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|-----------------|--------------------------------------------------------------------------------------------------------------------------|---------------|-------------|
| Site Address:   | The Limes, 40 East Street, Havant, PO9 1AQ                                                                               |               |             |
| Proposal:       | Change of Use of Part of Ground Floor from B1 office to Annexe (C3) (western half of ground floor only) (Retrospective). |               |             |
| Application No: | APP/19/00783                                                                                                             | Expiry Date:  | 01/10/2019  |
| Applicant:      | Mrs Sandle                                                                                                               |               |             |
| Agent:          | Mr Andrews                                                                                                               | Case Officer: | Tina Pickup |
|                 | SDA Planning Ltd                                                                                                         |               |             |
| Ward:           | St Faiths                                                                                                                |               |             |

Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

The application site relates to a 3 storey Grade II Listed Building located on the north side of east Street. The Listing details describe the property as:

House, now offices. Early C18. Brick, with a tile roof. Symmetrical front (north) of 3 storeys, 2.1.2 windows. Walls of blue headers with red brick dressings: openings within vertical panels, end pilasters, cambered arches with blue header decoration, bands to parapet, 2nd and 1st floors: stone coping to parapet, moulded caps to pilasters, moulded cills: rendered ground floor. Victorian sashes in reveals, the ground floor having 2 x 3 light casements and narrow sash windows on each side of the central entrance. Doorcase with cornice on brackets, eaved architrave, panelled reveals, double-doors of 3 panels, above 2 stone steps.

The site also falls within Havant Conservation Area and within the defined Town Centre according to adopted Policy CS4, but outside any primary or secondary frontage.

## **2 Planning History**

02/62674/005 - Construction of detached house with integral garage.,  
WD,19/11/2002

02/62674/006 - Construction of detached 4 bedroomed house with internal garage  
with vehicular access to Twittens Way., REF,24/02/2003

02/62674/003 - Remove the south west lowest limb on an Eucalyptus tree within St  
Faiths Conservation Area., RNO,12/08/2002

02/62674/002 - Reduce the crown by 2-3m on a Magnolia grandiflora tree within St  
Faiths Conservation Area., RNO,12/08/2002

02/62674/004 - Reduce the height by 3m on a Red Horse Chestnut tree at The Limes,  
40 East Street within St Faiths Conservation Area., RNO,19/08/2002

00/62674/001 - Notification of intention to fell a Bay tree. Reduce the western sector  
by 2 metres of the Yew tree closest to the house. Raise the crown of the Holm Oak by  
12-14 metres. All three trees are within 'The Limes' 40 East Street and within St Faiths  
Conservation Area., RNO,25/04/2000

98/62674/000 - Notification of intention to: - Crown raise Eucalyptus tree up to 3  
metres - The

removal of Bay tree - Crown raise Holm Oak on the Eastern side up to 12/14 metres -  
Deadwood 4 Yew trees - One Yew tree to reduce the western side by 2 metres

- Overall crown reduction by 2 metres of Magnolia Grandiflora- Light trim of Chestnut  
tree All trees within St Faiths Conservation Area, RNO,20/02/1998

08/62674/014 - Application to crown lift by 2-3 metres a Holm Oak (T1) subject to

TPO 1456., PERM,13/05/2008

APP/11/01246 - Reduce branches overhanging No. 12 Town Hall Road by 2m and crown lift to 4m, 1No. Holm Oak (T1) subject to TPO 1456., PERM,06/09/2011

APP/11/01223 - Reduce lateral branches by 3m overhanging west of No. 12 Town Hall Road, 1No. Holm Oak tree (T1) subject to TPO 1456., PERM,02/11/2011

APP/11/01342 - , RNO,17/11/2011

APP/12/00597 - Reduce east side back by 1m, 1No. Holm Oak within St Faith's Conservation Area., RNO,30/07/2012

APP/12/00621 - Crown lift to 4m and reduce east side back by 2m 1No. Holm Oak, subject to TPO 1456., PERM,30/07/2012

APP/16/01062 - Cut back to boundary to suitable pruning points to boundary of all overhanging branches 1No. Holm Oak, within Conservation Area of St Faiths., RNO,11/11/2016

### **3 Proposal**

Change of Use of Part of Ground Floor from B1 office to Annexe (C3) (western half of ground floor only).

The proposal results in the western half of the ground floor being subsumed back into the main dwelling as part of the original C3 residential dwellinghouse. Whilst determining this application the applicants elderly relative has moved into the ground floor space the subject of this application, making the proposal retrospective.

### **4 Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS16 (High Quality Design)

CS4 ( )

DM13 (Car and Cycle Parking on Residential Development)

DM3 (Protection of Existing Employment and Tourism Sites)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)

AL1 (Presumption in Favour of Sustainable Development)

AL3 (Town, District and Local Centres)

The emerging policies contained within the Havant Borough Local Plan 2036 Pre-Submission Draft 2019 are also material considerations that can be afforded limited weight.

Listed Building Grade: Not applicable.

Conservation Area: St Faiths

### **5 Statutory and Non Statutory Consultations**

#### **Community Infrastructure**

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>, as the offices have been vacant for over 3 years.

We note that a Self Build Exemption Claim Form: Part 1 has been submitted by the applicant and note that the CI Team have already requested that CIL Form 8 Self Build Residential Annex Exemption Claim Form be submitted instead. Once in receipt of the correct form the exemption will be confirmed by the Community Infrastructure Team in due course.

*Officer Note - the correct form has now been received and processed*

## **Conservation Officer**

### **Site Description**

The site comprises a Grade II listed building in the St Faiths Conservation Area in Havant Town Centre. It is 3-storey in height, with the ground floor comprising render and the upper floors in brick with Flemish bond. The main entrance is directly onto East Street. The property is currently in use on the first and second floors, with the ground floor in use as an office, although it has been vacant for some 12 years.

### **Legislative and Policy Context**

When assessing the proposal, the following legislation and policy context is taken in consideration.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a Conservation Area, to have special regard to the desirability of preserving or enhancing the character and appearance of that area.

The revised National Planning Policy Framework (NPPF) was published in February 2019 and sets down the policies that the Council must take into account when determining planning applications. The 'Historic Environment Good Practice Advice in Planning Note 2', states at paragraph 4:

'The significance of a heritage asset is the sum of its archaeological, architectural, historic, and artistic interest' and provides at paragraphs 8, 9 and 10 that in order for the Local Planning Authority to make decisions in line with legal requirements, the objectives of the development plan; and, the policy requirements of the NPPF, great importance is placed on understanding the nature, extent and level of the significance of the heritage asset.

The revised NPPF (February 2019) sets out in Chapter 16, the core principles relating to development affecting Heritage Assets that local planning authorities should consider in making planning decisions in the following paragraphs:

184. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

189. In determining applications, local planning authorities should require an applicant to

describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

191. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy CS11 of the Core Strategy 2011 states that planning permission will be granted for development that:

Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.

Policy CP16 (1a) of the Core Strategy 2011 states 'Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site.

Policy DM20 of the Allocations Plan 2014 states that development proposals must conserve and enhance the historic assets of Havant'.

## **Assessment**

The proposal is to convert the vacant B1 office use on the ground floor to a residential annexe to be used in conjunction with the existing residential use of the building. There would be no physical alterations to the building as a result of the conversion.

The building would have originally been of residential use on the ground floor as well as the upper floors so is partly returning to its original form. Overall it is considered that proposed works would have minimal impact on the heritage status of the building and therefore no objections to the application is raised.

**Conclusion – No Objection.**

**Planning Policy**

**Policy Status**

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the Borough. The Pre-submission Havant Borough Local Plan 2036 was approved by the Council on 30 January 2019 and can be afforded limited weight.

The following policies in the adopted Local Plan are of particular relevance:

- CS4 - Town, District and Local Centres
- AL3 - Town, District and Local Centres
- CS2 – Employment
- CS11 – Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS16 – High Quality Design
- DM3 – Protection of Existing Employment and Tourism Sites
- DM13 – Car and Cycle Parking on Residential Development

In the Pre-submission Plan the following policies are of particular relevance:

- C1 | Protection of existing employment sites
- IN3 | Transport and parking in new development
- E1 | High quality design
- H6 | Residential annexes

**Principle of Development:**

The site falls within Havant Town Centre as defined by policy CS4 and AL3 of the adopted Local Plan. These policies seek to promote and protect the vitality and viability of town, district, and local centres.

However East Street, including the site, is proposed to be excluded from Havant Town Centre as defined by Policy KP1 in the Pre-Submission HBLP 2036. This reflects the findings of the [Havant and Waterlooville Town Centres Study](#) which indicates the changing character and use of East Street, with several changes of use from retail and offices to residential use between 2005 and 2015. It is noted this development proposal would therefore be generally in line with the changing nature of East Street.

**Loss of Employment**

As the western half of the ground floor was last used as B1 uses, Policies CS2 and DM3 are of relevance. These policies generally resist the loss of change of use of land or premises currently or last used for B use class employment purposes to non-B use class employment unless it can be demonstrated that the land or premises are not fit for purpose and financially unviable for B use class purposes.

The site is located outside of established employment areas as proposed to be defined by emerging Policy C1 in the Pre-Submission Plan, and is already vacant, but the premises would generally be expected to be subject to a 6-month realistic and active marketing exercise. No such marketing exercise has been undertaken.

The submitted Heritage, Planning and Design and Access Statement indicates that the former offices have been vacant for over 12 years and as such have long since been void of an office use. It is noted that the site is located outside of any established employment area, and that it has not been actively used as an office for some time. It is also noted that the proposed residential use would be appropriate in the context of the prevailing character on East Street.

### **Design and Heritage**

Whilst it is noted that no external alterations are proposed, the applicant should be aware of the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP 2036)

The following policies also require the borough's statutory and non-statutory heritage designations to be protected and enhanced:

- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough (Core Strategy)
- E13 Historic environment and heritage asset (HBLP 2036)

### **Parking:**

Policy DM13 of the adopted Local Plan and Policy IN3 of the Pre-Submission Local Plan 2036 deal with parking in new development and require local parking standards to be met. Minimum standards are set in the Havant Borough Parking SPD (July 2016). 1 vehicle parking space and 1 long stay cycle stay space would be required for a one-bedroom residential unit. Proposals within the Havant and Waterlooville Town Centre boundaries are expected to have a reduced or even zero standard of vehicle parking provision to maximise the use of land and discourage the use of private motor vehicles.

The submitted Heritage, Planning and Design Statement suggests that no parking would be provided as it would replace a previous office use which would have been more intensive in terms of parking. It is also noted that the residential unit would provide accommodation for the applicant's elderly uncle and would be unlikely to increase the need for parking.

### **Summary:**

The site is no longer proposed within Havant Town Centre as defined by the Pre-Submission HBLP 2036 and the residential use would be in line with the prevailing character of East Street. Whilst an active and realistic marketing exercise would normally be required to demonstrate that the site is no longer fit for Class B employment purposes, it is considered unlikely that a policy objection could be sustained on this basis.

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 54

Number of site notices: 1

Statutory advertisement: 16/08/2019

Number of representations received: 0

| Comment       | Officer Comment |
|---------------|-----------------|
| None received |                 |

## **7 Planning Considerations**

Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon Listed Building and Conservation Area
- (iii) Use and impact upon the character of the area
- (iv) Impact upon residential amenity
- (v) Other matters

### **(i) Principle of development**

The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria. Since the site lies within a Conservation Area and affects a Listed Building, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant to the determination of this application requiring special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest, as well as the desirability of preserving or enhancing the character or appearance of a conservation area.

### **(ii) Impact upon Listed Building and Conservation Area**

The proposal is for a change of use only with no associated physical works - hence a separate Listed Building Consent is not required in this instance. The use of this western half of the ground floor as a residential annexe would return the use to its original, historic function and without needing to make any changes to layout at all. Therefore the proposal would not harm to the historical interest of the building, either internally or externally. On this basis there is no objection to the proposal which would result in less than substantial harm to the significance of the Listed Building and would continue to preserve the character of the Conservation Area. The proposal is therefore considered to be acceptable, meeting the requirements of Policies CS11, CS16 and DM20 of the HBLP (Core strategy).

### **(iii) Use and impact upon the character of the area**

The site falls within the defined Town Centre under current adopted policies where the loss of employment space is only supported with supporting marketing to prove the floorspace is no longer required. However within the emerging Local Plan, the site falls outside of the redefined Town Centre which reflects the changing nature of East Street from retail to residential.

The ground floor western half ie the application site has been vacant for over 12 years and has not therefore provided employment for some years, although the ground floor eastern half of the application site remains in office use. Being a Listed Building the internal space is less conducive to modern office practices and would contribute to the difficulty in finding a suitable commercial user. Overall the site would continue to provide some employment within the eastern half, whilst the conversion of the western half would return the building into a residential use, appropriate to the current character of East

Street. On balance it is considered that a reason for refusal based on current policy would be inappropriate given the emerging policy, Listed Building constraints and fact that it has not actually provided any employment for 12 years.

The subsuming of the ground floor space back into the main dwelling is a logical conversion that is appropriate to the largely residential nature of East Street. The space is linked and easily accessible to the remainder of the house and is being used to provide a bedroom and sitting area for an elderly relative under the care of the applicant. This is considered appropriate to the site and area.

(iv) Impact upon residential amenity

There would be no adverse impact on neighbours or loss of amenity from this conversion.

(v) Other matters

In terms of parking, as an office the site did not have any dedicated on site parking, but the residential dwelling has use of an attached side garage. By subsuming the use back into the existing dwelling the existing car parking space would also serve this floorspace. Being within Havant Town Centre and close to the bus and train station, it is considered that the site is within a suitably accessible location.

As an annexe linked to the main house there would not be the need for any Habitat Mitigation i.e. SRMS or nitrate contributions. In terms of CIL, the existing offices have not been in use for six months of the last 3 years prior to decision and as such the floorspace is CIL liable for the change of use to residential. 'Self-build' Annexe Relief has been claimed, and can be granted, so no CIL payment is due. This will be confirmed by the CI Team in due course.

## 8 Conclusion

The use of this part of the ground floor as a residential annexe would return the Listed Building to its original form and be appropriate to the character of East Street and emerging policy, sufficient to outweigh the need for a marketing exercise. Therefore the application is recommended for retrospective permission.

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## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00783

(A) subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 Site Plan  
Proposed Annexe Layout

**Reason:** - To ensure provision of a satisfactory development.

- 2 Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a)The expiration of three years from the date of this permission; or (b)The expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.

**Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 The accommodation hereby permitted shall be occupied solely for purposes ancillary to the occupation and enjoyment of the existing dwelling and shall not be used as a separate unit of accommodation.

**Reason:** To accord with the terms of this application and the unit of accommodation is not a satisfactory position / has insufficient amenity space and has insufficient on-site parking to be occupied separately from the main dwelling and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.