

PLANNING DEVELOPMENT CONTROL COMMITTEE

21 OCTOBER 2008

SILVER HILL, WINCHESTER

REPORT OF HEAD OF PLANNING CONTROL

Contact Officer: David Dimon Tel No: 01962 848191

This report provides an update in respect of the progress of the planning application for the comprehensive redevelopment of the Silver Hill area. Specifically it considers the amended proposals that have been submitted in response to the resolution to grant planning permission, which required that further consideration be given to Blocks D and J, the Friarsgate elevation of block A and the design of the Friarsgate / Eastgate Street junction. It also considers further changes that are proposed as a result of more recent changes in circumstances. These specifically require the reconfiguration of the accommodation and uses proposed within Block B of the scheme and the reconsideration of some aspects of the proposals in regard to the provision of affordable housing and open space provision as a result of viability considerations.

The original planning application details were as follows.

Case No. 06/01901/FUL W20100

**Proposal
Description**

Major comprehensive redevelopment by Thornfield Properties (Winchester) Limited for: approximately 2 hectares mixed-use site to include the erection of nine new buildings and the retention and conversion of the Woolstaplers Hall; providing 264 no. dwellings (including affordable housing); 5 no. live/work units, retail units with associated service areas, offices, medical centre, bus station, youth centre, shopmobility office, public toilets, RAOB club, with associated car parking/cycle storage, landscaping and associated works. (REVISED DESCRIPTION AND AMENDED APPLICATION)

Address: Silver Hill Development Tanner Street Winchester Hampshire
Applicant : Thornfield Properties (Winchester) Ltd.

The amended proposals now under consideration require that the description of the development be further changed to the following:

(AMENDED DESCRIPTION 18.08.2008 AND AMENDED PLANS RECEIVED 18.08.2008 AND 21.08.2008) Major comprehensive redevelopment by Thornfield Properties plc for approximately 2 hectares mixed-use site to include the erection

of nine new buildings and the retention and conversion of the Woolstaplers Hall; providing 287 no. dwellings (including affordable housing); 20 no. live/work units, retail units with associated service areas, offices, the provision of medical or health services alternatively to offices in Building B, bus station, youth centre, shopmobility office, public toilets, RAOB club, with associated car/cycle storage, landscaping and associated works.

Associated applications for Conservation Area Consent and in respect of the relocation of the weekly and farmers markets were also considered as part of the previous report to committee, which resolved to permit both applications. This report does not require further modification to those applications, or the committee's decision thereon, which are not affected by the amendments now under consideration, save for a minor change to the market application (06/01903/FUL-W20100/02) which clarifies the provision that is to be made within the new market stall layout for the vendors that trade from mobile units, which is referred to at paragraph 2.30 of this report.

RECENT REFERENCES:

PDC 673 - Silver Hill, Winchester - 27 March 2007.

Copy report and minutes attached as an addendum to this report for Members of the Committee only.

EXECUTIVE SUMMARY:

This report explains the current planning position further to the consideration of the planning application by the Planning Development Control Committee of the City Council at a special meeting held on 27 March 2007. The resolution of the Committee was to grant planning permission subject to amendments, the completion of a legal agreement and the imposition of conditions. Additionally this report considers the amendments that are proposed to the application; both the minor changes that were consequent to the resolution to grant planning permission and the further changes that are now requested for Block B and in regard to the provision of affordable housing and open space provision. The policy implications of the changes to the scheme that are now requested are also examined and the justification for the recommendation for approval of the proposals is given.

This is a large and complex application that was the subject of a comprehensive report to the Planning Development Control Committee. It is not therefore considered necessary to revisit the proposals in their entirety and this report should be read in conjunction with the previous report PDC673. This report consequently focuses on those aspects which now need to be changed or to have additional clarification as a result of circumstances that have arisen since the Planning Development Control Committee last considered the application.

The report and minutes of the 27 March 2007 Planning Development Control Committee (when the application previously came before Members) are attached to this report for the benefit of PDC members. They are also available within the committees section of the council's web site at the following address

<http://www.winchester.gov.uk/CouncilAndDemocracy/UnitaryAuthorities/Committees/CommitteeMeeting.asp?id=SX9452-A7833778&committee=801>

This report firstly examines the resolution of the Planning Development Control Committee which, in addition to dealing with the provisions of the section 106 agreement (which are still the subject of negotiation with the applicant), provided, by virtue of condition 2 of the draft conditions, that the resolution to grant planning permission be conditional upon the following amendments to the scheme:

- (i) amended details of the Friarsgate / Eastgate Street road junction re-alignment;
- (ii) amended details to Blocks D and J
- (iii) amended details to the north elevation of Block A

Such amendments have been submitted and are considered by officers to be satisfactory.

This report explains the amendments and considers the representations that have been received as a result of further neighbour consultation in respect of such amendments.

The report additionally explains the further amendments that are now proposed in regard to the layout and uses proposed within Block B of the development.

Furthermore it goes on to examine the policy implications of the changes to the scheme that are now proposed, particularly in regard to the provision of affordable housing and open space contributions.

The further information that has been submitted in support of the requested amendments to the application is outlined, together with the consultation responses and representations that have been received and a concluding summary informs the recommendation for approval of the amended application.

RECOMMENDATIONS:

1. That application 06/01901/FUL (W20100) (as amended as to description 18.08.2008 by amended plans received 18.08.2008 and 21.08.2008) for comprehensive redevelopment be GRANTED subject to:-
 - (i) the securing by appropriate legal agreements (the terms of which to be approved by the Head of Legal Services) of the provisions as set out in section 8 of this report (subject to any approved amendments);
 - (ii) the conditions set out in section 8 of this report (subject to any approved amendments).

2. That delegated authority be given to the Head of Planning Control (in consultation with the Chairman) to:-
 - (i) agree any necessary changes to the terms of the legal agreements referred to in 1(i) above;
 - (ii) agree any necessary changes to the conditions referred to in 1(ii) above.
3. That the amendment to planning application 06/01903/FUL-W20100/02 as set out in Section 2.31 of the report be approved.

PLANNING DEVELOPMENT CONTROL COMMITTEE

21 OCTOBER 2008

SILVER HILL, WINCHESTER

REPORT OF HEAD OF PLANNING CONTROL

06/01901/FUL W20100:

(AMENDED DESCRIPTION 18.08.2008 AND AMENDED PLANS RECEIVED 18.08.2008 AND 21.08.2008) Major comprehensive redevelopment by Thornfield Properties plc for approximately 2 hectares mixed-use site to include the erection of nine new buildings and the retention and conversion of the Woolstaplers Hall; providing 287 no. dwellings (including affordable housing); 20 no. live/work units, retail units with associated service areas, offices, the provision of medical or health services alternatively to offices in Building B bus station, youth centre, shopmobility office, public toilets, RAOB club, with associated car/cycle storage, landscaping and associated works

DETAIL:

1. **Background to the application and the need for this update report**
- 1.1 At a special meeting of the Planning Development Control Committee on 27 March 2007 it was resolved to grant planning permission for the comprehensive redevelopment of the Silver Hill Area. The application site comprises approximately 2.2 hectares and it is contained by Friarsgate to the north, the properties fronting High Street and The Broadway to the south, Middle Brook Street to the west and Busket Lane and the St. John's Almshouses to the east and extending to the northern end of Eastgate Terrace.
- 1.2 Within this area the demolition all existing buildings, with the exception of Woolstaplers Hall, is proposed.
- 1.3 The proposals provide for a mixed use scheme that includes ten buildings providing for retail, residential, office, and community uses together with a new bus station and extensive upgrading of the surrounding public realm to create a new town square and including repaving of Middle Brook Street, Silver Hill and the Broadway.
- 1.4 The area involved has for many years been recognised as being a part of the town and conservation area that is run down and in need of revitalisation. In 2003, following publication of a Planning Brief for the redevelopment of the site, the Council held a limited competition which led to the appointment of Allies and Morrison architects and the preparation of a Masterplan layout which formed the basis of the planning application. The Council entered into a development

Agreement with Thornfield Properties (Winchester) Ltd in December 2004.

- 1.5 The Review of the Winchester District Local Plan formalised the rationale that the Planning Brief provided and policy W2 specifically provides for the redevelopment of the Silver Hill area. The Local Plan Review was adopted on 7 July 2006.
- 1.6 The resolution of Planning Development Control Committee to grant planning permission at its meeting on 27 March 2007 was subject to a requirement that the applicant enter into legal agreements with the Council under section 106 of the Town and Country Planning Act and with the County Council under section 278 of the Highways Act. Additionally the resolution included the imposition of comprehensive conditions and in particular condition 2 required that amended plans be submitted in respect of the following matters.
 - (i) amended details of the Friarsgate / Eastgate Street road junction re-alignment;
 - (ii) amended details to Blocks D and J
 - (iii) amended details to the north elevation of Block A
- 1.7 Since the Planning Development Control Committee's resolution to grant permission, officers have been in negotiation with the applicants in regard to progressing the legal agreement, the commercial terms of which are substantially agreed, and have received and considered the further details referred to above.
- 1.8 As a result of matters that have arisen from these negotiations concerning the viability of the proposals in the present economic climate, and changes in circumstances that have occurred more recently with regard to certain elements of the proposed uses, the applicant has requested that the application be formally amended to incorporate the changes. It is therefore important to consider how the scheme can best adapt to changes in circumstances to ensure that it remains viable in terms of securing the delivery of the renaissance of this area, which is of major importance to the future well being of the city centre. The applicant is therefore also requesting that further consideration be given to the level of affordable housing and open space contributions that were envisaged at the time of consideration of the original application.
- 1.9 The purpose of this update report is accordingly to consider the changes that are now proposed, including the need to re-examine the affordable housing and open space provisions that should apply to the scheme. It further seeks to confirm the changes that have been made to the development in response to the three amendments referred to at paragraph 1.6 above and to clarify the policy support that is applicable to the application as now amended. The main issues are accordingly whether the proposals (as now amended) remain acceptable in terms of satisfying the policy

objectives that are applicable and whether the design of the proposals is appropriate and meets conservation objectives.

2. **Details of the Proposal and Amendments**

Site Description

- 2.1. The application site, known as Silver Hill (formerly Broadway Friarsgate) lies within the Winchester Conservation Area and Town Centre boundary and is at the eastern end of, and partly within, the primary shopping area. In total the area of the application site is approximately 2.2 hectares and it is contained by Friarsgate to the north, the properties fronting High Street and The Broadway to the south, Middle Brook Street to the west and Busket Lane and the St. John's Almshouses to the east and extending to the northern end of Eastgate Street Terrace.
- 2.2. The application site presently contains the following buildings, all of which are to be demolished: Bus Station, Kings Walk retail arcade and offices over, the Antiques Market building, Sainsbury's supermarket and the buildings to the east that front Silver Hill, the former Post Office and sorting office building, Friarsgate multi-storey car park, the car park office (formerly TSB bank), Iceland supermarket, St. Clements surgery, Friarsgate Health Centre, Coitbury House FPC offices, and the RAOB club in Cross Keys passage. All land associated with those buildings, much of which presently provides car parking, is included within the site. The only building that is to be retained is the Woolstaplers Hall.
- 2.3. The site is generally flat but is mostly low lying and is largely within the flood plain of the River Itchen. It is served by vehicular access from Friarsgate via Tanner Street and Silver Hill (the road that runs down the side of Sainsbury's). Two brooks also pass through the site, one of which is presently culverted.
- 2.4. The site is generally of poor townscape and environmental quality with no strong character, and the buildings are an eclectic mix of 1960's and 70's blocks fronting Middle Brook Street and a multi storey car park fronting Friarsgate, which rise to a maximum height of 5 storeys. The Health Authority offices are of more traditional design and rise to 3 storeys whilst the Health Centre is a two-storey contemporary design, reflective of its 60's era, and the bus station is especially unattractive and set within an expanse of tarmac.

The below details are of the Original planning application as considered by Planning Development Control Committee in March 2007.

N.B. The amended figures for the scheme, as per the changes now proposed, are shown in brackets and bold after the original figures and the changes are further described in detail in paragraphs 2.12-2.30 of this report.

2.5. **Basic Details**

Site Area, = 2.17 hectares (5.35acres).

Comprehensive redevelopment comprising 10 buildings and new bus station relocated to Friarsgate with the associated widening of Friarsgate to provide a contra flow bus lane, plus all associated infrastructure works, landscaping and improvements to the public realm, including upgrading of The Broadway, Lower High Street and Middle Brook Street.

2.6. **Retail Area** = 10,168 sq. m. (**now 10,284 sq m**) gross external (8,925 sq. m. net internal retail floorspace), including new Sainsbury's supermarket of 2,305 sq m net internal.

Block A = 6,633 sq m.	Block G = 108 sq m
Block B = 1,107 sq m (now 1,223sq m)	Block H = 848 sq m
Block C1 = 274 sq m	
Block E = 745 sq m	
Block F = 368 sq m	

2.7. **Housing**

Number of residential units = 264 (**now 287**) - comprising (158 (**now 187**) private & 106 (**now 100**) affordable)
+ 5 live/work units (**now 20**).

Private units = 78 x one bed, 57 x two bed, 23 x three bed

Affordable units = 71 x one bed, 35 x two bed

(N.B. The new dwelling mix is still to be confirmed)

Block A = 82	Block E = 25
Block B = 45 (now 70 + 15 live/work units)	Block F = 18
Block C = 27	Block G = 7
Block C1 = 12	Block H = 5 + 5 live/work units.
Block D = 10	Block J = 33
	Block J = 33

2.8. **Offices**

Block B first floor, second floor, third & fourth = 2,433 sq m for PCT
(**now 2,459 sq m open market office space**).

Block H (Woolstaplers Hall) second floor = 468 sq m of live/work space

2.9. **Car Parking**

Total Parking provision = 533 (**now 503**) spaces

	Floor Level	Public	Private	Comment
Block A	First = 80 Incl. 2 disabled	330	76	Includes 59 private spaces for residents. 15 spaces for medical surgery use + 2 other spaces.
	Second = 157 Incl. 7 disabled			
	Third = 169 Incl. 10 disabled			
Block B	Ground = 11 Incl. 8 (now 6) disabled		11 (6)	Includes 6 shopmobility spaces and 44 for PCT offices, (Now 26 in total incl 6 shopmobility)
	Mezzanine = 39 (now 20 incl 2 disabled)		39 (20)	
Block C	Ground = 25 Incl. 2 disabled		25	All for private residential use
Block D	Ground = 32 Incl. 2 disabled		32 (28)	All for private residential use. Includes 5 replacing existing Basket Lane spaces.
Block J	Ground = 20 Incl. 1 disabled		20 (17)	All for private residential use
TOTAL		330	203 (172)	

136 Private residential use.
59 Business use. (**Now 35**)
330 Public use.
8 Shopmobility and other.

Cycle parking comprises 456 cycle bays comprising 354 private and 102 public.

Motor cycle parking comprises 15 bays.

2.10. **Other Uses**

Block A Basement Youth Club, ground floor RAOB facility.
Block B Bus Station waiting room, tickets etc, public toilets, pharmacy, shopmobility and 12 bay open bus stand. Medical Centre at first, second and third floor above bus station. Telecommunications mast at roof level.
(Pharmacy and medical centre now omitted)
Block C Includes 13 kiosks fronting Lawn Street.

2.11. The proposals additionally provide for extensive associated improvements to the public realm including creation of a new town square, street paving, landscaping and public art, 5 additional kiosks

on the eastern side of the entrance from the Broadway, a footpath adjacent the brook to the east of Block D and improvements outside of the application site. These include repaving of the Broadway, Lower High Street to its intersection with Middle Brook Street and to Middle Brook Street and Friarsgate, and the re-location of the weekly and farmers street markets to the High Street and the Broadway.

Details of Amendments which are the subject of this report

- 2.12. The amendments which are the subject of this report relate principally to Block B where a reconfiguration of the internal space and reallocation of uses within the building has become necessary. This is as a result of the PCT decision to relocate the medical facility previously incorporated as part of the scheme to another site.
- 2.13. The revised proposal additionally deals with the amendments that were called for by draft condition 2 as set out in the March 2007 resolution to grant planning permission. These relate to minor changes to Blocks D and J to respond to concerns relating to the height of those buildings where they interface with St John's Almshouses and properties in Eastgate Terrace respectively. Additionally the amendments cover the realigned junction of Friarsgate with Eastgate Street to ensure the retention of existing trees and the Friarsgate elevation of Block A, which has been modified to provide more visual interest.
- 2.14. An amendment in respect of the provision of affordable housing and the application of the open space funding requirement is also proposed. The amendments are set out in more detail in the following paragraphs.

Building B

- 2.15. Whilst the envelope of Block B is for the most part unaltered, the space within the building is reconfigured on each floor level as a result of the surgery and pharmacy accommodation no longer being required. This is due to the Friarsgate Practice opting to relocate their surgery to Weeke (as part of the proposed Waitrose development of the former Honda garage site on the corner of Stoney Lane and Stockbridge Road). Additionally, the St. Clements surgery wishes to relocate their premises, outside the application site but within the Silver Hill scheme. The proposals to relocate the St Clements Surgery to the Upper Brook Street car park will be the subject of a separate planning application.
- 2.16. The implication of this change in the proposed use of Block B is that it releases 3,544sq m Gross Internal Area (GIA) and reduces the associated car parking requirement from 50 to 26. Additionally the residential content increases from 45 units to 70 plus an additional 15 live / work units and the office increases by 26 sq m from 2,433sq m to 2,459sq m (1.068%). The retail area increases from 1,107 sq m to 1,223sq m and there is a minor reduction in size to the bus

amenity area to give an 'L' shaped configuration. The accommodation within Block B therefore becomes as shown in the following table.

Block B Proposed amended configuration of space			
Floor	Use / Floorspace		
Ground Floor	Retail 1,223m ²	Bus amenity area 354m ²	
	Parking 6 spaces (shopmobility)		Public WC's 62m ²
Ground Floor Mezzanine Level	Parking - 20 Spaces (inc 2 disabled)		
	Residential	Live / Work Units	Offices
First Floor	16 x one bed flats 3 x two bed flats	4	2,459m ²
Second Floor	16 x one bed flats 3 x two bed flats	4	
Third Floor	13 x one bed flats 5 x two bed flats	4	
Fourth Floor	8 x one bed flats 6 x two bed flats	3	

- 2.17. An overall comparison of gross external area (GEA) for each land use type within the development as a whole is shown in the following table.

Use	Jan 2007 proposals as Addendum Planning Statement		Aug 2008 amended proposals	
	Floorspace (GEA sq m)	Units / spaces	Floorspace (GEA sq m)	Units / spaces
Bus station	384		353	
Car parking	16,354	534	15,727	503
Live Work	486	5	2,339	20
Medical	3544		0	
Office	2,433		2,459	
Public WC's	62		62	
Residential	24,502	264	26,099	287
Retail	10,168		10,284	
RAOB	276		276	
Youth Centre	1,058		1,058	
Shop Mobility	212		212	
Orange Mast Plant Room	24		24	
Total	59,503		58,793	
Difference			710 (1.2% reduction)	

- 2.18. The policy implications of the changes to Block B are discussed later in this report at section 5. The regeneration of the site of Block B by the provision of new development is necessary for the regeneration and comprehensive development of the Silver Hill Area.
- 2.19. With regard to the physical changes that the amendments require of the building, these are mostly all internal with the external elevations altering very little. These comprise only minor changes in the entrances to cores and the repositioning, slightly to the north and closer to the shop mobility office, of the disabled parking entrance at ground floor. Minor changes are also proposed for the lift over-runs resulting from the revisions to the internal layout and velux style roof lights have been added to serve some of the top floor accommodation.

Building D

- 2.20. When PDC Committee considered the original application it was noted that the southern end of Block D and the eastern end of Block J gave rise to some concern in regard to the impact that these buildings had respectively on the St. John's Almshouses and properties in Eastgate Terrace. (Paragraph 13.15 of report PDC 673 - 27 March 2007 refers).
- 2.21. In accord with condition 2 of the draft conditions included in the resolution to grant planning permission, the applicant submitted amended plans to address the concerns.
- 2.22. In the case of Block D the amendment comprises a reduction in height from three storeys to two storeys of the two southern units of the terrace, which consequently become two bedroom rather than three bedroom units. These units are also stepped in by 2 metres from the general alignment of the eastern elevation, which results in the ground floor parking provision for Block D reducing from 32 to 28 spaces. It is considered that these amendments address the issue of the buildings impact on the closest properties of St. John's North Almshouses, and particularly number 8, which now the building steps in, is 10 metres from the building.
- 2.23. Following receipt of the amended plans, St. John's Winchester Charity was consulted regarding the amendment. In their response dated 23 May 2007, they acknowledge the improvement, but maintain their objection to the siting of block D, which they consider to be too close to the almshouses. Given that block D is now reduced in height and stepped in at its closest point to the Almshouses, officers consider that the relationship is acceptable.

Building J

- 2.24. In the case of Block J, amended plans were submitted to reduce the height of the eastern end of the building and mitigate the perceived impact that the building would have on the amenity of residents occupying the nearest properties to the building, which are the houses at the northern end of Eastgate Terrace, particularly numbers 23-27 which back onto the application site.
- 2.25. The amendments comprise reducing the size of the building by the loss of three flats and a reduction of the internal area, the reduction of the length of the building that projects towards Eastgate Street and the lowering of the eastern end of the building. This changes the composition of accommodation from 33 units to 30 units and reduces the parking provision by 3 spaces.
- 2.26. These amendments are considered to adequately address the concerns regarding the impact of the building on the amenity of residents of Eastgate Terrace.
- 2.27. Further to consultation with the occupiers of the nearest houses in Eastgate Terrace, an additional concern regarding the preservation of their existing rear access facility to Friarsgate was highlighted. The existing pedestrian access that serves the rear gardens of numbers 23-27 Eastgate Terrace was shown as closed off by the original proposals for Block J, which would have prejudiced the present refuse collection arrangements for such properties. Accordingly a further amended plan was submitted to address this concern by maintaining the rear access to such properties through a reconfigured bin storage area within Block J.
- 2.28. Representations received as a result of re-consultation with the neighbouring properties in Eastgate Terrace resulted in two objections that maintained their original opposition to the proposals and St. John's Winchester Charity maintaining their concern in regard to the buildings impact on the Almshouses to the south.

Building A

- 2.29. The changes to Block A involve only design features to improve the appearance of the north elevation that fronts onto Friarsgate. As originally proposed, it was considered that it lacked interest, particularly at street level, due to a lack of fenestration and the dominance of ventilation louvres. This has been addressed by the addition of glazed display cabinets to provide visual interest at street level and planters that will provide for vertical climbing plants to partially screen the ventilation louvres. Running across each bay is a band, the purpose of which is to break down the scale of the louvres by introducing an intermediate line. It comprises a flat metal element set away from the main façade on spacers/supports and runs across each bay with a gap between adjacent pieces at the vertical bay divisions.

Friarsgate Eastgate Street Junction Re-alignment

- 2.30. A minor change to the Friarsgate / Eastgate Street junction to facilitate the retention of the trees on this corner was required further to the Committee's resolution to grant permission and amended plans that deal with this have been received. The County Council, as Highway Authority, has indicated that the amendment is in principle acceptable.

Market Stalls in The Broadway

- 2.31. The amendments also propose a minor change to the planning application in respect of relocating the weekly and farmers market (06/01903/FUL-W20100/02), which was also incorporated within the previous Committee report (PDC 673 refers) and on which there was a resolution to grant permission. The amendment simply provides for the inclusion of weekly market mobile vans in positions 38 and 39 (in front of the Crown and Anchor public house) rather than normal stalls as was shown previously. This is necessary to ensure that the existing market traders that use mobile vans (butcher and fishmonger) are provided for with suitable pitches.

3. Consultations

- 3.1. Further consultations have been undertaken in regard to the proposed amendments and the responses received are set out as follows.

Strategic Planning

- 3.2. *Planning Policy Context The Development Plan remains as it was when it was first resolved to grant permission for the scheme in March 2007, namely RP9, the Hampshire County Structure Plan (Review) and the Winchester District Local Plan Review (2006). A number of Structure Plan policies have not been 'saved' by the Secretary of State so there are currently fewer adopted Structure Plan policies. Since the previous resolution to grant permission was made the South East Plan has progressed and the Secretary of State has recently published Proposed Changes. Government guidance has also been updated, in particular with a Supplement to PPS1 on Planning & Climate Change and draft revised PPS6 on Planning for Town Centres.*
- 3.3. *Most of these changes have little effect on the direction of Government, regional or local policy. The South East Plan continues to promote development primarily in town and city centres, especially retail and other town centre uses. Similarly, the draft revisions to PPS6 retain the 'town centres first' approach and indeed seek to reinforce it. It proposes to replace the 'needs test' with an 'impact test' but this relates to out-of-centre developments so is not relevant to this scheme.*

- 3.4. *The Supplement to PPS1 on Planning and Climate Change introduces a series of 'Key Planning Objectives' which should be taken into account as well as the requirements of the Development Plan. These include the need to achieve the highest viable resource and energy efficiency, promoting sustainable transport and minimising vulnerability to climate change. These matters have generally been taken into account in the original scheme and the revisions, although the Supplement to PPS1 reinforces the importance of matters such as energy efficiency and renewable energy production.*
- 3.5. *Revisions to Land Uses The scheme has been amended to remove the provision made for a medical facility, on the basis that the PCT has made provision elsewhere (at Weeke). The relevant Local Plan Policy (W.2) requires that the development should 'provide sites for the relocation of existing healthcare facilities'. Provided that the PCT confirm that adequate provision has been made, albeit in another location, the requirements of the Local Plan will be met. Although the Development Brief previously envisaged this to be an on-site relocation, the Local Plan is more up to date and carries more weight, and its requirements are satisfied. There is, therefore, no policy conflict in terms of the loss of the medical facility.*
- 3.6. *The reduction in floorspace devoted to medical use has resulted in increases in other uses, mainly live/work units, residential and retail, with a small increase in office floorspace.*
- 3.7. *Residential and live/work uses are appropriate within the town centre and are permitted/encouraged by Local Plan Policies H.3, W.2 and SF.4. Normal housing requirements would need to be met, including the provision of affordable housing in association with the live/work units. The increase in retail is entirely consistent with W.2 and SF. 1, being in a sustainable town centre location where a need for retail development has been demonstrated in various retail studies (e.g. Winchester Retail Study 2007, Nathaniel Lichfield & Partners).*
- 3.8. *The increase in office floor space is immaterial. Local Plan policies do seek to limit the scale of office development in the town centre. Policy E.3 generally limits expansion of office use to no more than 200sq m. Given the amount of office floor space already existing on the site the net increase in floor space should not exceed 200 sq m. It is understood that the existing office floor space within the site as a whole cumulatively exceeds that proposed. If a larger increase were involved, the requirements of E.3 relating to housing and transport would need to be met but the amended proposals now under consideration are in accord with policy provisions.*
- 3.9. *Affordable Housing The applicant has provided evidence to suggest that the amount of affordable housing required may threaten the viability of the development. The provision of affordable housing is one of the Council's key priorities and should not normally be compromised.*

- 3.10. *In this case the Council is able to verify the finances of the development and ensure that the developer's profit margin is not excessive. Subject to this verification and demonstration that the affordable housing provision must be varied to achieve a viable development, it is accepted that a formula for reduced provision may be built into the S106 agreement process. This is because the development is not simply a mixed use scheme, it is vital to the regeneration of this part of the town centre and the only realistic means of making provision for the medium term retail needs of the town in a sustainable town centre location. It is therefore imperative that the Council does what it reasonably can to ensure that the development remains commercially viable, as its failure would impact seriously on the economic and environmental success of the town centre. Failure of this scheme would be likely to delay redevelopment of the area for many years, resulting not only in continuing environmental degradation but economic stagnation and failure to maintain Winchester's position in the retail hierarchy. The importance of the scheme to the town cannot therefore be overstated and this is even more significant than the proportion of affordable housing that can be achieved.*
- 3.11. *Accordingly, provided that there is financial information to justify it, a reduction of the proportion of affordable housing being sought could be justified on viability grounds. The S106 agreement should use the normal requirement (40%) as its starting point but allow for this to be reduced to reflect the economic and viability circumstances at the time the development is undertaken. It is important to be clear on the reasons for this so as to avoid a precedent being perceived. In this case the Council can be satisfied that there is an 'open book' financial situation, that the developer is not taking an excessive profit element and, most importantly, that the development is of critical importance to the town.*
- 3.12. *Open Space The applicant is seeking to reduce the contribution to off-site open space, for the same viability reasons as affordable housing. This is also regrettable but the importance of seeking to achieve a viable development has already been noted above. Therefore it would be appropriate to include a similar arrangement in the S106 agreement, whereby the contribution is required unless it can be shown that making such a contribution would threaten viability of the development having regard to the economic conditions at the time.*

Urban Design

- 3.13. *Having assessed the amendments to the Silver Hill proposal in townscape terms no adverse comments arise. The following matter needs to be considered however.*
- *Need to introduce preventative measures for the new trees in the Broadway so that they are not damaged by buses.*

- 3.14. Broadway Trees *The proposals are to be welcomed although the arboricultural report needs to be verified by WCC officers. There might be an opportunity to retain some of the existing trees if they are of top category but those which are not ought to be replaced so that a 3 dimensional strong landscape structure, which will complement the new hard landscape proposed for the Broadway, can be assured in the long term. We need to be confident that the damage that has occurred to the existing trees in the Broadway (i.e. buses and utilities) is prevented from recurring. The Council's landscape architect and highway authority should be able to advise on this.*
- 3.15. Market Stalls *No adverse comments.*
- 3.16. Building A *The improvements to the Friarsgate elevation of building A are welcomed. Vertically this elevation is better, now that the terracotta louvres have been broken up into smaller components and the storeys defined [by the breaks in the louver panels and the introduction of a 'band'. The projecting glass display units will add interest for pedestrians and order and rhythm as you travel faster along Friarsgate. The display units are complemented by the adjacent planters which will accommodate 'climbers' trained up vertical stainless steel wires which will enhance the rhythm and soften the elevation. It will be important to manage the displays so that they remain fresh, relevant and maintain interest.*
- 3.17. Building B *There are a few changes to the elevations of this building and a few additions to plant/structures on the roof. These changes are quite minor and will have no adverse townscape impact.*
- 3.18. Building D *These amendments reflect the changes which were presented to Committee in sketch form [when it resolved to approve the Silver Hill scheme]. The applicant was required to submit detailed drawings. The amendments were necessary to resolve residential amenity problems for residents of St Johns Hospital Almshouses.*
- 3.19. *The amendments are acceptable in townscape terms. However there seems to be a further minor change to the building at the north end where a change to an internal staircase position seems to increase the floor area at third floor/roof level, which will be clad in timber. Although this is acceptable in townscape terms it should be assessed for any residential amenity implications.*
- 3.20. Building J *Again these amendments reflect the changes which were presented to Committee in sketch form only [when it resolved to approve the Silver Hill scheme]. There are additional minor changes to facilitate bin access for residents of the Eastgate Street properties, which have no townscape implications.*
- 3.21. Friarsgate/Eastgate Street junction *The alignment has been changed to show that the mature trees on the south side of the junction can be retained which is important in townscape terms. The*

submitted drawings show the pavement narrowing significantly to accommodate one of the trees. The applicant should submit a method statement to show how the pavement will be constructed without causing harm to the trees.

- 3.22. Conclusion *Subject to the comments relating to the possible implications of the pavement on the trees at the Friarsgate/Eastgate junction the amendments will have no adverse affect on visual amenity and townscape.*

Landscape / Trees

- 3.23. Block A *Changes to the north elevation, at ground floor level to incorporate display cases and planting, are satisfactory.*
- 3.24. Friarsgate re-alignment *Minor changes to the alignment of the proposed Friarsgate/Eastgate Street junction to facilitate the retention of trees on this corner are very much welcomed although this change has not been illustrated on the revised drawing for this area, drawing number 354.J.07.100.*
- 3.25. Public Open Space Strategy *It is regrettable that the earlier requirement for the developer to make a financial contribution of £359,710 to the City Council's open space funding system is to be waived. However, the high quality public realm improvements that are being proposed in areas such as the Broadway, Silver Hill Square and Busket Lane/Brook Walk are to be welcomed and may well compensate. Care will need to be taken to ensure that any paving, planting or street furniture is appropriately integrated and visually compatible with the proposals to enhance and re-pave the High Street.*
- 3.26. Arboricultural Officer's comments *The existing trees along the Broadway were planted some 80 years ago but the trees are of little merit, with the exception of the mature lime tree E7 which has been identified as a category A tree. The remaining trees have been managed on a pollard cycle and are generally in poor structural and physiological condition.*
- 3.27. *A planting schedule has been submitted which involves removing the existing trees and replacing 'like for like' with semi-mature Tilia x europaea. A cost of £1,700 has been presented for supplying and planting each tree. A cost for the removal of existing trees has not been provided, but is likely to be in the region of £3,000-£4,000.*
- 3.28. *Quality tree stock and large planting pits need to be used to ensure that the trees are able to establish and grow into maturity, without suffering as the existing trees are now. This should involve the use of 'trench planting' to maximise soil volume and an engineering solution will be required to allow pits to extend beneath surrounding hard surfacing. A soil sample should be taken to ascertain whether the existing soil may be used, although it is likely that the soil will*

have a poor structure, deficient of vital nutrients and that a better quality top soil will need to be imported. Additionally, aftercare will also be required to ensure that the trees are well secured and watered for up to 3 years through periods of dry weather. This could easily increase the cost to more than £4,000 per tree.

- 3.29. *One problem with replanting 'like for like' is that, unless the northern footpath can be extended to the south by 4m, before long some of the trees will be interfering with the fabric of adjacent buildings and will need to be pruned back repeatedly. Similarly on the south side more footway space would be required to avoid trees interfering with coaches and buses.*
- 3.30. *To ensure the successful establishment of trees, any scheme needs to be specifically designed with input from an engineer and an arboriculturist to overcome the environmental constraints posed by the Broadway, (tight spacing, poor soil environment, surface loading etc). It is essential that costing is accurate to be able to ensure that adequate provision is made for the trees. It is likely that the proposed £1,700 per tree is inadequate, however not every tree need be replaced.*
- 3.31. *Soil volume available to the tree should be maximised by linking with good native soils or by increasing tree pit size utilising engineering solutions such as a modular connecting framework to allow the pit to extend beneath hard surfacing. Ideally, a large growing tree should be able to exploit a minimum of 25m³ of soil. In reality, 25m³ per tree is probably unfeasible so trench pit planting will help to reduce the soil volume required by each tree independently. Surfacing around the tree must be permeable and allow diffusion of gases. Backfill and imported soil if required must have good structure and good nutrient holding capacity, utilising ameliorants if necessary. A final pit specification should be designed by an engineer and an arboriculturist to ensure that it is fit for purpose.*
- 3.32. *Trees will need to be planted under the supervision of an experienced arboriculturist. A method statement for the operation should be submitted well in advance. An underground guy system should be used to secure the trees. Guards and grills must suit the ultimate size of the tree if they are to be retained as a landscape feature.*

Environmental Protection

- 3.33. *Comments in respect of contaminated land, remain as for the original application and raise no objection subject to the imposition of updated conditions as recommended.*
- 3.34. *The Environmental Statement Addendum's conclusions relating to air quality impacts of the amended development is satisfactory. The report did not however consider the impacts of altering the internal layout of building B but further information has now satisfactorily*

clarified the introduction of the live/work units exposure location closer to the bus station. The applicant's concern about the previously imposed condition for non-opening windows at specified locations is noted. A revised condition to omit such reference is proposed and if by the time of construction, air quality can be demonstrated to meet National Air Quality Objectives the condition could, by application, be agreed to be omitted in its entirety.

- 3.35. *The noise impacts from altering the layout of building B has been considered and the need for suitable noise treatment to the façade facing the bus station identified. This can be covered by the inclusion of reference to building B within the condition that is already proposed in regard to building C. (See condition 29)*
- 3.36. *All other recommendations contained within the Environmental Protection response to the original application remain valid.*

Environment Agency

- 3.37. *No objection subject to conditions.*

HCC Environment Dept (Surveyors)

- 3.38. *The amendments to the development mix do not have a significant transport impact.*
- 3.39. *The proposed alterations to the Friarsgate / Eastgate Street junction appear to be acceptable but will need to be the subject of the County Council's formal design checking process before they can be finally agreed.*
- 3.40. *The changes shown on drawing 113666-06-174 showing the kerb realignment do not appear problematic but the proposed pedestrian islands will need to show how pedestrians making different movements can be separated, with space to wait as the traffic movements are independent. Guard railing should be offset from the kerb by 500mm.*
- 3.41. *There are no highways and transportation objections to the amended proposals subject to the conclusion of a Section 106 Agreement between the County Council and the developer, the agreement should secure a timescale for both approval and implementation of the proposed off site highway works and the other transport elements of the previously agreed mitigation package.*

4. Details of the further public consultation undertaken and Representations Received

- 4.1. The requested amendments to the planning application, which are the subject of this report, have been advertised in accordance with the Council's publicity policies. This has involved advertising in the Hampshire Chronicle (4 September 2008), the display of site notices at strategic positions around the site and further neighbour letters to

approximately 240 local residents plus to those respondents who commented on the original application.

- 4.2. The 5 representations that have resulted raise the following concerns, which it should be noted largely repeat the similar comments that were raised to the original application, despite the fact that comment has only been sought in regard to the amended application:
- Loss of city centre health services unacceptable.
 - The further increase in residential on top of the already grossly excessive 287 units.
 - The development is unsuitable for families with young children who will have nowhere to play
 - Parking provision for residential inappropriate and will increase the existing traffic congestion and fumes in St Georges Street.
 - The scheme is something the city neither wants nor needs
 - With Friarsgate surgery having rejected the totally unacceptable site the developers should be pressed to use the space for more affordable housing and car parking.
 - Using the surgery space for more flats will be a reduction in the flexibility of the development and leaving less space in the city centre for communal uses.
 - There will be more people living in the city centre but fewer facilities and with less flexibility to meet future needs.
 - Affordable housing should be increased not decreased.
 - Proposal is monolithic, of excessive size, too much by one set of architects and making some streets like tunnels. Risk of loosing market.
 - Mass, bulk and height of blocks A and B make them hostile to the historic character and architecture of Winchester.
 - Inadequate provision of trees and open spaces and of greater exposure of water courses result in lack of human and inviting quality. Planning brief requires more emphasis ion the public realm.
 - Unacceptable loss of trees in Middle Brook Street.
 - Excessive parking provision conflicts with policies to reduce congestion, pollution and vehicular pedestrian conflict.
 - Bus station should be an outstanding example of transport architecture
 - Unimaginative expanse of wall facing Cossak Lane car park

5. **Planning Considerations**

Planning Policy Context

- 5.1. The principle of the proposed development accords with the provisions of policy W2 of the Winchester District Local Plan Review adopted 7 July 2006. The policies applicable to the consideration of this application were fully set out in section 7 of the original report PDC 673 and should be read in conjunction with this report. Since

the previous report the Government Office for the South East has confirmed the policies of the County Structure Plan that are 'saved' for the purposes of paragraph 1(3) schedule 8 to the Planning and Compulsory Purchase Act 2004. This results in only the following Structure Plan policies being of relevance to the consideration of the application: Archaeology E14, Housing H1, H2, Transport T5, Environment E16 and E17

- 5.2. Since the previous resolution to grant permission was made, the South East Plan has progressed and the Secretary of State has recently published Proposed Changes. Government guidance has also been updated, in particular with a Supplement to PPS1 on Planning & Climate Change and draft revised PPS6 on Planning for Town Centres.
- 5.3. Most of these changes have little effect on the direction of Government, regional or local policy. The South East Plan continues to promote development primarily in town and city centres, especially retail and other town centre uses. Similarly, the draft revisions to PPS6 retain the 'town centres first' approach and indeed seek to reinforce it. It proposes to replace the 'needs test' with an 'impact test' but this relates to out-of-centre developments so is not relevant to this scheme.
- 5.4. The Supplement to PPS1 on Planning and Climate Change introduces a series of 'Key Planning Objectives' which should be taken into account as well as the requirements of the Development Plan. These include the need to achieve the highest viable resource and energy efficiency, promoting sustainable transport and minimising vulnerability to climate change. These matters have generally been taken into account in the original scheme and the revisions, although the Supplement to PPS1 reinforces the importance of matters such as energy efficiency and renewable energy production.
- 5.5. Policy W.2 of the Winchester Local Plan Review states that development proposals for a mix of uses including housing, shopping, leisure, possible civic, cultural and community facilities will be permitted on approximately 2 hectares of land between the Broadway and Friarsgate provided that they:
 - (i) *incorporate an appropriate mix of uses that reinforce and complement the town centre, including housing, retail and other town centre uses;*
 - (ii) *provide a new bus station, retain the existing street market and provide sites for the relocation of existing health care facilities, the post office, taxi rank and other important facilities in the area;*
 - (iii) *provide the main vehicular access to the multi storey car park and service areas from Tanner Street, with the closure of Silver*

Hill to through traffic, except where access is required for servicing;

- (iv) retain and enhance key views and provide a series of link public spaces;*
- (v) include a satisfactory archaeological assessment;*
- (vi) provide public art within the scheme and a “percent for art” contribution;*
- (vii) make an appropriate contribution to the improvement of the public realm on the site and in the surrounding area, in particular, Friarsgate, Middle Brook Street and The Broadway;*
- (viii) provide appropriate on and off site highway works and traffic management arrangements to accommodate a new bus station and associated revised bus routes and stops in the town centre;*
- (ix) incorporate adequate flood protection measures;*
- (x) include an Environmental Impact Assessment and Transport Assessment.*

- 5.6. Paragraph 2.0.1 of the Broadway Friarsgate Planning Brief (2003) states that the Council will require a commitment from the developer to the comprehensive redevelopment of the area indicated in the site plan, comprising approximately 2 hectares.
- 5.7. It is therefore clear from the policy guidance that it is highly desirable that the site as a whole should be developed in accordance with the guidance provided by Policy W2 and the Planning Brief.
- 5.8. Although piecemeal development is contemplated within paragraph 2.0.1 of the Planning Brief, it is clear that any proposal for such development must be supported by a Masterplan demonstrating how it will contribute to the success for development of the whole area, and an appropriate contribution to the non-commercial elements of the Planning Brief as a whole.
- 5.9. The Planning Brief must be read subject to the Local Plan, with primacy being given to the Local Plan because it is part of the Development Plan. Development proposals for the site must comply with Policy W2 which sets out a number of requirements that the development proposes for the site. These requirements are set out above and mean that even a proposal for development of part of the site must bring with it, or secure, much of what Policy W2 and the Planning Brief are seeking to achieve on the site as a whole. It is therefore clear that the policy guidance is taking a comprehensive approach. The application by Thornfield does take a comprehensive approach and delivers the development of the Silver Hill area in accordance with the development plan and with the Planning Brief.
- 5.10. Within the recommendation that is set out at the end of this report, Informative 1 clarifies the reasons why it is considered that the

proposals are acceptable in terms of the policy criteria that have been considered.

Affordable Housing

- 5.11. Further to the Committee resolution to grant planning permission, there have been on-going discussions between the applicant and the City Council pursuant to reaching a satisfactory conclusion of the legal agreement. In the previous report to committee PDC673, section 13 dealt with the provision of affordable housing and it was reported that the scheme met the Council's policy of 40% provision as required by policy H.5 of the Winchester District Local Plan Review 2006. Under the heads of terms for the legal agreement (paragraph 22.1 of PDC673) Item C required "The securing of affordable housing as set out in the report. Delivery mechanism to include tenure and scheme for final sell on price to RSL that reflects the usual transfer policy."
- 5.12. It has subsequently become apparent that the scheme is unable to support the provision of affordable housing at the level of 40% as its viability would be seriously compromised, to the extent that the scheme could not proceed. This position has been tested through a nationally recognised economic modelling programme known as the 'Three Dragons Toolkit' which has become a standard mechanism for appraising residential and mixed use development economics since it was first used by the GLA in London.
- 5.13. The Three Dragons assessment covers all aspects of the scheme, comprising the capital and revenue incomes and costs relating to the development. The full assessment has been independently checked for the City Council by its advisors, Drivers Jonas. The assessment was undertaken on the basis of a 40% affordable housing provision (which was shown not to be viable) and for a reduced level of 35% provision (which shows that this level can only be delivered if measures are taken to reduce other contributions).
- 5.14. The provisions of PPS3 and the Council's own adopted Supplementary Planning Guidance (February 2008) for affordable housing recognise that viability is a material consideration to the delivery of affordable housing. Paragraph 2.25 of the SPD states "Due to high values and the level of affordable housing sought by Local Plan Policy H.5 it is not expected that requirements will render development proposals unviable. Where a developer does wish to contend that requirements make a scheme unviable an open book approach must be adopted and the claim substantiated by detailed evidence that allows viability to be tested. Developers should consider fully the financial implications of affordable housing provision before acquiring land. Failure to do so will not be accepted as justification for departing from planning policy".
- 5.15. Based on the evidence presented, it is considered that the provision of affordable housing at the reduced level of 35% is acceptable in

this case and the applicant has stated that this will achieve the provision of 100 affordable units with a minimum of 20 units being for social rent. It should be noted that although this change is different from that which the original report explained (whereby the Local Plan requirement of 40% was to be provided), it remains consistent with the 35% provision that had originally been envisaged in both the Planning Brief and the provisions of the development agreement in so far as affordable housing is concerned.

- 5.16. The section 106 agreement has been drafted so that the Developer is required to carry out a further development appraisal within one month of the Secretary of State's decision on the Compulsory Purchase Order. If at this time it is considered possible for the Developer to provide 40% affordable housing without compromising the viability of the Development, the terms of the agreement oblige the Developer to provide 40% affordable housing.

Live Work units

- 5.17. As part of the original proposal, 5 live/work units were proposed within Block H (Woolstaplers Hall). These were excluded from the total number of residential units for the purposes of calculating affordable housing provision because it was argued by the applicant that such units constitute mixed uses which are deemed sui-generis rather than Use Class C3 (dwelling house) for use class purposes. There is in fact circular guidance that supports this view, paragraph 79 of circular 03/2005.
- 5.18. Subsequent consideration of other cases involving live/work units has however drawn attention to clearer interpretation that suggests that such units should be included in any residential calculations and for the purposes of calculating affordable housing provision, notwithstanding their mixed use nature, as they clearly incorporate residential units. Authorities such as Tunbridge Wells, Oxford, Horsham and various London Boroughs in fact now specifically state in their affordable housing policies that live/work units will not be exempt from affordable housing requirements.
- 5.19. The amended proposals now under consideration introduce a further 15 live/work units within the reconfigured Block B making an overall total of 20 live/work units. If these are added to the 287 residential units now proposed, as the view outlined in the previous paragraph suggests is appropriate, the overall total of dwellings is 307. This would impact on the affordable housing and open space contribution calculations if included within the overall housing figure, increasing the amount of affordable housing and open space which policies would require. The Local Plan Review policies do not currently include such a clarification in regard to live/work units and accordingly their exclusion is consistent with the position taken at the time of the previous consideration of the application. However, it is clear that were the live/work units to be factored into the viability assessment it would reinforce the concerns in regard to the

scheme's viability and add support to the applicant's case for a reduced level of affordable housing provision and relief from open space contributions.

Office Development

- 5.20. The site presently contains office development in the form of Coitbury House which are the PCT offices. The original scheme envisaged that such office space would be re-provided within Building B.
- 5.21. The amended proposal retains the office content within Block B with a minor increase in area of 26 sq m but its use by the PCT is not assured and it must therefore be assumed that the office content will be available on the open market. However the applicant desires to retain flexibility in respect of how this area may be used including the possibility of its use for the provision of medical services if a demand materialises, whether for public or private services. The Local Plan policies seek to limit the scale of office development in the town centre. Policy E.3 generally limits expansion of office use to no more than 200 sq m. Having regard to the amount of office floor space already existing on the site, the new provision should not involve an increase in excess of 200 sq m above that already existing. The total gross external floor space area of Coitbury House is approximately 965 sq m but there is additionally other unoccupied existing office space that is being lost at Kings Walk, which is approximately 2,420 sq m GEA. The proposed office space of 2,459 sq m GEA therefore represents an overall reduction in terms of the existing office floor space presently within the application site and accordingly does not amount to a conflict with the provisions of policy E3.

Retail provision

- 5.22. The proposed amendments involve some reconfiguration of the retail provision within block B which increases the retail area by 116 sq m GEA (previously 1,107 as amended 1,223sq m). This results in a new overall retail total for the scheme as a whole of 10,284 sq m. The main retail unit that fronts onto Silver Hill increases in size and two additional kiosks are provided fronting Lawn Street plus the unit formerly shown as a pharmacy becomes a retail kiosk. These changes are minor and entirely consistent with policies W.2 and SF.1 of the local plan. The site is a sustainable town centre location where a need for retail development has been demonstrated in various retail studies (e.g. Winchester Retail Study 2007, Nathaniel Lichfield & Partners).

Loss of Health services provision

- 5.23. Whilst the 2003 Planning Brief for the site made specific reference to the re-provision of the present health services on the site and policy W2 of the WDLPR requires that the development should 'provide sites for the relocation of existing healthcare facilities', the objective of ensuring that such services are re-provided can be achieved satisfactorily other than by their incorporation within Block B. It is not for the local planning authority to specify where the healthcare facilities are located as this remains an operational decision of the individual practices as to how they can best serve their patients. Therefore provided that the PCT confirm that adequate provision has been made, albeit in another location, the requirements of the Local Plan will be met.

Public Open Space Contributions

- 5.24. As referred to in paragraph 5.13 above, the viability of the scheme requires that in order to achieve 35% affordable housing provision it can only be delivered if measures are taken to reduce other contributions. The scheme is providing for a substantial upgrading of the surrounding environment to the application site in the form of repaving of the Broadway, part of the High Street and Middle Brook Street which lie outside of the application site as such. The costs of such works are substantial and are exceptional in that it is not usual for developments to involve such extensive off-site works.
- 5.25. In view of the need to critically re-examine the scheme's viability in the light of current economic constraints, the applicant has requested that the usual open space contributions, which all residential developments are required to provide under the provisions of policy RT4 of the Local Plan, be waived on the basis that the public realm improvements referred to above are an equivalent community benefit.
- 5.26. Under the heads of terms for the legal agreement as set out in the recommendation of the original report (paragraph 22.1 sub section C of report PDC673) there was a requirement for an open space payment of £360,806. This figure has increased to £426,438 as a result of the increase in the total number of units now proposed and due to the annual updating of the Open Space Funding Scheme scale of charges that is applicable.
- 5.27. The waiving of this charge is exceptional, in that the open space policy is directed at the provision of open space facilities to serve the residents of new residential development and policy RT4 identifies the preference for such provision to be an integral part of any new development. It further states that where it is not possible to provide open space integrally to serve a development, the provision should be well related to the housing development it serves, but the exact form and type should take into account the nature and size of the development.

- 5.28. It is the size and complexity of the Silver Hill regeneration project that sets it apart from all other developments in the City centre. The many community benefits that the scheme delivers are unique to such a proposal and will be the most enduring legacy of the Silver Hill scheme. These benefits include private and public recreational open spaces:- from new parks and walkways alongside de-culverted waterways; to streets and squares open to all residents and visitors to the city; and communal roof top gardens and amenity spaces directly accessible to the residents of the development. The scheme also delivers a considerable cultural element including extensive public art offerings and shared spaces designed to accommodate the City's festivals and performers from the annual Hat Fair event.
- 5.29. The delivery of these benefits comes at a considerable cost and if the developer is also required to meet an open space contribution requirement, it is clear that the necessity to ensure the scheme's viability would impact on the developer's ability to deliver such wider community benefits, which will serve the population at large rather than being targeted to the residents of the development. Members will be aware that, under Section 38(4) of the Planning and Compensation Act 2004, where (as here) regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The regeneration of this area of the city centre (which itself is a Local Plan objective) is clearly a material consideration in the determination of this application, and if that objective is threatened (due to viability issues or otherwise) it would be appropriate to consider waiving requirements of the Plan which might threaten the achievement of that objective.
- 5.30. In consideration of the overall balance of community benefit it is thus felt that there is an exceptional case for waiving the normal open space contribution requirement in regard to this proposal. It should also be noted that the city centre location of the scheme will put residents at an advantage in terms of accessibility to facilities at the North Walls recreation centre, which residents from wider afield have to travel some distance to.

Landscape treatment of Broadway

- 5.31. The amended submission includes details of the proposed tree planting within the Broadway and includes an arboricultural report on the condition of existing trees together with the specification and budget for the proposed planting of new trees.
- 5.32. The landscape section has commented that any new trees planted here will require the correct underground specification. This will involve more than just the usual 'tree pit' approach and will probably require much bigger areas of rooting medium, possibly in a wide trench, using special urban tree soil. Specialist engineering and arboricultural input will be needed at 'construction' stage to ensure this is done properly. This raises the question of whether the £1,700 per tree allowed for in the proposal is going to be enough.

- 5.33. Tree E7 is the big mature Lime tree outside the entrance to the St John's Almshouses (north). It has been graded as an A2 tree under the BS 5837 categorisation scale (a mature tree in fair condition with 20-40 year life expectancy) and possibly should be retained.
- 5.34. None of the existing trees shown on the south side of the Broadway are worthy of retention and should be replaced. The recommended species are Lime (same as existing) and possibly Plane. Either species will require some regular pruning over the years to avoid conflict with coaches and buses etc. New trees will need more space than the existing failing specimens and it would be an opportune time to consider whether there is potential to widen the very cramped pavement, particularly on the south side. It is clear that the successful replacement of the Broadway trees will need to address these issues and that a balance in cost benefit terms will be necessary through detailed liaison with the Councils tree officer.

Car parking Implications

- 5.35. Overall the total number of parking spaces proposed has reduced by 30 spaces to 503 as a result of the amendments proposed which is welcomed in terms of sustainability and accords with transport objectives to reduce cross town traffic and improve air quality.

Highway Implications

- 5.36. Section 12 of the previous committee report PDC 673 comprehensively considered the highways issues arising from the proposals. The amendments now proposed do not impact materially on the situation so as to require such consideration to be re-examined. The amended application is supported by an addendum to the Environmental Statement which includes an examination of whether the amendments give rise to any significant changes to the transport implications of the proposals and the following section of this report outlines the results of the Environmental Statement addendum.
- 5.37. Paragraph 6.7 below reports the conclusion of the transport assessment review of trip generation and its conclusion that the mitigation measures identified in the original Environmental Statement and December 2006 addendum remain appropriate. Consultation with the County Council as highway authority confirms this conclusion and their comments focus only on the need for additional design checking of the proposed reconfigured Friarsgate / Eastgate Street junction to ensue that adequate pedestrian crossing provision is incorporated.
- 5.38. Within the previous report to Committee of March 2007, paragraph 12.21 referred to the comment of the Highways Agency in their consultation response in respect of a concern that the impact of traffic generation on the M3 at junction 9 has not been able to be modelled. Whilst this identified a shortcoming in terms of the

Transport Assessment submitted in support of the application it is important to note that the Highways Agency did not raise objection to the proposals because of this shortcoming in the Transport Assessment and it is not considered that there are any significant concerns which would require the modelling to be carried out.

Conservation Implications

- 5.39. The amended application does not involve any changes that materially increase the impact that the development will have on the character of the conservation area further to the consideration that has already been given to this issue in the previous report PDC673. For the most part, the physical form of the development remains unchanged from that previously considered and the minor changes that are involved, notably to Blocks D and J, the Friarsgate / Eastgate Street junction design, northern elevation of block A and minor adjustments to the elevations of Block B are either neutral or beneficial in that they improve the appearance of the development and its interface with neighbouring properties.
- 5.40. Section 10 of the previous report PDC 673 examined the development's impact in regard to archaeological and conservation considerations. It concluded at paragraph 10.24 that although the scheme would significantly change the existing character of the area, such change was compatible with conservation objectives as set out in local plan policies HE.5 and W.2 as well as those that form Government policy through the provisions of PPG 15. The need for comprehensive redevelopment of the area is not disputed, even amongst the scheme's dissenters, and a contemporary response in terms of the design, form and scale of buildings is appropriate. Modifications negotiated in regard to the original application improved the articulation and roofscape form of the scheme such that it will contribute to the character of the conservation area both in terms of being complementary to existing built form and through establishing a new bold identity to positively contrast with the existing character.
- 5.41. The buildings that need to be demolished to facilitate the renaissance of the area, including the Antique Market, do not contribute positively to the character of the conservation area. The exception to this is the Woolstaplers Hall, which is retained. The Antique Market building is not listed and, although of architectural / historic interest, is unable to contribute meaningfully to the character of the conservation area because of its existing compromised siting, hemmed in as it is by unattractive 1960's /70's development. Its retention within the proposed redevelopment would not be physically or economically practical and would seriously impede the achievement of comprehensive redevelopment that will enhance the character of the conservation area. The scheme as a whole will result in a significant environmental improvement that will enhance the conservation area.

6. **EIA Implications**

- 6.1. The amended proposals include an addendum to the Environmental Statement that supported the original application. The addendum covers Air Quality, Flooding and water resources, Noise, Socio-economics, Transport and Waste.
- 6.2. The report examines the implications of the proposed amendments for each topic using the same methodology as was used for the original EA.
- 6.3. In the case of Air Quality the assessment concludes there is negligible absolute change in traffic generation associated with the revised proposals and no need for any change to the operational mitigation measures presented in the May 2006 ES.
- 6.4. The effect of the changes proposed upon the flood risk zones that affect the development site have been assessed having due regard to the requirements of PPS25. However, no additional mitigation to that already identified in the original assessment was found to be necessary in regard to the amendments proposed to blocks B and D. Block J lies outside of the floodplain.
- 6.5. Assessment in regard to noise is confined to Block B and particularly the impact of the bus station relative to the live/work units on the north façade overlooking the bus station. This identifies that the live/work units in the north façade of Block B would be required to incorporate an appropriate level of noise insulation to meet internal noise targets, given the noise levels incident on the façade. It also suggests that the design of the canopy to the bus station should be such that it acts as an effective noise screen for the facades above. As stated in the Environmental Protection comments, an appropriate condition can ensure that necessary mitigation can be incorporated at the detailed design stage to address any noise impact from the bus station which, it should be noted, will not be in operation at night when residences are most sensitive to loud noise events. (condition 29).
- 6.6. In Socio-economic terms the net residual effects of the amended proposals are still considered to be beneficial. On balance the minor reduction of affordable housing and the increase in live-work units is not considered to have a significant effect. The medical centre was previously identified as having beneficial effects. However these benefits will be provided within an alternative development.
- 6.7. The effects of the amended proposal in terms of Transport state that having re-examined the trip generation figures to reflect the relocation of the medical centre, increase in residential units and slight increase to retail floor space, together with the changes in the associated parking provision, it is concluded that the mitigation measures identified in the original Environmental Statement and Dec 2006 addendum remain appropriate.

- 6.8. Re-assessment of the construction and demolition waste generation and the operational waste generation indicates a slight reduction in the former and a slight increase in the latter due to a shift from commercial waste to municipal waste associated with the increased residential provision.
- 6.9. The effect of waste generated by the building in both the construction phase and the operational phase is slight, and when considered in the context of the whole development the changes can be considered very small. Therefore the assessed residual effects and mitigation conclusions from the original waste impact assessment of May 2006 still apply, with the residential effects still considered to be direct long term and slight.

7. **Conclusion**

- 7.1. The amended proposals are a necessary response to the changes in circumstances that have arisen since the original consideration of this planning application in March 2007. In part they simply formalise matters that were identified at that time as needing further consideration and which were delegated to officers to resolve. The more significant elements arise through the unexpected changes to Block B brought about by the PCT decision to relocate services to other sites and due to the downturn in economic conditions.
- 7.2. The changes proposed so far as Block B is concerned do not however compromise the integrity of the scheme overall and, as this report has shown, the alternative uses are acceptable and consistent with overall policy objectives. The proposals contribute in a most positive way to the imperative of regeneration of this run down part of the city centre and the changes outlined in this report will maintain the overall benefits that the scheme will provide for the city. The health service uses will continue to be available to serve the Winchester community, albeit at different locations. It is not for the local planning authority to prescribe where the surgery facilities are located as this remains an operational decision of the individual practices as to how they can best serve their patients. The applicant's desire to retain the flexibility to use Building B for medical or health services, should demand materialise, is welcomed. The development of Block B is necessary for the regeneration and comprehensive development of the Silver Hill Area.
- 7.3. The most significant issues therefore come down to the changes that are being requested in regard to the application of affordable housing and open space funding provisions. These requirements are a fundamental element of the Council's residential strategy across the district and a departure from such requirements clearly needs to be justified. This report has set out the circumstances that have brought about the request for a relaxation of such policy requirements in this case and explains the rationale of why it is considered that such exceptional consideration is warranted. In order to ensure that the justification is transparent the Council has sought independent

verification of the figures that the applicant has provided in support of the requested changes to the affordable housing provision and open space funding requirements. This affirms the viability case that the applicant has presented.

- 7.4. In order that the Council can ensure that its interests (as local planning authority) are protected in the event of a more favourable economic climate at the time that the development is implemented it is recommended that the legal agreement provides for the applicant to enhance the affordable housing provision and make appropriate contributions to the open space funding scheme in proportion to any uplift in the economic viability of the scheme that is demonstrated by an 'open book' assessment of the viability.
- 7.5. In conclusion the amended proposals are considered to be acceptable and the granting of planning permission to be appropriate in accordance with the following recommendation, for the reasons stated in Informative 1 below.

8. **Recommendation**

LEGAL AGREEMENT

That in the case of planning application 06/01901/FUL (W20100) (as amended as to description 18.08.2008 by amended plans received 18.08.2008 and 21.08.2008) for comprehensive redevelopment, permission be GRANTED subject to:-

- (i) **The securing by appropriate legal agreements (the terms of which to be approved by the Head of Legal Services) of the below provisions under Section 106 of the Town and Country Planning Act, Section 278 of the Highways Act and any other relevant provisions as set out below:**
- A **Phasing of development** Clear commitment to a programme of implementation to include mechanisms for ensuring comprehensive redevelopment of the whole site.
- B **Archaeology**
- Archaeological evaluation and preliminary site investigations;
 - Groundwater and deposit monitoring;
 - An Archaeological Research Framework;
 - The submission of detailed foundation design and services routing;
 - The submission of archaeological mitigation strategies (archaeological excavation and monitoring and / or

preservation in situ) and written scheme's of investigation for written approval and their implementation:

- A public Outreach Strategy:
- Publication and dissemination (including deposition of the archive)
- A contribution for the updating of the Winchester Urban Archaeological Database.

C Affordable Housing

The securing of 35% affordable housing with a requirement that a development appraisal is subsequently carried out which demonstrates the level of affordable housing that can be provided relative to the viability of the scheme at the time of the development being undertaken (such viability to be determined on an open book basis).

D Tree Planting in The Broadway

- Details and timing of replacement tree planting to The Broadway.

E Transport

- Operation of car park (if not WCC controlled):
- Cycle parking – Provision of secure cycle parking to serve residential elements of the development.
- Provision of Real Time Information (RTI) at the bus station:
- Traffic Regulation Orders to support changes to highway operations (HCC/WCC). Alts to Broadway etc and servicing arrangements control of times of access
- Travel Plans (i Residential ii Business and iii Construction) to include lorry routing during construction and car club spaces to serve the development.
- Additional bus stop shelters in Broadway

F Highway Works (Section 278 Agreement) - for all works affecting the Public Highway. – Friarsgate bus lane and associated works, Broadway, High Street & Middle Brook Street Improvement works, New bus stops and improvements Upper Brook Street.

- G Highways Contributions - (£300,000) towards Local Transport Strategy to bring forward schemes for mitigating effects of the development. Including towards the Air Quality Action Plan.
- H Public rights of way - safeguarding of public access through the site including Basket Lane/Friarsgate footpath.
- I Public Art Strategy –
1. Contribution of £300,000 for public art in the Silver Hill development;
 2. The preparation of a public art strategy and the use of the contribution to implement that strategy.
- K. Car Park office, CCTV office and CCTV equipment – Financial guarantees to cover any costs incurred by the Council in the early relocation of the CCTV control room.
- L. Contractors off site storage vehicle parking and plant, storage of building materials and any excavated materials, huts and all working areas.
- M. Shopfronts The submission and approval of a Shop Front and Signage Design Guide

(ii) The following conditions:

Conditions/Reasons

General Conditions

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990.

2. Before any development commences on any phase of the development hereby permitted plans and particulars showing the detailed proposals for all the following aspects of the development (as applicable to that phase) shall be submitted to and approved in writing by the Local Planning Authority before each phase is commenced. The approved details shall be carried out as approved and fully implemented before the building(s) is/are occupied.

- (a) The alignment, height, materials and finished colour of any retaining walls or screen structures including that to the bus station in Friarsgate and all boundary treatments, including all walls, fences and other means of enclosure.
- (b) Details of the provision to be made for any canopies to serve the bus stands, including the design, materials and finish.

- (c) Details of the provision to be made for the storage and disposal of all waste material from the retail and employment units and from the residential units and the market, including the siting, design and materials for any bin storage areas or collection points.
- (d) Details of the siting, design, finish and means of enclosure for any fuel oil or gas storage tanks. Any oil tanks shall incorporate adequate spillage containment facilities.
- (e) The finished levels, above ordnance datum, of the ground floor of the proposed buildings, and their relationship to the levels of external ground, existing and proposed and any existing adjoining buildings.
- (f) Details of the siting, external appearance and materials to be used for any statutory undertakers or service provider's equipment such as electricity sub-stations, gas governors.

Reason: To comply with the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order)

3. A fully annotated section of each elevation of each new building at a scale of 1:50 shall be submitted to and approved by the Local Planning Authority before each phase of the development is commenced. The development shall be implemented in accordance with the approved plans before each phase is occupied.

Reason: In the interests of visual amenity

4. No development shall take place on each of the phases of the development until details and sample panels of the materials to be used for the construction of the external surfaces of that phase of the development hereby permitted have been submitted to / erected on site (as considered appropriate) and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

5. No development shall take place until a Sustainability Strategy for delivering the most up to date standards of renewable energy provisions, carbon footprint reduction - sourcing of materials, local labour and reference to the Code of Sustainable Homes has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development incorporates appropriate sustainability measures in the interests of environmental responsibility and the objectives of Local Plan policy DP6 and PPS 1 supplement Planning and Climate Change.

6. Before any development commences on any phase of the development hereby permitted, details of the following security measures (as applicable to that phase) shall be submitted to and approved by the Local Planning Authority in writing and the development shall be undertaken in accordance with such approval.
- (a) The access control measures for private and public car parking and design details for all parking areas which should be to Secured by Design standards and capable of achieving the Park Mark Safer Parking Award;
 - (b) The access control measures for all residential accommodation;
 - (c) CCTV provisions for monitoring the car parking, residential access arrangements and servicing arrangements for all commercial properties; the bus station, shop mobility and all public areas;
 - (d) Secure cycle parking provision;
 - (e) Secure shopping trolley storage;
 - (f) Use of laminated glass to shop windows and details of measures required for security grills, bollards and shutters etc;
 - (g) Lighting provisions in all communal and public areas;
 - (h) Use of anti graffiti paint and vandal resistant fittings to public toilets;

Reason: To ensure that the development provides appropriate security measures in the interests of crime prevention.

7. No development shall take place until a Construction Method Statement and Construction Code of Practice for limiting the emission of noise and dust from all the demolition and construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. All approved measures must be fully implemented as set out and by such time as specified in the Construction Method Statement and Construction Code of Practice and they shall be adhered to throughout the construction period.

Reason: To protect the amenities of the occupiers of nearby properties.

8. Any floodlighting or security lighting installed during the construction period shall be sited and directed in such a way as not to cause nuisance to adjoining properties or any adjacent highway.

Reason: In the interests of amenity and safety.

9. Details of any external lighting of the site, including any street lighting and lighting for security or other purposes, shall be submitted to, and approved in writing by the Local Planning Authority no later than 12 months after the commencement of construction on the first phase of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire

profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution.

10. Details of a scheme for the provision of electric vehicle recharge points within the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of the phase in which they are located. Any works which form part of the approved scheme shall be completed before any dwelling is occupied in the phase in which they are located unless an alternative period is agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the locality.

11. Unless otherwise agreed by the Local Planning Authority, before each phase of the development commences a scheme of water efficiency measures for the proposed development shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out in accordance with the approved details before the occupancy of the phase of development commences.

Reason: There is a growing challenge to meet increased demands for water and balance the needs of the environment.

12. Details of any Telecommunications equipment, including antenna and equipment housings, shall be submitted to and approved in writing by the Local Planning Authority before any such provision is undertaken on any part of the application site. Development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring that such apparatus is sited and constructed in a manner that does not detract from the appearance of the development.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting such order no external aerials or antenna of any kind shall be erected on the buildings hereby permitted without the written consent of the Local Planning Authority and the development shall incorporate the provision of an integral cabled system to avoid the need for separate provision of such equipment.

Reason: In the interests of visual amenity.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the

Town and Country Planning (Use Classes) Order 2005 or any orders revoking and re-enacting such orders the areas shown on the plans hereby approved for bus station, shopmobility and club shall not be used for other purposes within the same use class or by virtue of permitted development rights for another class of development unless the written approval of the Local Planning Authority is first obtained.

Reason: To ensure that the development provides the facilities intended and that inappropriate changes of use do not prejudice the community benefit of the development.

Archaeology and Conservation Conditions

15. Details of all alterations to the Woolstaplers Hall (Block H) including fenestration shall be submitted to and approved in writing by the Local Planning Authority and any making good to the existing elevations or roof of the building shall be undertaken using matching materials.

Reason: To ensure the detailing and materials maintain the architectural interest of the building.

Pollution / Flood Risk / Drainage/ Water Conditions

16. Development shall not commence until a scheme to mitigate the effect of any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be based upon a detailed site investigation and assessment of the extent of any contamination present and shall specify the measures to be taken to avoid risks to the public, buildings and environment when the site is developed. This site investigation report is to be included with the scheme details. Unless agreed otherwise in writing by the Local Planning Authority the approved scheme shall be completed prior to the occupation of the buildings.

Reason In order to secure satisfactory development and in the interests of the safety and amenity of future occupants.

17. If, during development, of a phase contamination not previously identified, is found to be present within that phase then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out on the phase until the developer has submitted to, and obtained written approval from the Local Planning Authority, for an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with."

Reason: To protect the major aquifer beneath the site and the surface waters within and surrounding the site. There may be areas

of the site, which cannot be fully characterised by a site investigation, and unexpected contamination may be identified.

18. Prior to the commencement of development hereby permitted (or within such extended period as may be agreed with the Local Planning Authority), a scheme to deal with contamination shall be submitted to and approved, in writing, by the local planning authority.

The scheme shall conform to current guidance and best practice as set out in BS10175:2001 Investigation of potentially contaminated sites – code of practice and Contaminated Land Reports 7 to 11 or other supplementary guidance and include the following phases, unless identified as unnecessary by the preceding stage and agreed in writing by the Local Planning Authority.

- a) A desk top study and conceptual model documenting all the previous and existing land uses of the site and adjacent land;
- b) A site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as appropriate by the desk top study;
- c) A remedial strategy detailing the measures to be undertaken to avoid risk from contamination and/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a suitably qualified person to observe the implementation of works.

Reason: To protect the major aquifer beneath the site and the surface waters within and surrounding the site. The site may be contaminated due to previous activities that have taken place onsite. Risk to groundwater and surface water has not yet been fully established at the site.

19. Details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of each phase of the development. Approval may be given where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To protect the major aquifer beneath the site and the surface waters within and surrounding the site. If used, piling may provide direct pathways for contaminants to groundwater

20. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To protect the major aquifer beneath the site and the surface waters within and surrounding the site. Soakaways and other sustainable urban drainage systems can increase the potential for pollution if located in contaminated ground.

21. The developer shall advise the local planning authority (in consultation with Southern Water) of the measures which will be undertaken to protect or divert the public sewers, prior to the commencement of the development. The approved measures shall be fully implemented to the satisfaction of the Local Planning Authority

Reason: To ensure satisfactory drainage provisions are provided

22. Public Mains Foul drainage from the development must connect to the public mains foul sewer.

Reason: The mains foul water sewer is in close proximity to the site: There is a presumption for connection to this system.

23. Construction of each phase of the development shall not commence until details of the proposed means of foul sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. In the event that drainage design needs to be considered other than on a phase by phase basis then no construction shall commence in advance of details of a satisfactory drainage design being approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory sewage disposal provisions are provided.

24. The developer shall, prior to commencement of each phase of the development, submit to the Local Planning Authority details of the measures to be undertaken to divert / protect the public water supply mains and work shall not commence on that phase before such details are agreed in writing in consultation with Southern Water.

Reason: To ensure satisfactory water supply provisions are maintained.

25. The method of demolition and construction for each phase of the development shall be carried out in accordance with a scheme to be approved in writing with the Local Planning Authority prior to the commencement of each development phase.

Reason: The site is in a very sensitive location with respect to groundwater, and in order to protect the quality of drinking water supplies the working methods will need to be carefully considered.

Highways and Parking

26. Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented prior to the commencement of each phase of development. Such measures shall be retained for the duration of the construction period of each phase. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

Reason: In the interests of highway safety.

27. The car parking for each phase of development shall be constructed, surfaced and marked out in accordance with the approved plan before each phase is brought into operation. The car park areas shall not thereafter be used for any purpose other than the parking, loading, unloading and turning of vehicles.

Reason: To ensure that adequate on-site parking and turning facilities are made available.

Housing / general amenity conditions

28. Development shall not commence on each phase until details of a scheme for limiting the transmission of noise between the units of residential accommodation and, any part of the development which is not exclusively used with a unit of residential accommodation, has been submitted to and approved in writing by the Local Planning Authority. All works, including detailing, shall be carried out in accordance with the approved scheme, before any of the units of accommodation in each individual phase are occupied.

Reason: To protect the amenities of future occupants of the dwellings.

29. Details of a scheme for protecting the proposed domestic dwellings within buildings B & C from noise and vibration from the bus station shall be submitted to and approved by the Local Planning Authority in writing before the development commences. Any works which form part of the approved scheme shall be completed before any dwelling is occupied unless an alternative period is agreed in writing by the Local Planning Authority. Such noise protection measures shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To ensure that acceptable noise levels within the dwellings are not exceeded.

30. All habitable rooms on the ground and first floors of Buildings J and A that front onto either Friarsgate or Tanner Street shall be

fitted with mechanical ventilation that draws air from an area agreed in writing with the Local Planning Authority.

Reason: To protect the amenities of future occupants of the dwellings and ensure that they have an option for ventilation other than by opening windows onto a busy vehicular street.

Retail and Offices

31. Detailed Plans in accordance with the provisions of the shopfront and signage design guide (required to be submitted and approved by provision M of the schedule of legal agreement requirements) shall be submitted to and approved in writing by the Local Planning Authority before each shop front unit is commenced. The works shall be undertaken in accordance with the approved plans before the shop is occupied.

Reason: In the interests of the amenities of the area.

32. All units designated A3 to A5 inclusive, in accordance with the TCP Act Uses Classes Order 2005, hereby permitted, shall not be open to customers outside the following times 0700 to 24.00.

Reason: To protect the amenities of the occupiers of nearby properties.

33. Details of the means of extraction of fumes from all premises designated A3 to A5 and B1 to B8 inclusive, in accordance with the Town and Country Planning (Use Classes) Order 2005, or any order revoking and re-enacting such order, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed before the use hereby permitted is commenced, and thereafter maintained and operated in accordance with the approved details.

Reason: In the interests of the amenities of the adjoining properties.

34. No commercial deliveries shall be taken at or dispatched from the ground floor loading bay area of building A except between the hours of 0700 and 2100 Monday to Saturday and 1000 to 1600 on Sundays, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby properties.

35. The live/work units incorporated in the development hereby permitted shall be retained for such purposes with the area being used for business purposes class B1 of the Town and Country Planning Use Classes Order 2005 or any equivalent class in any

order revoking and re-enacting such order. The premises shall not be used other than for mixed employment and residential purposes.

Reason: To ensure that the development maintains the provision of a range of employment opportunities

Public Realm & Public Art

36. No phase of development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before each phase of development is occupied and brought into use. These details shall include the following, as relevant:

- (a) other vehicle and pedestrian access and circulation areas:
- (b) minor artefacts and structures (eg. street furniture, play equipment, refuse or other storage units, signs, lighting etc):
- (c) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, including lines, manholes, supports etc.):
- (d) retained historic landscape features including the proposed opening up of the watercourses and proposals for restoration.

Reason: To improve the appearance of the site in the interests of visual amenity.

Soft landscape details shall include the following as relevant:

- (a) planting plans
- (b) written specifications (including cultivation and other operations associated with plant and grass establishment:
- (c) schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- (d) manner and treatment of watercourses, ditches and banks:
- (e) implementation programme:

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

37. Before development commences a programme of phasing for all development within the site and the associated street works outside of the site shall be submitted to and approved in writing by the Local Planning Authority. The works shall include hard and soft landscaping, and street furniture. The development and associated works shall be carried out strictly in accordance with the approved phasing programme unless otherwise approved in writing by the Local Planning Authority, and the works associated with each phase of the development shall be implemented in full in accordance with the approved programme unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the phasing of development is satisfactory and provides for continuity in the provision of improvements to the public realm.

38. No landscaping works for each particular phase shall take place until details of the design, materials and finish, together with samples of the materials to be used, for the construction of all hard surfacing, including landscaping works outside the application site to the Broadway, Lower High Street, Middle Brook Street and Friarsgate have been submitted to / set out on site (as considered appropriate) and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

39. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the Local Planning Authority unless varied by written agreement. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

40. Details of the design of building foundations and the layout, with positions, dimensions and levels of service trenches, ditches, drains and other excavations on site, insofar as they affect trees on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority before any works on the site are commenced.

Reason: To ensure the protection of trees to be retained and in particular to avoid unnecessary damage to their root system.

41. All trees on and adjacent to the site, shall be retained, unless shown on the approved drawings and arboricultural report as being removed. They shall be protected from damage during the course of site works in accordance with BS5837 2005. An Arboricultural Impact Appraisal and Method Statement, in accordance with BS5837:2005 shall be submitted to and approved by the Local Planning Authority,

prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed as soon as the construction exclusion zone has been fenced so that it can be inspected and deemed appropriate and in accordance with the approved Method Statement. Contact Kevin Cloud on 01962 848317.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the approved Method Statement.

Any deviation from works prescribed or methods agreed in accordance with the approved Method Statement shall be agreed in writing to the Local Planning Authority.

Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

42. Details of the design, materials, finish and phasing for the provision of all street furniture, including seats, litter bins, cycle stands, shelters, railings and signs, including works outside the application site to the Broadway, Lower High Street, Middle Brook Street and Friarsgate, shall be submitted to the Local Planning Authority at least 3 months prior to the commencement of landscaping works to the public realm. Development shall be carried out in accordance with the details and phasing that are approved in writing by the Local Planning Authority.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

43. Details of any canopies proposed to be erected including means of fixing, materials and finished colour, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

INFORMATIVES

1. In reaching its decision the Local Planning Authority has taken account of the following development plan policies:-

Hampshire County Structure Plan 1996 - 2011(Review) (Saved policies):

- E14 Preservation of local and national archaeological sites and monuments
- E16 Criteria to guide development so as to ensure no harm to historic towns and villages
- E17 LPA's to encourage development which enhances historic towns and villages
- H1 Provision of 94,290 dwellings, 1996 – 2011
- H2 Baseline provision of 80,290 dwellings, by district
- T5 Planning permission conditional on meeting transport requirements

Winchester District Local Plan 2006 (Review):

Design and Development Principles:-

- DP1 Specifies need for design statements and other explanatory information to support planning applications.
- DP3 Sets general design criteria to be met by all new development with a list of 9 principles and criteria.
- DP4 Defines landscape and built environment criteria to be met by new development in order to maintain or enhance the District's townscape and landscape.
- DP5 Sets design objectives for on site amenity open space to ensure an attractive environment.
- DP6 Provides objectives to be met in the interests of sustainable development and the efficient use of resources.
- DP8 Requires that flood risk assessments be provided in accord with PPG25 advice where development is within flood risk areas.
- DP13 Requires that development proposals likely to be within areas of contaminated land meet appropriate investigation and mitigation requirements.
- DP14 Provides criteria to be met in regard to the provision of Public Utilities and Telecommunications provisions.
- DP15 Provisions to be met by renewable energy schemes.

Historic Environment -

- HE1 Archaeology – presumption in favour of preservation in situ but in any event a programme of archaeological investigation, excavation and recording.
- HE2 Archaeology – need for adequate archaeological assessment to clarify importance of features and demonstrate the impact on development
- HE4 Conservation areas – development detracting from setting of CA not permitted and importance of conserving attractive views in and out and of improving those that detract from the appearance.
- HE5 Conservation areas – Provides criteria to be met in interests of development preserving or enhancing character / appearance of area.

- HE6 Conservation areas – need for applications to contain appropriate supporting information including a design statement
- HE7 Conservation areas – grounds to be satisfied for substantiating demolition of unlisted buildings.
- HE8 Conservation – retention of features essential to character of a conservation area.

Housing -

- H1 Provision for housing development within the district
- H5 Affordable housing – sets criteria applicable to the provision of affordable housing across the district.
- H7 Housing mix and density – requires that residential development provide a mix of dwelling types and sizes to include 50% small 1 or 2 bed units and achieve densities consistent with government advice.

Employment:-

- E3 Office development in Winchester - limits additional office development within the town centre to 200m² unless exceptional justification can be demonstrated by an established organisation.

Town Centres, Shopping and Facilities:-

- SF1 Commercial development in defined town and village centres – provides for retail, leisure and other developments
- SF3 Impact of A3, A4 and A5 development in defined town and village centres

Recreation and Tourism -

- RT4 Recreational space for new housing development – requires residential development to make appropriate provision based on a standard of 2.8 hectares per 1000 population.

Transport -

- T1 Transport – development should be capable of being served by various transport modes and if significant transport implications be supported by a Travel plan.
- T2 Transport – criteria for provision new access required to serve development.
- T3 Transport – site layout considerations

Winchester:-

- W1 Winchester – development to respect the special character of Winchester and its landscape setting.
- W2 Development at Broadway/Friarsgate (Silver Hill) – sets 10 criteria to be taken into account by proposals for a mix of uses including, housing, shopping, leisure and possible civic, cultural and community facilities on the 2 hectare site.
- W5 Town centre traffic management to reduce motor traffic in the town centre, development generating significant additional cross town private vehicular traffic to be resisted..
- W7 Parking controls and servicing – residential development in Winchester town centre to provide minimal if any on site parking. Non residential development to not exceed minimum operational levels and make appropriate financial contributions to assist implementation of Central Hampshire Transport Strategy

- measures.
- W9 Environmental traffic management – development not to conflict with environmental improvement schemes and traffic management measures in the town centre.

In considering the relevance of these policies and how the proposed development satisfies them the Council has identified the main issues to be whether the scheme is acceptable in terms of principle, design, layout, scale, form, height and public amenity provision, particularly with reference to policy W2 which sets the criteria specifically applicable to proposals for the sites development. Other main issues concern archaeology and conservation, pollution and flood risk, highways and parking, housing, retail and office provision, public realm, public art, landscape, townscape, conservation and sustainability interests. These issues are in the Council's consideration satisfactorily addressed by the proposed development because it would:-

- (a) in terms of location and mix of land uses provide a sustainable retail, commercial and residential environment that delivers additional retail and residential provision consistent with identified need and does not conflict with office constraint objectives;
- (b) comprise a design, layout scale, form and height of development that will create a locally distinctive character that is appropriate and complementary to the character and context of this part of the town centre and conservation area;
- (c) significantly improve the public realm of this part of the city providing a new bus station, enhanced public areas and permeability;
- (d) not involve significant harm to the natural or historic environment, providing for an enhancement of the conservation area, measures to safeguard archaeological interests, relevant pollution and flood risk mitigation measures;
- (e) provide for adequate access to local services and public transport, meet appropriate highway, access and parking requirements and not cause an unacceptable level of traffic or reduction in highway safety;
- (f) incorporate the provision of public art, landscape and townscape enhancements in the form of new hard and soft landscaping to the Broadway, High Street, Middle Brook Street and Silver Hill areas;
- (g) enable a sustainable form of building design and delivery to be provided:

The decision to grant planning permission has been taken because the development is generally in accordance with the provisions of the development plan. The objectives of the development plan to secure the regeneration of the area and the enhancements of the public realm provided by the development are material considerations, which override the requirements of Policy RT.4 to provide recreation space in connection with the development. Furthermore the development would have no materially harmful impact on the character or appearance of

the Winchester conservation area or the city centre area generally, including transport and landscape considerations, or the residential amenities of the occupants of neighbouring properties.

Having taken into account all the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, and all other material considerations, the Council has determined that planning permission should therefore be granted.

2. During development no machinery shall be operated, no process or works shall be carried out and no deliveries taken at or dispatched, including works of demolition or preparation prior to operations at the site except between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays and at no time on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
3. All building works including demolition, construction and machinery or plant operation should only be carried out as prescribed by informative 2 above. Where allegations of noise from such works are substantiated by the Environmental Health and Housing Department, a notice limiting the hours of operation under the Control of Pollution Act 1974 may be served.
4. No materials should be burnt on site, where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, an Abatement Notice may be served under the Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under the Clean Air Act. 1993.
5. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water's Network Development Team (Wastewater) based at Otterbourne, Hampshire or www.southernwater.co.uk.
6. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water's Network Development Team (Water) based in Chatham, Kent or www.southernwater.co.uk.
7. Dewatering Under the terms of the Water Resources Act 1991 the prior written agreement is required for discharging dewatering water from any excavation or development to any controlled waters. The applicant is advised to contact the Hants and IOW Area office (Environment Management Team) to discuss this matter further. Controlled waters include rivers, streams, underground waters, reservoirs, estuaries and coastal waters.

8. The proposed development must comply with the Control of Pollution (Oil Storage)(England) Regulations 2001.
9. The Regulations apply where more than 200 litres of oil are stored (excluding waste oil) in one or more containers. The Regulations stipulate requirements
10. In the interests of the visual amenity of the area and to avoid any conflicts with the provisions of the Town and Country Planning Control of Advertisements Regulations, the applicant is requested to have regard to the Councils supplementary planning guidance relating to shopfronts and signs and to discuss any proposals for the display of advertisements and signage at the site with the Local Planning Authority prior to such works being undertaken.
11. No amended details will be approved in the event that the Council deems that such amendments may have a significant environment effect.