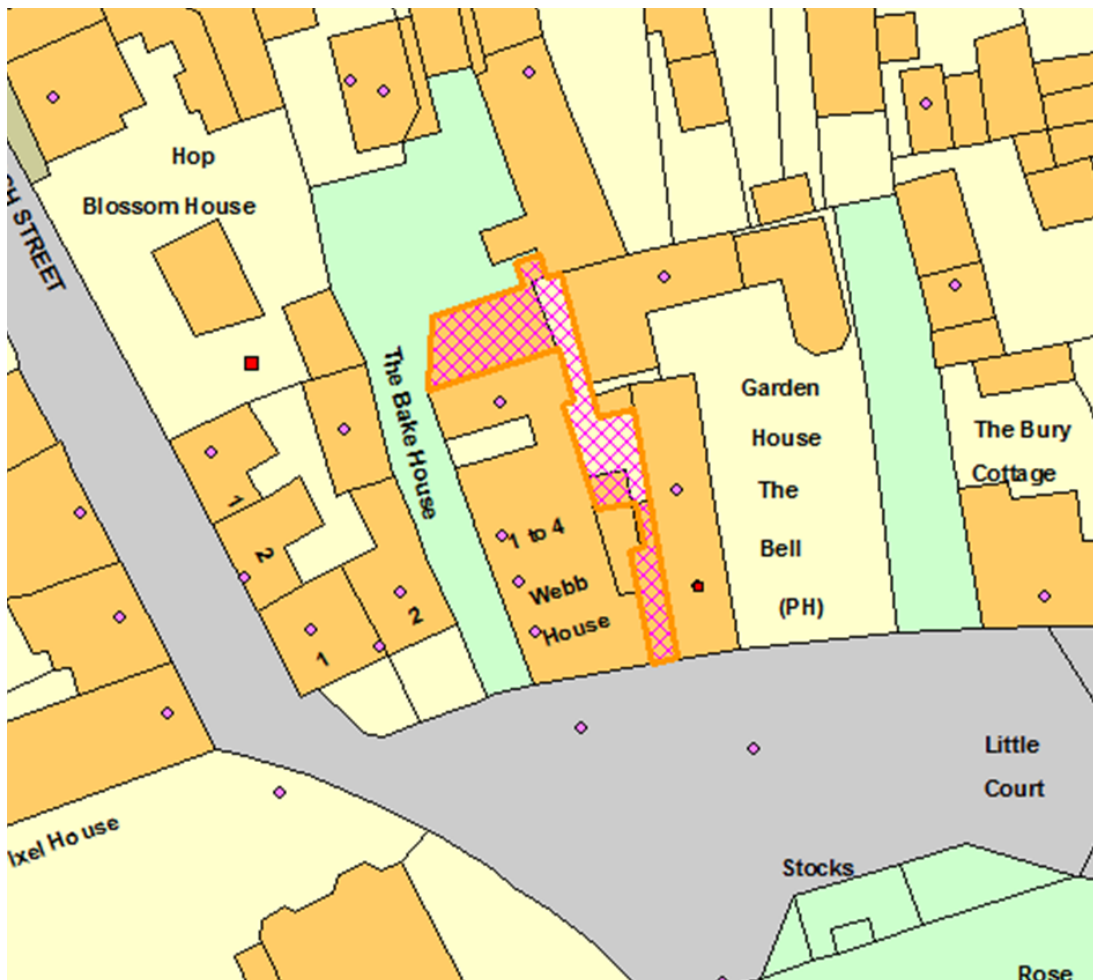


**COMMITTEE REPORT  
ITEM NUMBER:**

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).

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 2<sup>nd</sup> 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 is 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.