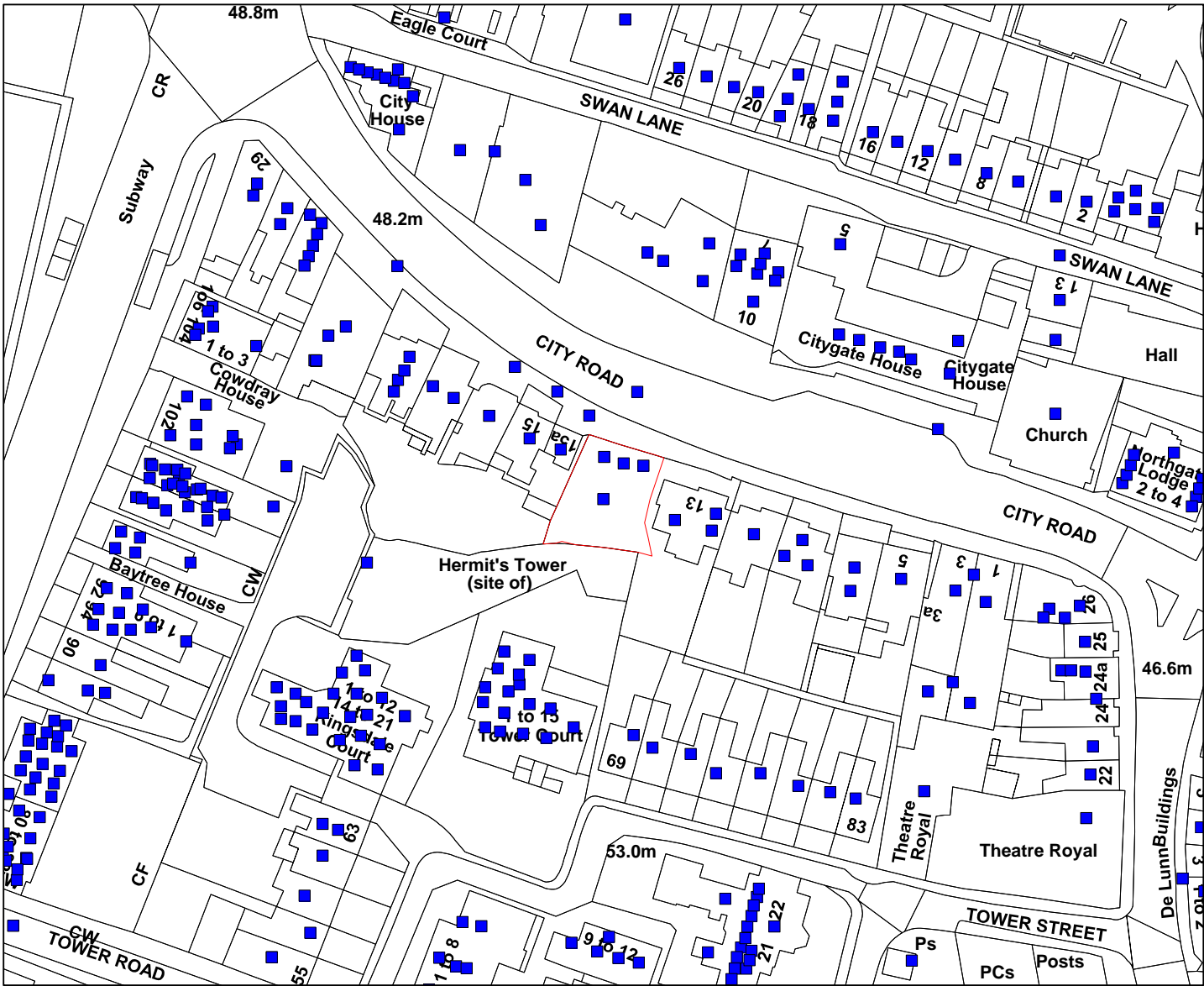


13 City Road, Winchester

09/01506/FUL

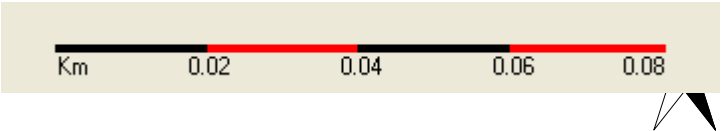


Winchester
City Council



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	25 February 2010
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 11 March 2010

Item No: 3
Case No: 09/01506/FUL / W06671/04
Proposal Description: Erection of a four storey mixed use building incorporating retail and three 2 bedroom flats (Resubmission)
Address: 13 City Road Winchester Hampshire SO23 8SD
Parish, or Ward if within Winchester City: St Bartholomew
Applicants Name: Mr Mohamed Bakhaty
Case Officer: Mr James Jenkison
Date Valid: 26 August 2009
Site Factors: Conservation Area.
Scheduled Ancient Monument HA 247: Winchester City Wall and Associated Monuments.

Recommendation: Application Refused

Appended: Consultation response from WCC Archaeological Officer.
Consultation response from English Heritage.

General Comments

This application is reported to the Committee because of the number of letters of support received.

A similar application (ref: 09/00180/FUL) was refused under delegated powers on 20th April 2009.

Site Description

The site comprises approximately 0.0225 hectares of land, divided by a flint wall into two sections, and it lies within the area of Winchester's historic defences. The front section of the site is relatively level, whilst the area to the rear of the site slopes steeply upwards to the site of the Hermits Tower. Mature trees are located at the rear of the site, towards the south boundary.

Winchester's historic defences comprise earthwork ramparts, masonry walls and defensive ditches from Roman, late Saxon and medieval times and, within the area of the application site, there is evidence of post-medieval landscaping and alterations of the defences. The southern, upward sloping part of the application site is occupied by a large earthwork mound, which comprises the weathered and partially collapsed remains of the historic Roman and medieval defensive ramparts and masonry walls. Parts of the well preserved remains of the defences are designated as a Scheduled Ancient Monument, and the northern, level part of the application site is known to contain remains of the city's outer (ditch) defences.

The site is centrally located on the south side of City Road and forms a gap in the street scene, which has a distinctive character defined by 2-storey detached and semi-detached houses and properties with a domestic scale and character along most of the street, and 3-storey buildings at the corners with Jewry Street and Sussex Street.

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The group of houses to the east of the application site (Nos. 5-13 City Road) have a Victorian gothic design, with gable ends and gable end bay windows facing the street, and are set approximately a metre above street level, where there is a retaining wall with steps leading to the entrances to the houses through raised front gardens. The group of houses to the west of the application site has had facade alterations to facilitate commercial use at ground level and utilises hipped roofs (with gable end bay windows facing the street). These houses also have roughly triangular shaped front “gardens” to account for the road curve and are set level with the street. In some cases, the properties have front gardens which act as extensions to the footpath. Both groups of buildings are notable for detailed architectural features, with the gable ends promoting a relatively uniform street rhythm and a 3-dimensional aspect of wall surfaces (windows set deep within the facade, eaves overhangs and open entrance porches incorporated in the main buildings).

City Road has a gentle curve to it and the application site’s location, at an outside bend in the curve of the road, makes it visually prominent from either end and on both sides of the street. The buildings along the south side of City Road reflect the curve in the road and are notable for consistency in rhythm, height and scale, with every building contributing to an attractive street scene that leads travellers to and away from the city centre. The north side of City Road has much less historic character or cohesion, with a mix of modern office buildings at the east end (adjacent to the Baptist church) and more industrial style commercial buildings at the west end.

No. 13 City Road comprises one of the Victorian gothic design buildings and has offices at ground level with flats above. There are windows in the side elevation facing over the site, including two at 1st floor level. No. 15 City Road, to the west of the application site, is in mixed commercial/residential use but does not have any sidewall windows.

Proposal

The proposal is for the construction of a 12.2 metre high 4 storey building on the level section of land adjacent to City Road, with the accommodation on the top floor contained within the roof. The building is to be constructed at the front boundary and a narrow 0.75-0.8 metre wide colonnade is proposed at ground level. The 2nd and 3rd floor levels of the rear elevation step out further to the rear of the site than the ground and 1st floor level. The building is of a traditional design with Georgian influences and is proposed to be constructed of brick and stucco, with a slate roof.

A small office is proposed at ground floor level, along with the hallway, bin store and stairwell to the apartments on the levels above. Each level provides for a single 2-bedroom apartment.

Relevant Planning History

01/01360/FUL - Erection of 2 no three storey two bedroom town houses with integral garaging - Refused - 17/07/2001.

09/00180/FUL - Construction of four storey building comprising ground floor office space and 1 no. one bed flat and 2 no. two bed flats - Refused - 16/04/2009.

PE15412 - Proposed redevelopment - Preliminary enquiry - 01/06/2009.

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Consultations

Historic Environment Team : Conservation:

Strongly objected to the application, citing the following matters:

The eaves line of buildings in the immediate locality of the proposal site is relatively uniform and the rhythm of fenestration and gables on the buildings along this street is strong, with most of the remaining windows appearing to be simple one-over-one timber sashes.

There is continuity in the materials used along the street, with a strong emphasis on the use of pale yellow brick with stone and terracotta decoration, and slate roofs at the eastern end of the street, and clay tile roofs to the western end. Many of the buildings have gothic influences to the architecture and are clearly Victorian in origin. The buildings directly surrounding the proposal site are domestic in scale, with the central part of the street having an essentially domestic character.

The proposed building sits too far forward of neighbouring buildings, giving the building undue prominence in the street. This juxtaposition reveals an unacceptable depth of side wall on the south eastern elevation, which will mask views of the street beyond this building.

Georgian design influences on the front elevation are incongruous with the Gothic and Victorian vocabulary of the rest of the street and adversely affect the character of the area.

The higher eaves height and floor levels break up the rhythm of the street, and the fact that the window, eaves and ridge heights are different ensures that the continuity of visual lines along the street is lost.

The height of the building causes considerable visual disharmony within the street scene and has no relationship with the adjacent or nearby architectural forms.

The location of the building at the front boundary causes visual disturbance along the street.

Historic Environment Team: Archaeology:

Strongly objected to the application, as the site contains a Scheduled Ancient Monument (SAM). The applicant had not provided details of the archaeological impacts of the construction of the proposed development, which would impact on the buried remains of the medieval city ditch and any surviving traces of earlier phases of the outer (ditch) and defences. The scheme may cause indirect adverse impacts on the remains of the upstanding city defences and Scheduled Ancient Monument.

The full response of the Archaeology Officer is appended to this report.

Engineers: Highways:

Raised no objection to the application, subject to a condition for the provision of two secure/under cover cycle parking spaces per dwelling and the payment of a financial contribution of £11,235.00 towards the Hampshire Transport Contributions Policy.

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Engineers: Drainage:

Raised no objection to the proposal.

Environmental Protection Team:

Recommended conditions for noise insulation of the apartments, land contamination conditions and standard informatives.

Landscape Team: Landscape Architect:

Did not alter the recommendation on the previous application. Unable to support the proposal as the building is too large and prominent and would not sit comfortably with adjacent buildings and the City Road street scene.

Landscape Team: Arboricultural Officer:

Considered that Holm Oak and other trees here made a significant contribution to the visual amenity of the area, as they can be seen from the main arterial roads through the north of Winchester. The bank at the rear of the application site is within the tree root protection zones and it would be unacceptable if there were any works within this area. Refusal was recommended, on the basis that there was a lack of information in relation to the potential impact on the trees.

English Heritage:

The curtilage of the application site lies immediately adjacent to, and partly incorporates, a Scheduled Ancient Monument (ref: HA 247: Winchester City Wall and Associated Monuments) and it is highly probable that such features extend into undesignated areas within the proposed development area. It is probable that both the designated and undesignated areas of the proposed development site retain evidential values of exceptional importance, and the footprint of the proposed new building includes the known course of the medieval city ditch.

Any work potentially affecting the Scheduled Ancient Monument will require pre-application discussions with English Heritage and there is a strong presumption in favour of *in situ* preservation of archaeological contexts, with any adverse impacts being mitigated by foundation design. A detailed desk based assessment would therefore be required, in conjunction with an archaeological impact assessment. English Heritage recommends that any approach to archaeological mitigation should adopt an overarching understanding of the site, and that an appropriate archaeological mitigation strategy would be required in support of the application.

Representations:

City of Winchester Trust:

Strongly objected to the application as being intrusive in the street scene and overdevelopment of the site, noting that the floors above ground floor remain on the boundary line and rainwater goods are not shown on the drawings. The Trust considered that the building should be reduced by a storey in order to fit in with the local context, that the type and colour of the facing bricks should be given and that the application form should acknowledge the existence of the important tree on the adjacent Tower mound. The Trust also noted that no cycle storage appeared to be shown and that the bin store would be in an apparently unventilated corner of the ground floor.

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7 letters of support received, and one letter of comment only:

- The proposal is an improvement to the area and fits in well with neighbouring properties;
- The roof height, scale, and proximity to the road need to be managed and reference must be made to neighbouring Gothic house.

Relevant Planning Policy

South East Plan 2009:

CC6, BE6

Winchester District Local Plan Review

DP3, DP4, DP9, W1, HE2, HE5, RT4

National Planning Policy Guidance/Statements:

PPG 15 Planning and the Historic Environment

PPG 16 Archaeology and Planning

PPG 17 Planning for Open Space, Sport and Recreation

PPG 24 Planning and Noise

Supplementary Planning Guidance

Winchester Conservation Area Project

Other Planning Guidance

Assessment of Playing Field Provision in the Winchester Built up Area.

Guide to the Open Space Funding System

Winchester Sites and Monument Record.

Planning Considerations

Principle of development

Given that this site lies within Winchester, where the Local Plan policies support mixed use developments, the principle of developing the site is acceptable, subject to more detailed issues being satisfactory, including archaeology and design.

Archaeology

The Winchester City Wall and Associated Monuments are scheduled under the Ancient Monuments and Archaeological Areas Act 1979, and the consent of the Secretary of State is required before any works are carried out which would have the effect of demolishing, destroying, damaging, removing, repairing, altering, adding to, flooding or covering up the monument. It is an offence to undertake unauthorised works.

PPG16 notes that archaeological remains are irreplaceable and evidence of the past development of our civilisation and vulnerable to damage and destruction. The PPG advises that appropriate management is essential to ensure that remains survive in good condition and that care must be taken to ensure that archaeological remains are not needlessly or thoughtlessly destroyed. The PPG also states that, where nationally important archaeological remains (whether scheduled or not) and their settings, are affected by proposed development, there should be a presumption in favour of their physical preservation.

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The PPG goes on to advise that, where important remains are known to exist, developers will be able to reduce the impact of development by preparing sympathetic designs. For example, this could be done by incorporating foundations which avoid disturbing the remains altogether, or minimise damage by using techniques which seal archaeological remains underneath buildings or landscaping, thus securing their preservation for the future, even though they remain inaccessible for the time being. Where preserving remains *in situ* is not feasible, archaeological excavation and recording should be undertaken, but this is the second best option, as excavation means the total destruction of the evidence. The PPG advises that developers should not expect to obtain planning permission for archaeologically damaging development merely because they arrange for the recording of sites whose physical preservation *in situ* is both desirable (because of their level of importance) and feasible.

Policies HE1 and HE2 conform to the guidance of the PPG and state that the Council will not grant planning permission unless it is satisfied that adequate provision is made for the preservation or recording, as appropriate, of important archaeological sites *in situ* and for their ongoing management, conservation and protection. The Council will refuse applications that are not supported by an adequate archaeological assessment.

The archaeological importance of the site indicates that an archaeological (desk based) assessment and investigation should be undertaken and it is possible that any findings would be expected to be retained *in situ* as a part of any development. Accordingly, archaeological investigations would be expected to be undertaken prior to a development scheme being drawn up, and the results used to inform the development's design.

The application is not supported by an archaeological study of the site and there is no indication that the design of the proposal has been informed by archaeological considerations. Consequently, the impact of the proposal upon archaeology has not been clarified and the development may result in unacceptable harm to archaeological features or remains. The proposal is therefore considered to be contrary to PPG16 and Policies HE1 and HE2 of the Adopted Winchester District Local Plan Review 2006.

Impact on the Street Scene, Townscape and Character and Appearance of the Conservation Area

The north elevation of the proposal will present a 12.2 metre high 4 storey building at the front boundary. This represents a size and scale of development which is considered to be disproportionate to the buildings to the west and east, and it will be a visually dominant and intrusive structure. This dominance will be exacerbated by the building being set at the front boundary and forward of the building line of some neighbouring buildings.

City Road is a main route through the town and acts as a pedestrian pathway between the City centre and the railway station and Stockbridge Road. The corners are punctuated by 3-storey buildings, with the less intensive development between the corners defined by predominantly 2-storey residential dwellings.

The rhythm of the street is created by buildings of similar scale. Their gables, bay windows and entrances, building line and the curvature of the road, provide a sense of movement towards or away from a destination (the City centre in one direction, the railway and exit from the city in the other). The proposed development would abruptly interrupt the sense

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of rhythm achieved by the repetition of similarly sized and designed buildings along a continuous building line which roughly follows the curve of the road. The building would effectively break this. The design of the proposed development contributes to its intrusiveness, with windows, doors, cills, cornices, columns, arches and other decorative features set flush with the front and side wall faces of the building, creating large and sheer wall faces in a street scene which is largely characterised by articulated wall faces punctuated by windows and recessed entranceways and eaves, bay windows and cills projecting from the elevations.

It is acknowledged that the more modern 3-4 storey office buildings on the north side of the road are not consistent with the general form and character of the buildings on the south side. It is considered that these buildings do not make a particularly a positive response to the character of the area. However the proposed development would be viewed predominantly in conjunction with the 2-storey buildings on the south side of the street. As a result, it is considered that the proposed 4-storey building would be inappropriate in the context of the application site.

The trees on the higher land to the rear of the site, make an important contribution to the townscape and the conservation area. The submitted plans indicate that the proposal will require excavation into the landslope, which could potentially impact on the health of the trees. The applicant has not submitted an arboricultural impact assessment with the application and it is therefore considered that, in the absence of such an assessment, the permission should be refused, because the Council cannot be satisfied that the effect upon these trees will be acceptable.

In light of the above, it is considered that the proposed building would not preserve or enhance the character and appearance of the Winchester Conservation Area and would not respond positively to the character, appearance and variety of the local environment.

Neighbours amenities

Because the proposed development is set forward of the building line, the rear elevation is approximately in line with the main rear elevation of No. 13 City Road and approximately 2.5 metres further to the rear of the main elevation of No. 15 City Road. The proposal will reduce outlook and daylight from the windows in the side elevation of No. 13. However, as the windows here are secondary, the loss of daylight and outlook is not considered to be materially harmful.

The relationship of the proposal with the neighbouring buildings also ensures that it would only be peripheral in views from the front and rear facing windows of neighbouring premises, which are the main windows for habitable rooms. It is therefore considered that the proposal would not cause material harm to outlook and daylight from the principal windows of main habitable rooms in these dwellings.

Highways/Parking

The proposal is unable to practicably accommodate cycle parking to the required standard and a condition to require it would not be feasible. This is because there is no space available within the building and creating sufficient space to the side/rear of the building would require significant excavation in an archaeologically sensitive location close to a protected mature tree. For this reason, the scheme is considered to be unacceptable.

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Public Open Space

The development does not provide any on-site public space and a financial contribution for public open space purposes is therefore appropriate in this instance and has been calculated at £5,688.00.

Sustainable Transport Improvements (Hampshire Transport Contributions Policy).

A financial contribution for local transport improvements is considered appropriate, as there are a number of local improvement schemes proposed for Winchester. A financial contribution of £11,235.00 would be required in this instance, in line with the Hampshire County Council's Transport Contributions Policy.

Planning Obligations/Agreements

In seeking the planning obligations for financial contributions for public open space (£5,688.00) and sustainable transport improvements (£11,235.00) the Local Planning Authority has had regard to the tests laid down in Circular 05/2005, which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects. As the application is recommended for refusal, appropriate refusal reasons (Reasons 4 and 5) are necessary.

Recommendation

Application Refused, for the following reasons:

Reasons

1. The proposed development, by way of its design, scale and location, would be visually intrusive and unsympathetic in the streetscene and harmful to the townscape of Winchester. It would fail to preserve or enhance the character and appearance of the Conservation Area. The proposal is therefore considered to be contrary to Policies DP3, DP4, HE5 and W1 of the Adopted Winchester District Local Plan Review 2006.
2. The proposed development fails to make adequate provision for cycle storage and is therefore considered to be contrary to Policy T4 of the Adopted Winchester District Local Plan Review 2006 and Policy T4 of the South East Plan.
3. The proposed development is contrary to PPG16 and Policies HE1 and HE2 of the Adopted Winchester District Local Plan Review 2006, in that it fails to provide adequate information relating to the impact of the scheme on local archaeology and scheduled ancient monuments, on a site which is known to be of archaeological importance. Consequently the development may result in the loss of, or unacceptable damage to, archaeological features or remains.
4. The proposal is contrary to Policy DP.9 of the Adopted Winchester District Local Plan Review 2006, in that it fails to make adequate provision for improvements to transport and the highway network, in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.

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5. The proposal is contrary to Policy RT4 of the Adopted Winchester District Local Plan Review 200, in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area.

6. In the absence of an arboricultural impact assessment, the Local Planning Authority cannot be satisfied that the development would allow for the protection and retention of trees that make an important contribution to the Conservation Area and townscape of Winchester, contrary to Policies DP1, DP4 and W1 of the Adopted Winchester District Local Plan Review 2006.

Informative

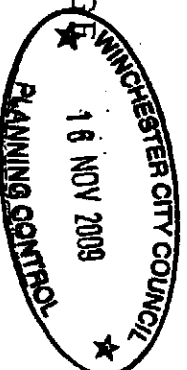
The Local Planning Authority has taken account of the following Development Plan policies and proposals:

Winchester District Local Plan Review 2006: DP3, DP4, DP9, W1, HE2, HE5, RT4

South East Plan 2009: CC6, BE6



ENGLISH HERITAGE



SOUTH EAST REGION

Simon Finch,
Head of Planning Management,
Winchester City Council Planning Control,
City Offices,
Colebrook Street,
Winchester SO23 9JJ

November 10th, 2009

Dear Mr Finch,

CONSULTATION ON PROPOSED DEVELOPMENT: 13 CITY ROAD,
WINCHESTER

Thank you for your letter of November 4th. It is understood that this application is a re-submission, and does not differ significantly from the original submission. I would therefore draw your attention to any previous comments made by English Heritage, in respect of this site.

The curtilage of the application site lies immediately adjacent to, and partly incorporates, scheduled ancient monument HA 247: Winchester City Wall and Associated Monuments. This monument survives partly as a prominent earthwork, incorporating buried remains of the medieval and Roman city wall and ramparts. While previous investigation within this area has demonstrated that buried structural remains and associated features relating to the city defences survive well, it is highly probable that such features extend into undesignated areas within the proposed development area and beyond the confines of the earthwork. Moreover, the northern area of the proposed application site, including the footprint of the proposed new build, includes the known course of the medieval city ditch and possible aspects of medieval and post-medieval landscaping.

On the basis of available data it is therefore probable that both designated and undesignated areas of the proposed development site retain evidential values of exceptional importance, and that an appropriate level of archaeological mitigation will be required to inform any planning decision in this case. Any works potentially affecting the scheduled monument will require pre-application discussion with English Heritage to determine the feasibility of any application for scheduled monument consent. Irrespective of statutory requirements, there would necessarily be a strong presumption here in favour of *in situ* preservation of archaeological contexts, and it would be strongly advised that, wherever possible, adverse archaeological impact be mitigated by foundation design. The limiting of adverse impacts on designated and significant aspects of buried archaeology would therefore require a detailed desk-based assessment of the proposed development area, to be undertaken in tandem with an archaeological impact assessment. Where necessary, currently available data should be tested or augmented by a pre-determination programme of evaluation. While English Heritage would necessarily discourage adverse developmental impact which affected the designated archaeology of the site,

EASTGATE COURT 195-205 HIGH STREET GUILDFORD SURREY GU1 3EH

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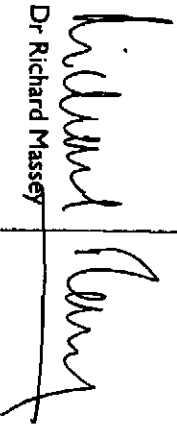
ENGLISH HERITAGE

SOUTH EAST REGION

it is recommended that any approach to archaeological mitigation in this case should adopt an overarching understanding of the site, whether designated or not.

I am therefore in full agreement with the comments made by Tracy Matthews in her planning consultation of September 24th, and would strongly recommend that the applicant or developer provides an appropriate archaeological mitigation strategy in support of this application. English Heritage would expect to comment on such a document, and to engage in any pre-application discussions relating to scheduled monument consent.

Yours sincerely,


Dr Richard Massey

Inspector of Ancient Monuments
01483 252046



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Historic Environment

Planning consultation comments

To: James Jenkison Section: DC West Team

From: Tracy Matthews, Archaeology

Date: 24th September 2009 Date returned

Ref no.: 09/01506/FUL

Site: Land adjacent to 13 City Road, Winchester

Proposal. Erection of a four storey mixed use building incorporating retail and three 2 bedroom flats (RESUBMISSION)

Comments:

Thank you for consulting me on this application. The application is not substantially different to that submitted previously (09/00180/FUL) and therefore my comments made in relation to that application stand for this new application. These comments are copied below for your information:

"I advise that this proposal has archaeological implications since the application site is located within the area of Winchester's historic defences. These defences comprise earthwork ramparts, masonry walls and defensive ditches of Roman, Late Saxon and medieval date. Within the area of the application site there is also evidence for post-medieval landscaping and alteration of the defences.

The southern part of the application site is occupied by a large earthwork mound, which comprises the weathered and partially collapsed remains of the historic Roman – medieval defensive ramparts and masonry walls. Previous archaeological recording and investigation of the city defences in the north-western corner of Winchester (including within the area of No. 13 City Road) has shown that the core of the Roman and later wall survives to a height of up to 3m and c.1.8-2m thick.

February 25, 2010

Parts of the well preserved remains of the defences in this area of the historic city, are protected through their designation as a Scheduled Ancient Monument under the *Ancient Monuments and Archaeological Areas Act, 1979* as amended (Scheduled Ancient Monument HA247 – Winchester City Wall and associated monuments). However, the area currently Scheduled only partially encompasses the earthwork mound within the southern part of the application site and remains associated with the city wall / ramparts will survive within the lower (currently undesignated) part of the earthwork mound.

The northern part of the application site, where the proposed building is sited, is known to contain remains of the city's outer (ditch) defences. The medieval city ditch (approx. 25-30m wide and at least 10m deep) is however likely to have largely destroyed any evidence of earlier phases of defensive ditches in this part of the city, together with any surviving traces of the defensive ditch of a large Iron Age enclosure, the precursor of the Roman city whose alignment is also known to pass through the application site.

The proposed development comprises a four storey building, which will impact on the buried remains of the medieval city ditch and any surviving traces of earlier phases of the outer (ditch) defences. The application drawings also suggest that the lower part of the earthwork mound (comprising remains of the city ramparts / walls) will be cut into by the proposed building. Cutting back of this earthwork mound may have an adverse impact on *in situ* remains of the city defences, including potentially the Scheduled Monument. Moreover, the construction of the proposed development may also cause indirect adverse impacts on the remains of the upstanding city defences and Scheduled Monument.

Given the high archaeological sensitivity and partly Scheduled status of the application site, it is recommended that, in accordance with PPG16 and Policy HE.2 of the Winchester District Local Plan Review, that detailed information on the impact of the proposed development on important archaeological remains and proposed mitigation measures should be submitted by the applicant (such assessment to be undertaken by an appropriately qualified archaeologist / archaeological consultant). This is in order to enable an informed planning decision to be made.

Following the submission of such information I would be pleased to provide further advice in relation to this application.

Furthermore, since the application site includes part of a Scheduled Ancient Monument (and as the proposed development may affect the Scheduled

February 25, 2010

Ancient Monument) I advise that English Heritage should be consulted. The relevant person to contact is:

Mr Richard Massey
Inspector of Ancient Monuments
English Heritage, South East Region
Eastgate Court
195-205 High Street
Guildford
GU1 3EH

In the absence of the requested information I would raise the strongest objection. An appropriate reason for refusal would be:

- The proposed development is contrary to Policy HE.2 of the Winchester District Local Plan Review, in that it fails to provide adequate information on the impact of the scheme on archaeological deposits, on a site which is considered to be of archaeological interest. "