Office for Nuclear Regulation (ONR) does wish to be consulted over such proposals.

(Officer Note: There are no COMAH sites within 3 miles of the postcode for the application and it is not in the vicinity of a nuclear site).

## **PUBLIC REPRESENTATIONS**

At the time of writing this report there have been four public objections and two neutral neighbour representations made, summarised as follows:

- Contrary to policy.
- Negative impact due to appearance and size.
- Concern the development will spread and cover a wider area in the future. Development could be built underground.
- The proposal would not generate renewable energy, nor has it been demonstrated that it would be a form of low carbon energy as referred to in the NPPF and HLP32. (Officer Note: See principle of development section of report).
- Distance to mains water supply.
- Proximity to domestic electrical cables and phone lines.
- Pollution (fumes, potential leakage and contamination).
- This area is in a Nitrate Vulnerable Zone and a Drinking Water Safeguard Zone (Surface Area) (source: Environment Agency).
- Impact of new track to be considered, including pollution and waste.

- Impact on trees including 'Ancient Woodland' and 'semi-rural woodland'.
- Acknowledge need for proposed use.
- Unsuitable location, particularly due to type and size.
- Consideration of alternative locations.
- Visual impact (from residential properties and public footpaths).
- Area within a LAPWING (bird) habitat.
- Potential noise (including to animals) and light impact.
- Health impacts (humans and animals).
- Impact on RAF Odiham and Farnborough Airport.
- Impact on heritage assets (Officer Note: The Pit, Itchel Lane, Crondall (Grade II listed) separated to the north by Itchel Lane, to the east two grade II list buildings at Home Farm (Farmhouse and Farm building west of house) and The Oast House, Hillside to the south).
- Highway safety impact.
- Impact on natural environment including crops and ecology.
- Impact on trees.
- Fire risk and safety hazards.
- Impact on telecommunications.
- Permanence.
- Similar applications in the locality.
- Impact on residential amenity.
- Pollution (ground water supply).
- Biodiversity impacts.
- Agreements by Penn Croft.
- Benefits of energy generation.
- Impact on countryside location.
- Distance to point of connection.
- Emergency service access.
- Additional screening requested.
- Condition requiring reverting to agricultural.
- Need and justification of harm versus benefit.
- Insufficient details.



## CONSIDERATIONS

### Principle of Development

The application site is located within the countryside as designated within the Hart Local Plan 2032 (HLP32) proposals map.

HLP32 Policy SS1 (Spatial Strategy and Distribution of Growth) states that development will be focused within defined settlements, on previously developed land in sustainable locations and on allocated sites. The application site does not fall within the above categories.

Policy NBE1 Development in the Countryside criterion a-n identify forms of development that are potentially acceptable in the countryside. The proposed energy storage facility does not fall within any of these categories.

The principle of the proposed development is therefore contrary to the above spatial strategy and countryside development plan policies.

However, policy NBE1 seeks to only permit development when it is demonstrated that a countryside location is both necessary and justified. The nature and scale of the proposed development would make it difficult to deliver within settlement boundaries.

HLP32 Policy NBE10 supports proposals for the generation of energy from renewable resources, or low carbon energy development provided that any adverse impacts are satisfactorily addressed including individual and cumulative landscape and visual impacts. The criteria at NBE10 (a-f) are relevant. Such applications will also be subject to the following considerations (criteria a-f); the local highway network, ecology, heritage assets, residential amenity; and any wider benefits.

The provision of a battery storage that functions as an energy balancing facility is considered to assist socially by maintaining uniform energy provision to households, economically by safeguarding energy supplies and environmentally through improving infrastructure for renewable energy production but is not considered to explicitly fall within the remit of Policy NBE10.

Supporting text (paragraph 307) of the HLP32 states that the delivery of renewable and low carbon energy schemes will contribute towards the mitigation of climate change.

The proposed development would not generate energy but does contribute to reducing emissions by balancing energy supply.

The National Planning Policy Framework (NPPF) defines low carbon technologies as those that can help reduce emissions (compared to conventional use of fossil fuels). It is considered that the proposed development is a contributing form of infrastructure that assists in the transformation to a zero-carbon economy.

Paragraph 152 of the NPPF states that the planning system should support renewable and carbon energy and associated infrastructure.

The NPPF (paragraph 158) states that, when determining planning applications for low carbon development, local planning authorities should:

*" When determining planning applications for renewable and low carbon development, local planning authorities should:*

*a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*

*b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas."*

Given the in-principle conflict with the spatial strategy, robust justification for the site selection with reference to alternative sites and any locational requirements is required. Alternative sites and locational requirements are set out within the submitted Design and Access Statement, wherein it is shown that the site is in close proximity to a 'Point of Connection' to an electricity pylon which in turn connects to a 'strategic substation' with adequate demand capacity to facilitate the proposal's impact. The applicant also expresses that the site location is discrete, is enclosed by existing mature vegetation and therefore well screened and at a low risk of flooding. The location is contrary to the development plan, but the justification for the proposed development as a departure from the development plan is robust and credible.

Submitted visual evidence and a site visit have confirmed the relatively discrete nature of the site in the context of the wider landscape. The Landscape Officer has confirmed that adverse effects will occur in the local environs of the site but would be limited. Accordingly, with adequate mitigation, the adverse effects of the proposal could be addressed to minimise the harm to the existing landscape. This is explored further in the relevant section of this report.

Accordingly, it is considered that subject to compliance with other Policies of the Development Plan that the principle of development, that of a renewable energy supporting infrastructure type, is acceptable at this location if its impacts can be made acceptable.

#### Design and impact on the character of the area

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA).

Policy NBE2 of the HLP32 seeks to achieve development proposals that respect and wherever possible enhance the special characteristics, value, or visual amenity of the district's landscapes. This policy contains five criteria to assess development proposals in relation to landscape impacts. It also states that, where appropriate, proposals will be required to include a comprehensive landscaping scheme to

ensure that development would successfully integrate with the landscape and surroundings.

Each criterion from Policy NBE2 of the HLP32 is dealt within in turn below.

- a) *impacts to landscape qualities identified in landscape character assessments.*
- b) *the visual amenity and scenic quality of the landscape.*

The site is within the Hart Downs Landscape Character Area as identified in the Hart District Landscape Character Assessment which states (page 91)

"Overall, the open, rolling chalk scenery of the Hart Downs is of high visual quality and presents a striking contrast with the more muted lowland landscapes further north. Of particular scenic value are those areas which have retained a predominantly pastoral character and a stronger structure of hedgerows and woodland blocks, which provide shelter, visual containment and add diversity to the landscape. However, other areas have a denuded, exposed character as a result of conversion to arable farmland which has led to field enlargement, loss of hedgerows and trees and greater intrusion of power lines and development."

The HDLCA also identifies the main enhancement priorities for the Landscape Character Area.

There is also the Hampshire Integrated Character Assessment (2010), the site in Landscape Character Area (LCA) 8c: North East Hampshire Open Downs. The LVIA also considered the intervisibility with LCA1b: North east Hampshire Plantations and Heaths.

The key characteristics of the LCA: 8c North East Hampshire Open Downs

- Rolling chalk landform with broad sweeping hills and ridges and dry valleys.
- Northern areas slope northwards towards the lower lying heaths while southern areas form a gently undulating plateau.
- Extensive tracts of intensive arable cultivation defined by well-trimmed hedgerows.
- Patches of improved and semi-improved grassland and wetlands add biodiversity value.
- Scattered blocks of woodland habitats and stronger hedgerow structure in southern parts of the area.
- Springs occur along the northern fringe of this landscape where the chalk meets the clay.
- Remote and quiet landscape which is lightly populated with dispersed nucleated villages (including spring line villages at the foot of the chalk) and occasional farmsteads.
- Sense of openness, space and expansiveness.
- Generally, formal enclosures in the north and informal enclosures in the south.
- Nucleated settlement pattern of springline villages along the northern boundary, and small hamlets and villages in dry valleys to the south on higher ground.

There is also the Hart Landscape Capacity Study (HLCS, 2016). The HLCS identifies the site to be in the west of Crondall local character area (CR-01) which has a low overall landscape capacity.

The LVIA concludes that the site and study area are of medium landscape value, owing to its good landscape condition and medium scenic quality and presence of positive perceptual aspects, balanced with the lack of conservation and recreational interests.

The direct effects are recorded for the landscape character of the site. These are appraised as being of major adverse importance at construction owing to the introduction of incongruous elements in the form of construction activity into the site. At years 1 and 15, this effect would reduce to substantial adverse as the scale of the effect is reduced slightly by the inclusion and maturation of landscape buffers around the site boundaries, which better assimilate the proposed development into the site. This is further reduced following decommissioning to minor neutral as the infrastructure of the proposed development is removed, with the landscape mitigation planting remaining in situ. This includes seven viewpoints of which four appraised, the remainder are scoped out.

Whilst the LVIA finds that the proposed development within the site would have an adverse effect on the landscape character of the site, as well as a lesser effect on the Landscape Character Appraisals (North East Hampshire Open Downs and Hart Downs) in the surrounding context. A lack of intervisibility with the wider landscape is identified, the effects are considered to be limited. The LVIA considers the Hart Landscape Character Assessment, setting out that the effect would be negligible / neutral once planting has matured. The LVIA notes that the lack of intervisibility with the wider landscape means that the effect on Character Areas is limited in extent. The landscape mitigation would, in time, reinforce and add to the large woodland blocks recorded in the baseline character assessment for the area. Views to the site are particularly limited as a result of intervening vegetation and the majority of views contained to a 1km radius.

Saved Policy CON23 of the HLP06 states that development will not be permitted which would seriously distract from the amenity and consequent recreational value of well-used footpaths and other public rights of way in the countryside close to main settlements by reducing their rural character or detracting from significant views.

The majority of views of the site from residential properties will be screened by a combination of intervening topography, vegetation and built form. However, there is the potential for residents at Park Corner Farm to experience views of the proposed development. Due to the raised topography at Redlands (near Ewshot) and at Montgomery's Farm / Swanthorpe House to the east of Well, there is also the potential for residents in these areas to also experience views of the proposed development. For many of these properties, the view would be filtered or entirely screened by intervening topography, vegetation or built form.

The key Public Right of Way (PRoW) from which views of the proposed development are likely to be obtained is from Crondall Footpath 503, near Park Corner Farm and

Cron dall Bridle way 501 near Montgomery's Farm. The LVIA assesses that from Bridle way 501 the availability of views is limited by intervening vegetation. The nearest footpath is Cron dall footpath 51 and views are unlikely from here due to the topography of the land.

The main road where the from which highway users are potentially likely to obtain views is the road to the west. In addition, roads around 2-4km to the south and west are shown as likely to experience views of the proposed development on the site; these include Dora's Green Lane and Heath Lane at Redlands, as well as the unnamed road passing Montgomery's Farm. However, from on-site survey, the actual availability of these views tends to be highly limited by intervening topography and / or vegetation.

The Council's Landscape Architect has observed that the proposal would result in the removal of part of a rural feature from a rural landscape, being that of a section of the field, and replace it with highly industrialised features. The batteries themselves, which occupy the majority of the proposed site, would be partially visible from behind the proposed fence and the transformers and control room would be considerably more visible. However, the visibility of these components would be, by virtue of the site location and substantial mature trees and hedgerows, limited to the immediate environment of the field. Whilst the development, as proposed, would be out of keeping with the existing rural character of the field, it is not considered that its impact would extend beyond this environment and would have little to no impact on the wider landscape character identified within the Hart Landscape Character Assessment.

The Council's Landscape Architect has also advised that a suitable scheme of planting will, over time, reduce the industrialising impacts of the proposals on the rural character of the area. This will be progressively effective over an appropriate period of time. Critically, in order to do this, it will need to be properly managed otherwise it would fail to achieve the levels of mitigation required. To achieve this, a condition requiring a detailed hard and soft landscaping plan as well as a condition requiring an ecological management plan would be recommended to ensure it is appropriate and sustainable for the long term.

Therefore, the impact that would be caused to the landscape quality of the immediate surroundings, whilst material would be limited to the immediate environment of the field and would have little or no impact on the wider landscape character.

*c) impacts to historic landscapes, parks, gardens and features.*

The main heritage aspects are considered below as part of the main assessment under planning consideration 'Heritage Assets'.

There is one Registered Park and Garden within the study area at Dogmersfield Park.

There are twelve conservation areas within the study area.

- d) important local, natural and historic features such as trees, woodlands, hedgerows, water features e.g., rivers and other landscape features and their function as ecological networks.*

The application is accompanied by information in respect of trees including ancient woodland, this is considered below as part of the main assessment under planning consideration 'Biodiversity'.

- e) It does not lead to the physical or visual coalescence of settlements, or damage their separate identity, either individually or cumulatively with other existing or proposed development.*

The proposal would not lead to any physical or visual coalescence between settlements.

### Heritage Impacts

Policy NBE8 of the HLP32 states that development proposals should conserve or enhance heritage assets and their settings, taking account of their significance.

Paragraphs 195, 199, 200, 202 and 203 of the NPPF are of relevance for determining the significance of Heritage Asset (HA), assessing the impact of the significance and the need to weigh heritage harm.

- Surrounding Listed Buildings

There are listed buildings in the wider area, the nearest being a Grade II listed cottage (The Pit) which is approximately 475 metres from the site, there is a Grade II listed cottage and farmhouse at Itchell Home Farm, there is a Grade II listed cottage at Park Corner and another farmhouse.

- Archaeology

The Historic Environment Record (HER) identifies that there is an archaeological heritage asset (HER 35744) which is an enclosure recognised from aerial photographs which is directly impacted by the development. The nature of the evidence means that it is undated, but its form suggests it cannot be ruled out that it encloses a prehistoric settlement. It would require some preliminary archaeological evaluation to establish the nature of the archaeology at that location.

The application submission does not specify what ground preparations are planned in order to install the compound, but it is noted that a permeable stone surface is planned. The County's Archaeologist has assumed that the site will be prepared by topsoil stripping and on that basis, it is assumed that the proposal will impact elements of the enclosure recorded on the HER. Accordingly, a condition is recommended securing a preliminary archaeological investigation to establish the nature of the archaeology associated with the enclosure, and if the enclosure does represent a site of archaeological significance and should secure an appropriate level of archaeological mitigation commensurate with the nature of the impact of the scheme.

Overall, the proposed development is likely to cause some harm at the less than substantial scale of harm to the significance and ability to appreciate the significance of the listed buildings referred to above.

Due to the less than substantial harm to heritage assets generated at the lower level of the spectrum, the proposal would generate conflict with policies NBE8 and NBE9 of the HLP32 or Policy GEN1 of the HLP06 in this respect.

The NPPF sets out that heritage harm can in some instances be outweighed by public benefits within the balancing exercise and this assessment is undertaken later in this report in the Planning Balance Section below.

#### Impacts on Amenity

HLP32 Policy NBE11 requires that development does not give rise to unacceptable levels of pollution; and that it is satisfactorily demonstrated that any adverse impacts of pollution will be adequately mitigated or otherwise minimised to an acceptable level.

In terms of amenity, HLP06 Saved Policy GEN1 (criteria ii and iii) requires that development avoids a material loss of amenity to residents in respect of noise, disturbance, noxious fumes, dust, pollution, traffic generation, loss of privacy, overlooking or the creation of shared facilities.

The NPPF (paragraph 130) seeks a high standard of amenity for existing and future users. Paragraph 185 of the NPPF requires planning decisions take into account likely effects of pollution on health, living conditions and the natural environment as well as the potential sensitivity of the site or the wide impacts that could arise from the development. In doing so take account of noise, identify and protect tranquil area and limit the impact of light pollution.

The application is supported by a Noise Impact Assessment, self-screening is not taken into account in the assessment. The assessment concludes that the proposed battery storage compound will not result in a significant noise impact and hence it is not anticipated that the proposals would result in any significant harm to the amenity of occupants of the nearest residential properties by way of noise. No special noise mitigation measures are therefore considered necessary.

In respect of noise impacts and other impacts from the proposed development, the Council's Environmental Health Officer (EHO) has not raised any objection in respect of environmental noise and nuisance grounds.

Views of the proposed development from residential properties would be minimal and would not justify a reason for refusal in respect of residential amenity.

No concerns or objections in relation to dust, fumes or fire risk have been raised by the EHO in respect of this application. This has been raised in the consultation responses.

## Fire Risk

Fire risk is a material consideration to this planning application. Fire risk is a determining factor in prior approval submissions within the General Permitted Development Order and planning appeals have also confirmed that access for fire safety vehicles is material to the assessment of planning applications. As a result, fire risk is material to this application and Building Regulations would not be applicable to the development as it does not relate to a building.

Hampshire Fire & Rescue have been consulted on the application and have raised some issues. The applicant has submitted a Technical Note on Fire Safety in response. The document considers access to the site, water supplies, access for high reach appliances, fire protection, testing of fire safety systems and the environment. There would remain the requirement to comply with any non-planning legislation in these respects.

Furthermore, as part of the discussions on highways access for the construction of the proposed development it has been established that vehicular access for a 2.5 metre vehicle can be made down Itchel Lane.

The Applicant has confirmed that SSE's focus is on prevention and there has been investment in a 'reduced risk by design' approach, which ensures that the battery is designed from the outset in a manner that minimises any potential safety risk.

The proposed energy storage facility is stated as being remotely monitored 24 hours a day, and inspected monthly, to allow operations to be automatically restricted, should that be needed. Temperature is also constantly monitored, and containers are fitted with a heat trigger which switches them off if temperatures were to unexpectedly rise. The supply chain includes 100% factory acceptance testing and certification on the batteries to minimise any risk of manufacturing fault.

A detailed mitigation strategy has been developed in the event that a fire occurs, a 'multi layered' approach is used to identify and arrest fire before it breaks out and, in the unlikely event these fail, to extinguish. These systems are designed to be a fast acting (no need for manual intervention) and self-monitoring (should the system become unhealthy or fail, it will send alarms to our control centre and restrict / stop the system from operating).

In addition, the batteries have an aerosol system that smothers and stops the fire without the use of water. The containers themselves are self-bunded by design, thus removing any broader negative impact of the mitigation actions. Each container is therefore a 'closed loop system' and designed to be simply removed and replaced should an incident arise and the plant can continue to provide its valuable contribution to the local energy network.

The site has been designed so that a potential fire remains limited to a single container, space is left between containers so that fire can't propagate. Due to all the above, fumes resulting from a potential fire would be very limited and restricted by volume to levels that will be dispersed quickly even with very low winds.



A condition has been included to require details of mechanisms for the maintenance of electrical elements together with an overarching fire safety precaution statement for the development.

### Highway Safety, Access and Parking

Policy INF3 of the HLP32 states that development should promote the use of sustainable transport modes prioritising walking and cycling, improving accessibility to services and support the transition to a low carbon future.

Saved policy GEN1 of the HLP06 supports developments that do not give rise to traffic flows on the surrounding road networks which would cause material detriment to the amenities of nearby properties and settlements or to highway safety.

Paragraph 111 of the NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is accompanied by a Transport Statement, including an access and route for construction traffic. Access to the site would be from Itchel Lane, obliquely opposite an access to Itchel Home Farm. Access would be via an existing gated access and along an existing track adjacent to a field. There would be a requirement for an additional track, 375 metres long, to be formed to provide access to the land where the compound is proposed. The existing gate would need to be set back and junction widened during construction to allow larger vehicles to be reinstated.

There would be no staff based on site during operational activities as the site would be remotely monitored, reducing the need for activity at the site. Therefore, there would be a few traffic movements per month from a four-wheel drive vehicle.

The construction period is anticipated to be three months. Foundation and ground works would be undertaken using a JCB excavator. Material deliveries would be via four axle tippers with deliveries requiring various size vehicles. A mobile crane would be used to lift equipment and deliveries to site. The auxiliary transformers are factory assembled and installed on site, these are 3.1 metres x 3.2 metres, so would be a wide load as they are over 2.9 metres. The 19 transformers could be delivered in twos on a low loader. The route for construction traffic has been considered, Itchel Lane is noted to have low traffic numbers so unlikely to meet other vehicles. The narrow passing points have been considered. Generally, Hyde Lane has a width of between 3.0 metres and 3.9 metres excluding passing spaces. Itchel Lane has a width of 2.6 metres to 2.9 metres. Construction vehicles would be connected via radios.

In terms of impacts arising from the development to the operation of the highway network the Local Highway Authority (LHA) has assessed the proposal and has raised no objection.

The LHA have reviewed the submitted information in relation to the proposed access, vehicular movements and mitigation measures and raise no objection. In doing so, the LHA have advised that they are satisfied that the proposed

development would not result in a severe detrimental impact on the operation or safety of the local highway network.

During the application, further information, including construction traffic tracking was provided. This has been reviewed by the LHA who are satisfied that the construction traffic for the proposed development can traverse Itchel Lane. Furthermore, the steps laid out in the Transport Statement for the transport of wide loads during construction are acceptable and raise no objection. The submitted Transport Statement recommends a Construction Traffic Management Plan (CTMP) to minimise impacts on the highway, accordingly this is recommended.

The LHA considered the narrowing of a section of the access track, adjacent to the ancient woodland to accommodate a buffer zone. No objection was raised, the track will see a low number of vehicle movement. The length of the narrowing means that it only will be a pinch point with the rest of the track still able to allow two-way traffic movements. The narrowing to 4 metres would still provide adequate carriageway width for the expected maintenance vehicles to access this site once in operation.

The NPPF is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No such adverse impacts have been identified. The proposal therefore complies with HLP32 Policy INF3, HLP06 Saved Policy GEN1 and the NPPF in relation to transport and highways.

### Flood Risk and Drainage

Policy NBE5 of the HLP32 sets out five criteria when development would be permitted, in this case the applicable criteria are:

- Over its lifetime it would not increase the risk of flooding elsewhere and will be safe from flooding;
- If located within an area at risk from any source of flooding, now and in the future, it is supported by a site-specific flood risk assessment and complies fully with national policy including the sequential and exceptions tests where necessary;
- Within Causal Areas (as defined in the SFRA) all development takes opportunities to reduce the causes and impacts of flooding.

Environment Agency flood mapping indicates that the site is located within Flood Zone 1, including that where the battery storage facility is proposed. The submission provided a flood risk assessment (FRA), as the site area is over one hectare. The application has been reviewed by the LLFA.

The site slopes predominantly from east to west but also from the south towards the low ground located in the northwest corner of the site. The impermeable areas comprise concrete bases to support the proposed equipment. The access track would be free draining stone.

The land where the proposed development site is proposed to be located is not shown to be at risk from surface water. There is a medium to high risk of surface

water flooding along the western edge of Itchel Lane, opposite the proposed development. The topographic survey shows the site drains towards Itchel Lane. The FRA concludes that flooding from sewers is low risk.

The levels are proposed to be adjusted to provide a shallower platform for the battery storage. Levels of finished site still provide a slope from east to west to provide drainage onto Itchel Lane, to ensure that surface water does not pool on site and also does not enter the site from Itchel Lane via an overland flow route.

The FRA recommended that the finished floor levels of any infrastructure and / or storage units are set above the existing levels and at least 150mm above the proposed surrounding external levels.

Wherever possible, the external ground profile in the development will ensure that surface water is directed away from the proposed development.

The application includes a Drainage Strategy. Filter drains with perforated pipes and permeable paving are proposed to intercept runoff and infiltrate to the ground. Along with access roads permeable and free draining. Surface water runoff not captured by the filter drains, or the permeable paving shall follow the proposed contours on site and infiltrate into the permeable ground.

During the course of the application, infiltration testing has been undertaken to demonstrate suitable rates of infiltration. The application submission identifies that the SFRA shows risk of groundwater flooding as limited and highlights that all development is proposed to be above ground level. However, no groundwater monitoring has been completed. The LLFA have raised that it is known that groundwater flooding occurs within the Crondall area, however, given the nature of the site, difference in location and elevation, the LLFA recommend a condition on this element. Accordingly, such a condition is recommended.

Accordingly, the proposed development would not increase the risk of flooding as required by HLP32 Policy NBE5 and the NPPF (para. 163).

### Ecology and Trees

With regards to biodiversity, policy NBE4 of the HLP32 states that: 'In order to conserve and enhance biodiversity, new development will be permitted provided:

- a) It will not have an adverse effect on the integrity of an international, national, or locally designated sites.
- b) It does not result in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;
- c) opportunities to protect and enhance biodiversity and contribute to wildlife and habitat connectivity are taken where possible, including the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations. All development proposals will be expected

to avoid negative impacts on existing biodiversity and provide a net gain where possible'.

The Preliminary Ecological Appraisal concludes that the site has local value on a regional scale. The habitats described within the appraisal have the potential to support protected and / or notable species. For breeding birds, works should be sympathetic to this group of species, with vegetation clearance undertaken following Reasonable Avoidance Measures (RAMS). The optimal for site clearance would be between October - March outside of breeding bird season. There is foraging and commuting bats on the woodland edge, a sensitive lighting strategy within a Construction Environmental Management Plan (CEMP) is recommended to be secured via condition. For Habitats a suitable buffer erected around woodland during construction – secured as a planning condition. For Herptiles: work should be sympathetic to this group of species with vegetation clearance following Reasonable Avoidance Measures following a site-specific CEMP and for Badgers work should be sympathetic during construction, detailed within a CEMP.

An Ecology Addendum has been submitted to address the proximity of Long Copse (Ancient and Semi- Natural Ancient Woodland), this recognises the need to protect the ground where the access passes. Access to the site is via an existing track, approximately 400 metres of which passes adjacent to Long Copse. Subsequently, an addendum to the Arboricultural Impact Assessment has been provided to consider Long Copse.

In terms of trees, saved policy CON8 of the HLP06 states that where development is proposed which would affect trees, woodlands or hedgerows of significant landscape or amenity value planning permission will only be granted if these features are shown to be capable of being retained in the longer term or if removal is necessary new planting is undertaken to maintain the value of these features. Planning conditions may be imposed to require the planting of new trees or hedgerows to replace those lost.

To the north of the site New Copse, a Category A ancient woodland, forms a boundary along the site edge. To the south of the existing access track is Long Copse, a Category A ancient woodland, part of the woodland is within / runs alongside the track.

Natural England and the Forestry Commission's Standing Advice provides a recommended buffer of at least 15m+ between ancient woodland and a development. Adjacent to New Copse and where the battery storage facility would be located, the red line is within 15m of the ancient woodland. However, the first line of foundations is located 17m from the edge of the ancient woodland, with the majority of this buffer composed of ploughed agricultural field. The development adjacent to New Copse ancient woodland has been altered, specifically the access track, to sit outside the 15m buffer. The existing compacted agricultural track currently lies within 15m of the ancient woodland to the south, known as Long Copse. The track is proposed to be used for use by construction traffic (heavy vehicles) and thereafter lighter maintenance vehicles. The access track is an established agricultural track currently used by tractors and combine vehicles.

Ground compaction is identified as a potential risk from heavy vehicles and machinery accessing the construction area and a risk to damage to stems of trees and low branches. The addendum to the Arboricultural Impact Assessment states that non-evasive construction will need to be considered, the area fenced, and construction limited to dry periods. The use of a cellular confinement system and the final surfacing to be permeable is recommended. The information submitted is not site specific, therefore a pre-commencement condition requiring site specific information would be sought.

Some minor lifting and/or cutting back of trees over the current and southern end of the new access is likely to be needed. It has been assumed that any underground utilities required would be located within the access road. It is not proposed to carry out any major increase / decrease in level changes in RPAs, and small changes may be tolerated.

Where the existing track joins the new track, there is a section of uncompacted ground within the footprint of the new access road and RPA of the woodland. Some regrading of the existing section of the track, adjacent to the northern boundary of Long Copse, would need to be graded to allow for the installation of ground protection. The machinery to be used is discussed. The amount of excavation will be determined individually and limited to 150mm.

Whilst objections have been made that the red line is within the 15m buffer of Ancient Woodland. The access track to the south of New Copse has been realigned so that no development within 15m of the ancient woodland would occur. The field is a worked agricultural field, and it is unlikely that any significant root systems exist in the red line area here. There would not be any reason (or permission given) to undertake excavation within the 15m buffer based on the submission. Protective fencing during construction is already proposed.

No tree removal is required to facilitate the development. It has been recommended that an Arboricultural Method Statement be submitted via condition, based on the above information it is recommended that this is included.

A plan of service routes is not yet available. The Arboricultural Impact Assessment identifies that these are expected to be located outside buffer zones and plotted root protection areas; alternatively precautionary approaches to install could be agreed with the local planning authority if unavoidable ingress into these areas is deemed justified. The service cables would comprise a power cable. Whilst the location is not confirmed at this time, it is very likely to run under the track. This would be fitted by the power company which would either exercise Permitted Development rights afforded to them, or they would have to make another application.

There has been discussion regarding the ecological impacts associated with the removal of a portion of Hedgerow H1 to facilitate temporary access including potential impact on dormice. The matter has been discussed with the Council's Ecologist and the scale of hedgerow to be removed isn't considered to be significant and a CEMP condition is proposed to adequately address.

In addition, details of replanting would need to be provided to ensure there is adequate compensation for loss of what is likely to be priority hedgerow habitat. A condition requiring development in accordance with the Ecology Report is recommended.

As such, there is no objection to the proposal in ecology or tree terms and subject to planning conditions it would comply with Policy NBE2 of the HLP32, saved policy CON8 of the HLP06, Policies and the aims of the NPPF in this regard.

### Thames Basin Heaths Special Protection Area (TBH SPA)

The site lies within 5km of the TBH SPA, given the nature of the proposed development the proposal is not considered to have any adverse impact on the TBH SPA.

### Climate Change

On 29th April 2021 Hart District Council agreed a motion which declared a Climate Emergency in the District. Policy NBE9 of the HLP32 requires proposals to demonstrate that they would:

- i) reduce energy consumption through sustainable approaches to building design and layout, such as through the use of low-impact materials and high energy efficiency; and
- j) incorporate renewable or low carbon energy technologies, where appropriate.

The submitted application proposes an energy storage facility which will provide capacity for energy to be stored during periods of generation surplus, where it would be released during generation shortages. This energy would be stored on site and would ultimately be exported to the National Grid.

The proposal therefore meets the requirements of Policy NBE9 of the HLP32, and the aims of the NPPF in terms of sustainability/renewable or low-carbon energy technologies to address climate change.

### Equality

The Council has a duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics and those who do not under the Equalities Act. The application raises no concerns about equality matters.

### OTHER PLANNING CONSIDERATIONS

- Loss of agricultural land

Paragraph 174 of the NPPF requires, among other requirements, that planning decisions should contribute to enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland.

According to the Council's mapping the land where the battery storage compound would be located in grade 3 agricultural land. The PDAS states that the agricultural land is Grade 3 good to moderate. In this respect the site does not contain soil in the top 2 grades of agricultural land. The land is not actively farmed for use in crop production or the keeping of animals. The limited conflict with the NPPF in this regard would be regarded immaterial in this respect.

### PLANNING BALANCE

Section 70(2) of the Town and Country Planning Act 1990 ("TCPA 1990") provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal is intended to provide storage to balance out the climatic variations in peaks from energy produced from renewable sources; This would ensure that energy production and supply can be balanced out, thereby helping provision. Also, by being efficient in having energy available when needed; it would provide a significant energy saving.

It is important to note the public benefits which would arise from this proposal, and these are as follows:

- Social benefits would arise the proposed energy storage facility would support the electricity network by providing extra generating capacity to cover shortfalls that may occur at given times. The proposal would assist in maintaining uniform energy provision. This would enable some reduction in the energy burden in line with the government's aims and the NPPF (paras. 8c and 152) for a low carbon economy, as also supported by HLP32 Policy NBE10.
- Economic benefits attracted by the proposal would be employment and local expenditure during the construction of the development and, to a limited extent, during the operational stage. The proposal would assist in safeguarding energy supplies, provide additional grid capacity and the ability to provide energy in periods of high demand.
- Environmental benefits arising from the proposal would include improving the infrastructure for renewable energy production.

The dis-benefits and harm identified above are:

- The impact caused to the landscape quality of the immediate surroundings, whilst material would be limited to the immediate environment of the field and would have little or no impact on the wider landscape character.
- The proposal would result in the loss of some agricultural land.

The proposal is therefore contrary to Development Plan policies SS1, NBE1, NBE2, NBE9 and saved policy GEN1 as well as the Crondall Neighbourhood Plan.

On balance, considering the benefits stated above against the harm identified the proposal would deliver public benefits on a scale to outweigh the limited harm identified.

## **CONCLUSION**

The application has been assessed against the development plan and relevant material considerations and as identified in this report, the proposed development is contrary to spatial planning Policies SS1, NBE1 and Policies NBE2 and NBE9 of the HLP32 and saved policy GEN1 of the HLP06. It would alter the characteristics, value or visual amenity of the District's landscape but can be adequately mitigated for, with its negative impacts being limited in range through careful conditioning. The conflict needs to be balanced with the potential benefits. On balance, the benefits identified and supported by the NPPF outweigh the conflict with the development plan, of which the impacts can be adequately mitigated.

As such this application is recommended for approval subject to conditions.

**RECOMMENDATION** – Refer to Full Council with a recommendation to **GRANT** subject to planning conditions.

## **CONDITIONS**

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

REASON: In pursuance 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 be fully implemented in accordance with the following submitted application plans and drawings numbered (including any mitigation / enhancement recommended therein):

Noise Impact Assessment prepared by Hepworth Acoustics P21-026-R01v3  
October 2021

Transport Statement prepared by Banners Gate Transportation Ltd Version 2  
dated October 2021

Tree data (unnumbered)

Landscape and Visual Impact Assessment prepared by Brindle and Green dated  
October 2021 Ref: BG21.167.2

Topographic Survey (S219 1212)

407544-BVL-ZZ-00-DR-T-00008 P02.00 Inverter Detailed Plan and Elevations

407544-BVL-ZZ-00-DR-T-00007 P02.00 Auxiliary Transformer Detailed Plan and  
Elevations

407544-BVL-ZZ-00-DR-T-00003 P04.00 Elevations

407544-BVL-ZZ-00-DR-T-00004-Rev03 - Battery Container Elevations (BESS  
Detailed Plan and Elevations)



407544-BVL-ZZ-00-DR-T-00005 P02.00 DNP Kiosk Details Plan and Elevations  
407544-BVL-ZZ-00-DR-T-00006-Rev002 – 11KV DNO Kiosk Detailed Plan and Elevations (received 15<sup>th</sup> November 2021)  
407544-BVL-ZZ-00-DR-T-00012 P04.00 Elevational View of Switch Yard  
407544-BVL-ZZ-00-DR-T-00002 P05.00 General Arrangement of Security Fencing  
407544-BVL-ZZ-00-DR-T-00001 P4.00 General Arrangement of BESS Vehicular Access for Construction Traffic on Itchel lane (P1563/12) (received 3<sup>rd</sup> March 2022)  
Ecology Buffer Plan 407544-BVL-ZZ-00-DR-T-000014 Rev A  
Technical Note – Fire Safety  
Ecology Addendum R02 dated March 2022 (received 18th March 2022)

Soakage Test prepared by The Geo-Environmental Service Provider (as1) ref: 128-22-675.2715 letter dated 31<sup>st</sup> May 2022  
Infiltration information (5 pages Micro Drainage)  
Trail Pit Photos prepared by The Geo-Environmental Service Provider (as1) 128-22-675 TP1 and TP2  
Landscape Strategy Plan (21005254\_PLN\_LS\_1.1) (received 14<sup>th</sup> July 2022)  
Planning, Design and Access Statement prepared by RCA regeneration dated 11<sup>th</sup> November 2021  
Preliminary Ecological Appraisal dated April 2021 prepared by Brindle and Green BG21.167  
Arboricultural Impact Assessment Survey and Report Rev 2 Report Reference: BG21.167.1 prepared by Brindle and Green.  
Flood Risk Assessment prepared by Link Engineering NC-LE-GEN-XX-RP-CE-FRA01-P1-Flood Risk Assessment dated March 2022  
Addendum to Flood Risk Assessment prepared by Link Engineering NCC-LE-GEN-XX-TN-CE-TN01 dated March 2022 (received 3<sup>rd</sup> October 2022)  
Arboricultural Survey Addendum dated October 2022 (received 18th October 2022)  
Site Location Plan 407544-BVL-ZZ-00-DR-T-00010A P03 (received 2<sup>nd</sup> November 2022)  
REASON: For the avoidance of doubt and in the interests of proper planning to ensure that the development is carried out in accordance with the application form and associated details hereby approved.

3. The requirements and recommendations outlined in Section 7 in the ecology report must be implemented in full.  
REASON: to ensure there is no negative impact on protected species as a result of the proposals.
4. No development shall commence until a Construction Environmental Management Plan (CEMP) detailing the site-specific measures to be undertaken to mitigate impact on protected habitats and species on site has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall include details for:
  - Breeding birds: vegetation clearance should be undertaken using Reasonable Avoidance Measures, during site clearance.

- Foraging and commuting bats: woodland edge subject to a sensitive lighting strategy.
- Habitats: suitable buffer erected around woodland during construction.
- Herptiles: work should be sympathetic to this group of species with vegetation clearance following Reasonable Avoidance Measures which is site-specific.
- Badgers: work should be sympathetic during construction.

The works shall take place in accordance with the approved CEMP.

REASON: To prevent negative impact on protected habitats and species in accordance with policy NBE4 of the Hart Local Plan (Strategy and Sites) 2032, saved Local Plan policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

5. No development shall begin until groundwater monitoring has been undertaken during the winter period to demonstrate a minimum of 1m unsaturated zone between the base of any proposed infiltration feature and highest recorded groundwater level.

REASON: To prevent increased flood risk from surface water run-off in accordance with Policy NBE5 of the Hart Local Plan (Strategy and Sites) 2032 and Section 14 of the NPPF 2021.

6. No development shall take place until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority.

These details shall include:

- earthworks showing proposed finished levels and retaining structures, including foundations
- surface treatments, surface materials including subbase construction details where necessary
- means of enclosure including foundation details
- proposed lighting and site security equipment
- a programme for implementation

Soft landscape works shall include:

- Full planting plans
- written specifications including cultivation and other operations associated with plant and grass establishment
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate
- an implementation programme (including phasing of work where relevant).

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the

development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interests of the landscape scenic quality of the area in accordance with Policy NBE2 of the Hart Local Plan (Strategy and Sites) 2032 saved Local Plan policy GEN1 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

7. No development shall take place until a landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas for the period of this consent, shall be submitted to and approved in writing by the local planning authority. Once approved, the development shall be fully carried out in accordance with the approved details.

REASON: To ensure adequate provision is made to allow satisfactory maintenance of the landscaping hereby approved in accordance with Policies NBE1, NBE2 and NBE4 of the Hart Local Plan (Strategy and Sites) 2032.

8. No development shall take place until an arboricultural method statement (AMS), in accordance with BS5837:2012, has been submitted to and approved in writing by the Local Planning Authority. Specifically, the AMS shall include:

- a specification for tree protection measures.
- a programme of arboricultural supervision commencing with a prestart meeting and with regular site visits as deemed appropriate to meet criteria of BS5837:2012.
- timing of installation and dismantling of such tree protection measures, which must in any case be installed prior to commencement of any site clearance or ground works and be retained and maintained for the full duration of works until onset of final landscape work or as otherwise agreed in writing with the Local Planning Authority.
- a plan at 1:500 or lower scale, detailing the location of such tree protection measures, including annotation that such measures shall remain in this position for the full duration of works or unless by prior written agreement with the Local Planning Authority.
- demonstration that all proposed new services and utilities can be provided outside the plotted RPAs of retained trees.
- demonstration that all site works, mixing areas, storage compounds, site buildings and associated contractor parking areas remain wholly outside any tree protection zones and at a suitable separation to prevent damage to retained trees.

REASON: To secure tree protection throughout the lifetime of the development being carried out with trees shrubs or hedges growing within or adjacent to the site which are of amenity value to the area, and to ensure the necessary measures are in place before development commences in accordance with Policy NBE2 of the

Hart Local Plan (Strategy and Sites) 2032 and Policy CON8 of the Hart District Local Plan 1996- 2006.

9. No development shall commence, including use of the existing access, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved statement shall be implemented and adhered to throughout the construction period. The statement shall provide for:

- the recommendations, actions and mitigation set out on the ecology report, the AIA and approved AMS and drainage scheme
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during demolition and construction
- a scheme for recycling/disposing of waste spoil resulting from slope levelling, subbase excavations and construction works.

REASON: In the interests of highway safety and convenience of highway users, in ecological and arboricultural respects in line with Policies NBE4 and INF3 of the Hart Local Plan (Strategy and Sites) 2032 and Policy CON8 of the Hart District Local Plan 1996-2006.

10. No development shall commence until a programme of archaeological work detailed within a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. Once approved, the development shall take place in accordance with the approved details.

REASON: The site is identified as being of archaeological potential. Investigation is required to allow preservation and recording of any archaeological features before disturbance by the development in line with Policy NBE8 of the Hart Local Plan (Strategy and Sites) 2032 and Section 16 of the National Planning Policy Framework 2021.

11. Notwithstanding the details provided within the Addendum Arboricultural Survey, prior to the commencement of development, further details on the measures for addressing compaction on the existing access track are required.

REASON: To secure the protection throughout the lifetime of the development is being carried out with trees within or adjacent to the site and to allow for verification by the local planning authority that the necessary measures are in place before development and other works commence in accordance with Policy CON8 of the Hart District Local Plan 1996-2006 and the aims of the NPPF 2021.

12. Notwithstanding the details submitted with the application, prior to the first export date, the applicant shall submit details of mechanisms for the maintenance of electrical elements together with an overarching fire safety precaution statement for the development.

REASON: Insufficient details were submitted with the application and are required in order to understand the potential fire safety implications.

### **INFORMATIVE**

1. The Council works positively and proactively on development proposals to deliver sustainable development in accordance with the NPPF. In this instance, the applicant was advised of the necessary information needed to process the application and revisions were accepted to address concerns raised, once received, further engagement with the applicant was required and the application was subsequently made acceptable.

# Location Plan



# General arrangement



# Elevations

