

### Consultation comments on policy HE9 – Change of use to listed buildings

- Support - 8
- Neither support of object - 5
- Object - 0

The changes to the supporting text and the Local Plan policies have not only been informed by the responses to the Regulation 18 consultation but they have also taken on board any additional feedback that has come out of discussions/meetings with statutory consultees and members in order to improve the clarity and understanding of the contents of the Local Plan.

<b>Comment that support policy HE9 – change of use to listed buildings</b>		
<b>Respondent number</b>	<b>Comment</b>	<b>Officer comment</b>
ANON-KSAR-NKXV-R	<p>But I am not quite clear how our policies on Listed Buildings are protecting them from neglect by a developer who wishes to do something else with the site and allows them to fall into disrepair.</p> <p>For example the mill building on the Sainsburys site in Bishops Waltham has been completely neglected for many years, allowed to fall into a state of disrepair. The planning permission recently granted for the site contains no information about the structure of the Mill as it was deemed too dangerous to have a survey conducted on it. It will not be remotely surprising if the developer (having gained permission after years of neglect of the site) suddenly finds the Mill Building 'too dangerous to convert' - or it 'accidentally' collapses when work starts. The building will have been lost forever.</p> <p>I am not clear which policies would prevent that from happening in the future at other sites.</p>	<p><b>Comments noted</b></p> <p>It is important to remember that the Local Plan does not deal with neglect, but if there are issues with neglect, enforcement action can be taken.</p> <p><b>Recommended response: no change</b></p>

<p>ANON-KSAR-N8MP-M</p>	<p>[This response should be read in conjunction with the full copies of the ‘North Whiteley Representations to the Winchester Local Plan Regulation 18 representations OBO Crest Nicholson’ representations which includes the relevant figures and appendices, with tables correctly formatted]</p> <p>Paragraph 189 of the Framework seeks to conserve and enhance the historic environment and sets out that heritage assets are an irreplaceable resource that should be conserved so they can be enjoyed for their contribution to the quality of life or existing and future generations. Winchester has a rich and diverse historic environment that provides a valuable contribution to its identity and culture. Strategic Policy HE1 confirms the Plan will protect the district’s designated and non-designated heritage assets in accordance with the Framework and Policies HE2-HE14 set out the approach through which this will be achieved.</p> <p>Crest Nicholson is broadly supportive of the aims of these Policies and notes the development proposal for land in the North Whiteley MDA is not located in close proximity to any designated or non-designated heritage assets and the allocation of further growth in this location will therefore reduce development pressure on the district’s historic environment.</p>	<p><b>Comments noted and welcomed</b></p> <p><b>Recommended response: no change</b></p>
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<b>Comments that neither support or object to policy HE9 – change of use to listed buildings</b>		
<b>Respondent number</b>	<b>Comment</b>	<b>Officer comment</b>
ANON-KSAR-NKDG-N		No response left
BHLF-KSAR-N8T1-V	Policy wording states “the proposed use causes the least amount of harm to the significance of the listed building out of all viable uses.” This is a stringent requirement that goes above the requirements of the NPPF which allow the	<b>Comments noted</b>

	<p>use of heritage assets for viable uses consistent with their conservation. It does not require all viable uses to be assessed. This sentence should be removed.</p>	<p>The NPPF requires that decision makers consider which use is the 'optimum viable use' for heritage assets. The NPPG clarifies this as follows: "if there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one".  [Paragraph: 015 Reference ID: 18a-015-20190723] Policy HE9 is entirely consistent with the NPPF.</p> <p><b>Recommended response: no change</b></p>
<p>BHLF-KSAR-N8BQ-A  Historic England  <a href="#">Link here</a></p>	<p>We suggest some minor wording changes to align more closely with language in the NPPF. If the box on "What are we aiming to achieve" is retained, also we'd suggest referring to significance in that box, rather than special interest. We note there is an IIA recommendation: "Policy HE9 could be strengthened by including wording that more actively supports bringing listed buildings being brought back into viable uses where they comply with national policy" and mention that here in case the Council has yet to consider this.</p> <p><b>Changes to policy text outlined below:</b></p>	<p><b>Comments noted and welcomed</b></p> <p>Agree to suggested changes and policy altered accordingly to wording of policy which can be seen to the left</p> <p>New text = <b>bold</b></p>

	<p>Changes of use to listed buildings will be considered in line with national policy on optimum viable use. Applications for change of use which affect the significance of a listed building must be supported by proportionate evidence to show that the proposed use is viable in the long term and that the proposed use causes the least amount of harm to the significance of the listed building out of all viable uses. Applications should:</p> <ul style="list-style-type: none"> <li>i. Deal comprehensively with the intended use and operation of the whole building and site, and contain sufficiently detailed information to understand the full impact of the proposals internally and externally; <del>including the setting;</del></li> <li>ii. Propose a use which would not be harmful to the <b>significance</b> <del>special interest</del> of the building <del>or its setting</del>;</li> <li>iii. Satisfactorily demonstrate that the building is structurally capable of accommodating the proposed change of use and clearly justify any harm or the need for extensive intervention or reconstruction; and</li> <li>iv. Demonstrate how any <b>unavoidable</b> harm to the <del>special interest</del> <b>significance</b> of the building is justified in accordance with Policy HE3 on designated heritage assets.</li> </ul>	<p>Removed text = <del>strikethrough</del></p>
<p>BHLF- KSAR- N8BX-H</p>	<p>The Historic Environment - Strategic Policy HE1 HE2 HE8 HE9 HE14 The Trust supports the aspiration for a 'positive Policy' when dealing with heritage assets, but subject to such Policy recognising that such assets must 'make a practical contribution' by delivering a meaningful use. (As stated at 8.19). The Trust operates from several listed buildings and/or buildings of historic interest. The Trust is concerned that the need to upgrade such buildings (to allow them a meaningful future and retain historic context) with modernised or High Tec infrastructure reflecting clinical or supporting need should not be seen as inappropriate or made unaffordable by the needs of historic conservation. The Trust suggests that certain historic and socially important continuous building uses be considered 'flexible and adaptable' as a route to maintaining ongoing historical context, allowing sustainable meaningful use and to protect and build upon already embedded carbon. The Trust expects that 'sustainable future use' must also allow alteration reflecting</p>	<p><b>Comments noted</b></p> <p>WCC is committed to support HHFT in their effective use of the historic buildings within their estate. These policies are not intended to preclude this, rather to ensure that all works and alterations to them are carefully considered to ensure that the significance is sustained, and that any harm is thoroughly justified and minimised where possible. WCC recognises the contribution</p>

	<p>a contribution to the stated climate emergency and to achieve desired energy efficiency / Net Carbon Zero aspirations. (CN1 CN2 CN6),</p>	<p>made by the reuse of buildings, historic or otherwise, to protect embodied carbon in the journey to net-zero.</p> <p><b>Recommended response: no change</b></p>
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<b>Comments that did not answer whether they support, object or neither support or object to policy HE9 – change of use to listed buildings</b>		
<b>Respondent number</b>	<b>Comment</b>	<b>Officer comment</b>
<p>BHLF-KSAR-N8ZJ-U</p>	<p>HE9 which comments on the potential for change of use to listed buildings which should be amended to include non-designated Heritage assets. Policy HE9 seeks to support applications for change of use which affect the significance of a listed building where evidence is provided, that the proposed use is viable in the long term and that the proposed use causes the least amount of harm to the significance of the Listed building out of all viable uses. This should be applied to non-designated heritage assets too.</p>	<p><b>Comments noted</b></p> <p>For non-designated heritage assets, as this is not a formal designation and is only something the Council would recognise during the determination of a planning application, therefore it is not possible to know if it is a non-designated heritage asset until this time and therefore this is not feasible.</p> <p><b>Recommended response: no change</b></p>

	<b>Recommendations</b>	<b>Officer response</b>
Comments from SA/HRA	Policy HE9 could be strengthened by including wording that more actively supports bringing listed buildings back into viable uses where they comply with national policy.	Whilst this is a matter that would be supported, viable uses would need to comply with national policy/range of other issues so there is no need to specifically refer to this in Policy HE9.

### Amendments to policy HE9

Changes of use to listed buildings will be considered in line with national policy on optimum viable use. Applications for change of use which affect the significance of a listed building must be supported by proportionate evidence to show that the proposed use is viable in the long term and that the proposed use causes the least amount of harm to the significance of the listed building out of all viable uses. Applications should:

- i. Deal comprehensively with the intended use and operation of the whole building and site, and contain sufficiently detailed information to understand the full impact of the proposals internally and externally; ~~including the setting;~~
- ii. Propose a use which would not be harmful to the **significance** ~~special interest~~ of the building ~~or (including its setting)~~.
- iii. Satisfactorily demonstrate that the building is structurally capable of accommodating the proposed change of use and clearly justify any harm or the need for extensive intervention or reconstruction; and
- iv. Demonstrate how any **unavoidable** harm to the ~~special interest~~ **significance** of the building is justified in accordance with Policy HE3 on designated heritage assets.