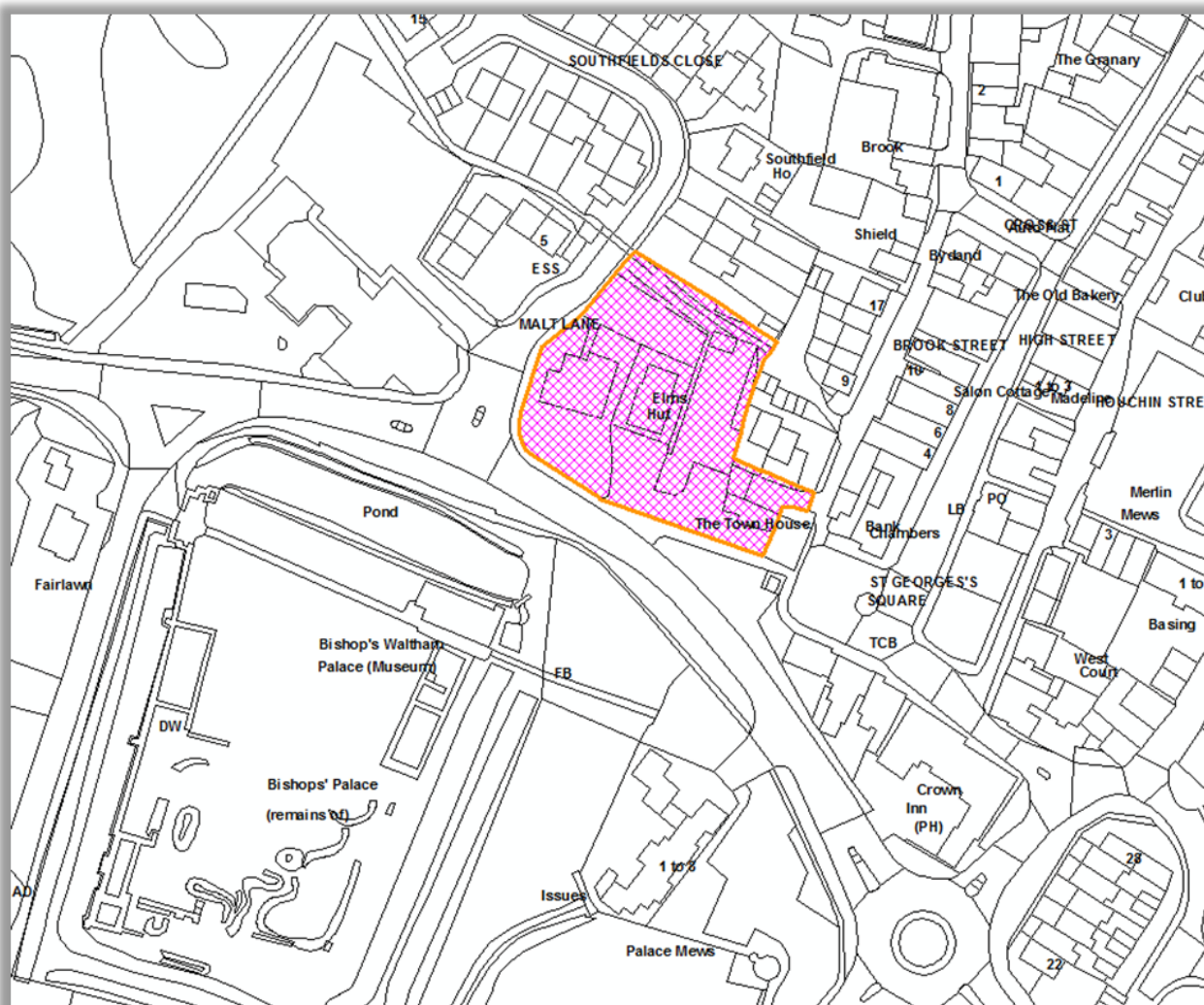


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Case No: 21/00359/FUL
Proposal Description: Erection of x24 residential units (Use Class C3) (x6 3-bed houses, x2 3-bed flats, 14 2-bed flats and x2 1-bed flats) and a replacement youth hall (sui generis) following the demolition of all existing buildings
Address: Development Land, Malt Lane, Bishops Waltham, Hampshire
Parish, or Ward if within Winchester City: Bishops Waltham
Applicants Name: Mr Tom Francis – Country Homes (Village Site) Ltd
Case Officer: Liz Marsden
Date Valid: 10 February 2021
Recommendation: Application refused

Link to Planning Documents: <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Pre Application Advice: Yes



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General Comments

Application is reported to Committee due to the number of comments received contrary to the officer recommendation.

Additional/amended documents

- 11.03.21 – amended landscape plan to address Landscape Officer comments
- 23.03.21 – updated Transport Assessment
 - Revised ground floor plan showing correct parking
- 08.04.21 – Updated contextual analysis
 - Updated Heritage Statement
 - Visual Impact Assessment
- 08.04.21 – Set of amended plans removing brick detailing above sash windows
- 14.04.21 – Shadow study
- 20.04.21 – Addendum to Transport Statement
- 22.06.21 – Biodiversity Enhancement and Mitigation Plan

Site Description

This site is in a highly prominent and sensitive location within Bishops Waltham being on the main approach to the historic centre of the town and opposite the Bishops Waltham Palace which is a Scheduled Ancient Monument. It is within the conservation area and in close proximity to listed buildings located to the east. It is also within the settlement boundary and town centre boundary of Bishops Waltham. It is located approximately 300 metres to the south of the National Park boundary.

The site occupies a corner plot fronting the B2177 Winchester Road to the south and Malt Lane to the west. On the other side of Malt Lane to the west is a Supermarket (now Sainsbury's) and beyond this is a redundant petrol service station. Behind the supermarket are a group of bungalows dating from the 1960s (1 to 5 Malt Lane). Malt Lane then becomes Southfield Close as it goes northwards and the rear of the site is adjacent to the side boundary of an 1980s end terrace (1 to 3 Southfield Close). In between this terrace and the site is a line of tall trees and a ditch. To the east are St Georges Square and Brook Street containing mainly historic buildings in residential or commercial use. There is a grade II listed building called The Town House in St Georges Square immediately abutting the site to the east. Behind this are a pair of more recent semi-detached houses (5 and 7 Brook Street) which are also adjacent to the eastern boundary of the site.

The site itself is 0.3 hectares in size and currently contains four separate single storey buildings which are a youth hall, a former NHS physiotherapy centre, which is currently being used as an office building by the applicants, the former Foxes garden machinery workshop (now closed) and an outbuilding which abuts The Town House but was owned by Foxes. The buildings are set back from the edge of the B2177 with a public footpath, grassed verge and an area of hard surfacing located to the front. There is one large tree within the verge and one sapling. The NHS physiotherapy centre is accessed at the rear of the site and also has an area of car parking to the rear accessible via Malt Lane. There is also a vehicular access to the site via the B2177 to the hard surfacing in front of Foxes. A third vehicular access is to a small tarmac covered parking area located to the east of the site is off Brook Street. The existing buildings are of no architectural merit. It is considered that significant archaeological remains may survive within the site.

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Proposal

The proposal will result in the demolition and removal from site of all existing structures and redevelopment of the land with 24 residential units and a replacement youth hall. The residential units are a mix of types (houses and flats) and sizes, the majority being 2 bed units. The central and northern part of the site is to be excavated to create lower-level parking and undercroft parking below the central building. The remainder of the site is a mixture of amenity areas and walkways. A total of 34 on-site parking spaces will be provided, the majority of which will be reached via the main access from Malt Lane, with a further access from Brook Street serving 9 spaces.

The development comprises three distinct blocks:

Malt Lane frontage. This comprises 10 flats arranged over three floors, though with the majority of the second-floor accommodation located within the roofspace, particularly at the north and southern ends. The northern part of the ground floor contains the replacement youth hall, with the main hall being located in the tallest part of the building, enabling a greater ceiling height to be obtained. Other facilities, including kitchen, smaller meeting rooms, office, toilets and main entrance are set at the northern end, providing a total floor area of 230 sq.m. At its highest point, the building is in the region of 10.6m high to the ridge, reducing to a height of 8.3m at either end. The materials to be used are brick and plain tiles, though there is an alternative shown, preferred by the Parish Council, where the central part of the block (youth hall section) is white render.

The central and highest part of the block is located opposite to the access to the Sainsbury local supermarket and the nearest part of the building to the bungalows on the other side of Malt Lane would be 16m from the corner of no.5. Nos 1-3, which would face the new building more directly would be over 25m away.

Winchester Road frontage. This is a row of 6 terraced, 3 bed houses, two stories in height, though there is access to a room in the roof of the 4 central houses that could provide a further bedroom. The houses are set back from the pavement along Winchester Road by between 1.2m and 2m, with the planting along their frontages and to the rear there are modest gardens. The highest part of the roofs of the houses is 8.7m above ground level when viewed from the road. The materials proposed are a combination of brick with tile-hanging at first floor level, with tiled roofs. Again, there is an alternative which has been provided with a less uniform design for all the buildings and a more varied use of materials to include elements of white render, which the Parish Council prefer. To the rear of the houses there are two-storey high triangular 'bays', one side of which would be a 'green wall', within which windows and doors are set.

The eastern elevation of the block is set around 2.9m from the side elevation of The Town House, which has no windows in its western elevation. To the north, there are two houses, accessed from Brook Street, the rear elevations of which are 16m from the nearest part of the block. There is a gap of around 15m between this block and the northern block that forms part of this application.

Northern block. This is a centrally located building accommodating 6, 2 bed flats and 2, 3 bed flats on two floors, set above an undercroft parking area. All units are provided with an element of private open space, with the ground floor flats having small terraces or

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balconies and the upper floors having roof gardens. The overall height of the building at its highest point is around 10.7m high, though due to the land level being reduced (in the region of 1.3m) to enable undercroft parking, the height above current ground level is 9.4m. The materials to be used are shown as being brick and tile, with 'green walls' on one side of the triangular bays on the east and west elevation.

The east elevation of the building is set between 1m and 3m from the boundary of the site and, with the exception of the bays, around 5.5m from the side elevations of the adjacent dwelling to the east.

The proposal will result in an overall density of 80 dwellings per hectare on the site, together with the youth hall.

Relevant Planning History

18/00170/FUL - Erection of 28 apartments, five ground floor retail units (Use Classes A1/A2/A3), a replacement NHS Facility (Use Class D1) and a replacement Youth Hall (sui generis) following the demolition of the existing buildings. Refused 19.07.2019 on the grounds of:

- Scale, height layout and design would not successfully integrate with the locality and would fail to preserve or enhance the character and appearance of the conservation area.
- Scale, height and layout would have a harmful impact on the Scheduled monument and how it is experienced.
- Lack of sufficient information to properly assess the impact of the application on buried heritage assets.
- Overdevelopment of the site which would fail to provide good connections within the public realm, adequate space for soft landscaping or adequate car parking. It would result in cramped living environment for residents and overlooking of neighbouring properties.
- Insufficient information to assess the impact of the proposal on trees.
- Insufficient information to assess impact on highway safety.
- Failure to provide a suitable mix of housing.

Consultations

WCC Service Lead for Environmental Services: Drainage:

Due to the number of units, would need confirmation from Southern Water that capacity exists along with permission to connect. No objection subject to condition.

HCC Surface Water Management:

No objection subject to condition.

HCC Highways.

Following the submission of additional information to address initial concerns raised by the Highway Authority, satisfied that that the likely increase in traffic generated would not result in any overall increase in number of vehicle movement and would not be detrimental to the operation or safety of the local highway network. Therefore, raise no objection, subject to conditions.

WCC Service Lead for Environment - Environmental Protection: (contamination)

Following the submission of revised reports acknowledging the presence of underground
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petroleum tanks and recommendations for investigation and additional gas monitoring, the proposals are generally acceptable subject to conditions.

WCC Service Lead for Environment - Environmental Protection (noise)

Would prefer to see details of noise attenuation and a thermal comfort and overheating report prior to a decision being made. However, it was accepted on the previous scheme that these issues could be dealt with by means of conditions and suggestions as to wording is provided.

WCC Service Lead for the Built Environment – Strategic Planning:

The proposal relates to land within the settlement boundary and conservation area as well as within the defined town centre. The development is mainly residential with a new youth hall being provided to replace the facilities and services to be demolished, which satisfies policy requirements. Whilst an element of retail may be desirable it does not appear to be realistically achievable.

WCC Service Lead for the Built Environment – Historic Environment

Object on the grounds that the proposals would harm the character and appearance of the Bishops Waltham Conservation Area by reason of the density, scale and detail which would fail to reflect or respect the vernacular scale, urban grain and modest character of the town and the edge-of town character of the site. The development would be visually and physically dominant on the historic approach into Bishops Waltham from the west, obscuring the roofscape of the town in a scale and architectural language that would be alien to this context. Proposals would create a development that would be visually and physically distinct and separate from the centre, which would be outward facing in contrast to the insular inward facing pattern of development which defines the centre of the market town, thereby harming the ability to appreciate the modest vernacular character and appearance of the town centre and vying with it for primacy.

Proposals would harm the setting of Town House by virtue of their overbearing impact on the listed building and the subsequently harm the ability to appreciate it as a gateway building marking the entrance to the market place and historic core of the town.

WCC Service Lead for the Built Environment – Archaeology

Archaeological remains and artefacts have been identified on the site, indicating a high potential for further remains below the site. However, the evaluation trenching has confirmed that medieval remains survive in a fragmentary state and together with the nature of other feature associated with the palace, their significance is diminished and on balance the buried archaeological remains are not considered to form an overriding constraint to redevelopment. Conditions are recommended to secure programmes of archaeological mitigation work, assessment, analysis and reporting.

WCC Service Lead for the Built Environment – Urban Design

It is generally considered that the proposal is an improvement on the previously refused scheme. However, there are still concerns about overdevelopment, the design lacking cohesion, the architectural style and detailing, poor amenity for future occupiers and the quality of the public space proposed.

In regards to the Youth Hall, a clear distinction should be made in the exterior design of the building between residential and non-residential uses.

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WCC Service Lead for Environmental Services – Trees:

With the implementation of the tree protection measures set out in the submitted method statement the proposal should not have an adverse impact on the health of the trees. The proposed tree works and crown reduction are minor and will not have a detrimental impact on the health of the trees or their amenity value.

WCC Service Lead for Environmental Services – Landscape

Scheme is an improvement on earlier proposals, and initial concerns about the lack of defensible space to the front of houses facing Winchester Road, spatial hierarchy/lighting and planting have been addressed so more able to support the proposal.

WCC Service Lead for Environmental Services – Ecology

The buildings have been assessed as being of site value for foraging and commuting bats and a European Protected Species Licence from Natural England will be required prior to the commencement of development. The submitted Biodiversity Mitigation and Enhancement Plan is acceptable.

WCC Estates

Accept that the costs set out in the viability appraisal are realistic and that it would not be viable to provide affordable housing on the site.

South Downs National Park

Suggest that the Visual Impact Assessment makes reference to the potential impact on the setting of the South Downs National Park and that due consideration is given to this aspect.

Historic England

No objection on heritage grounds but expect issues outlined in advice to be addressed prior to determination.

Comments restricted to the impact of the proposal on the scheduled monument and have no specific comments relating to the Conservation Area or undesignated archaeology, advice on which should be sought from relevant officers.

The latest proposals represent an improvement over the previous designs and harm to the setting of the scheduled palace has been reduced. Some harm is still evident and the English Heritage Trust should be consulted.

English Heritage

Do not oppose the proposal. The development will have an impact on views from within and across the scheduled monument of the Bishop's Waltham Palace and will negatively affect the monument's sense of isolation and tranquillity due to their closer proximity. However, the reduction in building height and massing goes some way to reduce this harm and further mitigated by the maintenance of the trees along the boundary of the monument.

Recognise the exceptional archaeological potential of the development area and archaeological mitigation and recording should be appropriately prioritised to reflect the exceptional significance of the site.

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Natural England

No objection subject to mitigation.

Southern Water

The proposed development would lie over an existing public sewer which would not be acceptable, though it may be possible to divert the sewer, at the developer's expense, providing that there was no unacceptable loss of hydraulic capacity. There is capacity within the system to facilitate the foul sewerage generated by the development and a formal application for a new connection will need to be made to Southern Water.

Design Review Panel (DRP)

- Site is in the middle of the conservation area, a prominent and sensitive site where the architecture must be of the highest design standards, which have not yet been achieved.
- Consider the scheme to be overdeveloped, resulting in Malt Lane block being set too close to the carriageway and road junction. Volume of building also reduced amenity area and gardens available inadequate for 3 bed family dwellings. Other areas are also small and close to busy road or shaded by tree canopies. Suggest that a shadow analysis should be carried out in order to demonstrate adequate levels of daylight/sunlight in outdoor areas.
- Position of youth hall centrally within the Malt Lane frontage is uncomfortable and it is not apparent what it is as disguised as part of the residential uses with a concealed entrance. Would be better as a separate building with designated arrival area separate from dwellings.
- The building forms, materials and detailing require further consideration as the proposed heights, widths, depths and roof forms/pitches are not representative of the adjacent historic core.
- Undercroft parking included to address previous comments about poor quality of external spaces but does not significantly improve pedestrian circulation space, whilst being a costly feature that requires the volume of build in order to be viable.
- Some discrepancies in submitted drawings with the visualisation from St George Street showing the proposed terraced houses lower than they should be.

Representations:

Bishop's Waltham Parish Council

- Strongly support the proposal and request the option of a variety of tile hung and rendered cottages (Drawing 43B) and the rendering of the youth hall building (drawing 44).
- Further comments received following the comments by the Design Review Panel and assessment of the application against the Bishops Waltham Design Statement, concluding that it accords with the criteria of that statement.

Bishops Waltham Museum Trust

Trustees of Bishops Waltham Youth Hall

- Trustees have been fully engaged in the configuration of the youth hall which will be a substantial improvement on the existing, provide more space and a better layout and facilities
- The youth hall facilities are located at the northern end of the western block and not central to it as stated by the DRP

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- DRP also seems to have misunderstood the positioning to the entrance to the youth hall which is separate to that of the dwellings.
- Confirmation that the Trust's preference would be for same elevations (plan ref. 43B) as supported by the Parish Council.

Bishops Waltham Society

- Congratulate the developer on the iterative process that they have taken and support a number of features.
 - Overall important redevelopment of an eyesore in a prominent location
 - Latest design of the main frontage considerable improvement over previous options but much prefer the alternate tile hung/ white brickwork version, as preferred by the Parish Council
 - Variety of dwelling sizes will meet important local need for young people
 - Proposed youth hall a significant improvement
 - Reduction in scale and massing welcome
- Pleased to see that some concerns raised by the society on the previous application have been addressed.
- Still have reservations about:
 - Scale and massing along Malt Lane could be overbearing on adjacent residences
 - Parking provision on site may not be adequate to serve all residential dwellings as well as youth hall. This could lead to parking along adjacent streets and museum car park.
 - Concerns about Beech tree appear to have been addressed and it should be retained
- Archaeology. Potential for undesignated buried remains has been confirmed by evaluation trenches that have been dug. Due to the undercroft design the proposal would comprehensively destroy all archaeology under northern block and it is essential that the whole site should be excavated by archaeologist in order that the town's early history can be fully recorded and properly understood.

15 letters, from 14 households, received objecting to the application for the following reasons:

- Overdevelopment of the site
- Inadequate parking, the Sainsbury car park is not public, and will lead to parking in adjacent residential areas (Southfields).
- 3 spaces for the youth hall not enough.
- Better site should have been found for the youth hall
- Access onto Brook Street not suitable for further traffic
- Public transport not sufficient to be relied on
- Additional traffic will lead to potential accidents
- Inaccurate information in Transport Statement
- 3 storey building on Malt Lane frontage too high and not in keeping with the area
- Design too stark and imposing
- Adverse impact on view from bungalows opposite
- Loss of residential amenity to neighbours through overlooking and loss of light
- Contravenes the Village Design Statement
- Adverse impact on mature beech tree
- Adverse impact on the Palace which is a major tourist attraction

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- No consideration given to removal of petrol tanks and link to main sewer
- Pavements too narrow

48 letters, from 46 households, of support received.

- Regeneration of the site long overdue and will be a big improvement
- Site provides a range of accommodation and much needed housing.
- More appropriate use of the site than existing/previous piecemeal uses
- Enhance dilapidated area on a prominent site
- In keeping with the architecture of the High Street
- The scheme has addressed previous concerns and now provided more open space and attractive routes from the town centre to Sainsbury's
- Good landscaping
- Provide a better setting for the Bishops Palace
- Will help tourism
- Will create jobs
- Accords with the Village Design Statement
- Closing the access to the lawn mower centre is an improvement on this busy road.
- Underground car park will avoid the site being dominated by cars
- Excellent transport links should ensure no need for a car in this sustainable location
- New development will be of benefit to local shops
- No objection to building, but would like to see the height of the sycamores reduced

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

DS1 – Development Strategy and Principles

MTRA1 – Development Strategy for Market Towns and Rural Area

MTRA2 – Market Towns and Larger Villages

CP1 – Housing Provision

CP2 – Housing Mix

CP3 – Affordable Housing

CP6 – Local Facilities and Services

CP7 – Open Space, Sport & Recreation

CP10 – Transport

CP11 – Sustainable Low and Zero Carbon Built Development

CP13 – High Quality Design

CP14 – Effective Uses of Land

CP15 – Green Infrastructure

CP16 – Biodiversity

CP17 – Flooding

CP20 – Heritage and Landscape Character

CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations (LPP2)

DM1 – Location of New Development

DM2 – Dwelling Sizes

DM6 – Open Space Provision

DM7 – Town, District and Local Centres

DM15 – Local Distinctiveness

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DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM19 – Development and Pollution
DM20 – Development and Noise
DM21 – Contaminated Land
DM24 – Special Trees, Important Hedgerows and Ancient Woodlands
DM26 – Archaeology
DM27 – Development in Conservation Areas
DM28 – Demolition in Conservation Areas
DM29 – Heritage assets

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
High Quality Places SPD – March 2015
Bishops Waltham Design Statement - February 2016
Affordable Housing - February 2008
Residential Parking Standards – December 2009

Planning Considerations

Principle of development

Paragraph 47 of the NPPF (July 2021) requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site is located within the settlement boundary of Bishops Waltham where the provision of new development is generally acceptable, subject to its impact on the character and appearance of the surrounding area, neighbour amenity and compliance with the policies of the Winchester Local Plan, parts 1 and 2 and the NPPF.

The site is located within the Bishops Waltham conservation area where, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Policies DM27 and 28 of the LPP2 require development to preserve or enhance the character, appearance or special architectural or historic interest of the area.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have '*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*' in considering whether to grant listed building consent. In this case there is no direct physical impact on any listed building and listed building consent is not required. It is, however, in close proximity to a listed building to the east (The Town House) and the Bishop's Palace, which is a scheduled ancient monument, and the impact on the setting of these buildings is a material consideration.

Policy CP14 of LPP1 states that the development potential of all sites should be maximised and that higher densities will be supported on sites which have good access to facilities and public transport. The primary determinant will be how well the design responds to the general character of the area, which is discussed in more detail in subsequent sections of this assessment.

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Policy CP2 states that new residential development should meet a range of community needs and deliver a wide choice of homes, the majority of which should be 2 and 3 bed houses. The proposal includes 8 x 3 bed units, 14 x 2 bed units and 2 x 1 bed units and is therefore in accordance with this policy. The units are of a variety of size, the smallest of which is 55 sq.m and therefore in excess of the minimum size required by policy DM2.

Policy CP3 relates to the requirement for the provision of affordable homes as part of the development. The applicant has submitted a viability appraisal which sets out the costs and benefits associated with the proposal, concluding that, due to the high existing use value of the site and specific costs, no affordable housing provision is possible. Advice has been sought from the Council's Estates team and it has been agreed that these conclusions are realistic. It is noted that it was confirmed, and accepted, in respect of the previous application that, despite a greater level of proposed building on the site, it was not viable to make provision for any affordable housing in that development. Given the circumstances of the current proposal, which has reduced numbers and increased development costs due to the provision of undercroft parking, together with site specific costs related to the necessity to deal with contamination, asbestos removal and archaeology, it is accepted that this proposal cannot be required to make provision for affordable housing.

The housing development would need to meet the requirements for sustainable construction as required by policy CP11 of LPP1, which means all dwellings meet code 4 of the Code for Sustainable Homes.

Policy CP6 aims to retain and improved sites in uses for local facilities or services and in this case there is a youth hall and former NHS building on the site. The proposal will result in the replacement of the youth hall with a facility of equivalent size but with improved accommodation, and this is in accordance with the policy. The application includes evidence that the NHS building was advertised as an 'asset of community value' but there was no interest in alternative community facilities and it is therefore accepted that the building is no longer needed as a facility or service and there is no conflict with policy CP6.

Policy CP9 resists the loss of employment premises falling within Use Classes B1, B2 or B8 and the loss of the garden machinery business (Foxes) would be contrary to this policy. However, it is understood that Foxes has moved to new premises and it is accepted that the use was not necessarily suited to this location. It is therefore considered that the factors set out in policy CP9 lead to the conclusion that it is not necessary to re-provide the employment space as part of the development.

Policies DM15 – DM18 set out the criteria for new development in order to ensure that it respects and responds positively to the qualities and characteristics of the surrounding area and that its layout, scale and design provide a satisfactory level of accommodation for its residents without having an adverse impact on those of neighbouring properties. These aspects are assessed in more detail in subsequent sections of this report.

The density of residential development on the site amounts to 80 dph, though this does not take into account the area covered by the youth hall which, based on the average floor area of the units on the site (88 sq.m) could provide a further 2.5 units and an overall density of 88.3dph.

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Design/layout

Following the refusal of the previous application on the site, there have been a number of alterations to the design and layout to try and overcome the reasons for refusal and address concerns and issues raised by the Parish Council, case officers and the Design Review Panel. The primary differences include; a reduction in the overall level of accommodation on the site (now comprising 24 dwelling units and a youth hall, rather than 28 dwellings, retail units, youth hall and a replacement NHS facility); separating the road frontage building into 2 blocks to enable views through the site; reduction in overall height of the buildings and alteration to their design to avoid full three storey buildings, though there is accommodation at second floor level within the roof void of most of the buildings. In addition the position of the buildings have been moved further from the trees along the northern boundary and set slightly back from the road frontages.

The reduction in the number of units on the site has enabled the greater provision of shared open space and small private amenity areas and through the use of undercroft parking below the northern block, the interior of the site is no longer completely dominated by hardstanding and parking, as was the case previously. However, the proposal is still very dense in terms of the overall quantum of built form and the revisions to the location of the buildings has resulted in a more cramped relationship between them internally, indicative of overdevelopment. The distance between the Malt Lane frontage block and the northern block has been reduced from 16m to 10m and between parts of the northern block and Winchester Road frontage houses from 20m to 15.2m.

This close relationship together with the overall scale of the building blocks on the site is not characteristic of Bishops Waltham, where with the exception of the Sainsbury's store, the site is surrounded by buildings of modest footprints and mass and would therefore be out of keeping with and detrimental to the pattern of development in the area.

There are also concerns about the complex design of the development, due to the varied elements in terms of roof forms, materials and detailing, which lack a coherent approach that would be more sympathetic to this location. Comments have been made that the youth hall should be clearly distinguished in design from the residential aspect of the development, though it is understood that the local preference is for a more integrated approach and this in itself, if all other elements of the proposal were acceptable, would not justify a reason for refusal.

Impact on character of area

The site is in a prominent position within the Bishops Waltham conservation area and within the setting of Bishops Waltham Palace, a scheduled monument. It is also the key approach to the core of this historic market town. The current buildings on the site have no architectural merit or historic interest and their demolition and replacement would be welcomed, as would the provision of improved facilities such as the proposed youth hall. The primary consideration in the assessment of the proposal is therefore its impact on the character and appearance of the area and whether such impact is outweighed by the benefits that would be derived from this development of the site.

Bishops Waltham has many of the characteristics of a historic Hampshire market town. The narrow streets, the variety of building ages and types and the use of local building materials combine to form its unique character and appearance. Typical of most small

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historic towns is the fine grain of the urban form which arises from narrow plots and buildings of modest height.

It is acknowledged that the current proposal has been designed to address the concerns raised about the scale and density of the previous, refused, application. The number of units has been decreased and the overall height of buildings within the development has been reduced (on the frontage blocks by around 1m), so that they have the appearance of 2.5 stories high, though in the case of the central building in the Malt Lane Block this has been achieved by means of an extensive flat roof, effectively creating a 3 storey building. However, notwithstanding these changes and the separation of the accommodation into 3 blocks rather than 2, there are still significant concerns about the impact of the proposal on the conservation area and the setting of listed buildings.

The conservation officer has provided a comprehensive report which sets out in some detail the reasons as to why it is considered that the proposal fails to respect or respond positively to its context and these are summarised below.

- Proposed development is of a much higher density than that of the town centre and represents overdevelopment of the site in terms of the amount of accommodation.
- Scale and footprint of the northern block is without precedent in the vicinity and would be harmful by reason of its scale and urban form and appearance.
- The density of development would be appreciable due to views into the site which would reveal the size and scale of the buildings and their proximity to each other.
- Scale of buildings at the corner of Malt Lane would be alien to the predominantly 2 storey scale of the town centre and more so in this location where the scale reduces, giving pre-eminence to the town centre to the east.
- The continuous built frontages would create a scale and density that would urbanise the edge of town centre and harm its character.
- The 3 storey height of the building in the Malt Lane frontage would vie for pre-eminence with the buildings of highest status within the town centre. This would be compounded by the use of a polite architectural language that is rare in the town and would therefore challenge and be alien to the hierarchy of the historic settlement boundary.
- The height of the buildings on the Malt Lane frontage would dominate the approach into Bishops Waltham from the west and obscure the existing attractive views of the town's roofscape.
- There remains a homogenous uniformity to the proposals, derived from shared materials, form and detail, adding to their perceived mass. This is at odds with the fine grain of the town centre and greater variation along principle streets.
- Whilst the existing supermarket building detracts from the approach to the historic core and conservation area, this does not set a precedent for development of the height proposed, particularly given the simple design and expanse of roof of the supermarket building, which serves to mitigate its impact on the streetscene.
- Proposals would be visible in glimpsed views from Brook Street and would result in the urbanisation and loss of edge of town character by infilling views with buildings of a significant scale.
- The comparisons given in the revised Contextual analysis fail to recognise the different contexts of those sites in relation to each other and the proposal site.
- Proposals would have an overbearing impact on the setting of the Town House, by reason of scale and proximity. It would also erode the ability to appreciate the Town House as a gateway building marking the entrance to the market place.

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- The Heritage Statement refers to the proposal causing 'less than substantial physical harm to the heritage asset', though, as no alterations to the Town House are proposed, it is unclear as to where this physical harm would result from.

The Conservation officer's report concludes that it is considered that the proposals would result in less than substantial harm to the character and appearance of the Bishops Waltham conservation area and to the setting of The Town House.

The applicants have responded to the comments that have been made, querying the description of the site as being on the 'edge of town centre', asserting that it is within the centre and fundamentally disagreeing with many of the comments that have been made. They also refer to the conclusion that the development will have less than substantial harm on the conservation area and Town House, suggesting that this is outweighed by the benefits to be derived from the development. 'Less than substantial harm' does not however infer that there is no harm or that the harm caused is acceptable. In this case, it is considered that the harm caused, whilst not going to the heart of the reason for the designation of the conservation area, would be significant and would be at the high end of less than substantial harm. Whilst it is acknowledged that there would be some public benefit arising from the proposals it has not been demonstrated that the current scheme is the only way to secure these benefits of that they are sufficient to outweigh the harm that would be caused.

Historic England objected to the previous proposal in terms of its impact on the significance of the scheduled monument. In commenting on the current proposal they acknowledge that it is an improvement on the previous design and that the harm to the setting of the scheduled palace site has been reduced. However, some harm is evidenced on views from within the site and should be further explored with English Heritage Trust consulted on the proposals. English Heritage commented on the further visualisations from appropriate viewpoints and concluded that the development would have an impact on views and this impact would negatively affect the monuments sense of isolation and tranquillity. However, they considered that the reduction in building height and massing went some way to reduce this harm and, together with the retention and management of the tree screen along the boundary of the monument site, they do not oppose the development in terms of its impact on the scheduled monument. Neither Historic England, nor English Heritage, commented on the impact of the proposal on the conservation area or adjacent listed building.

Concern has also been raised by the South Downs National Park Authority that the Visual Impact Statement does not address the potential impact of the development upon the setting of the National Park. However, it is considered that, as the site is located approximately 300 metres to the south of the park boundary and is within a built up area, the proposed development, notwithstanding its scale and massing, would be unlikely to result in a significant visual impact upon the setting of the National Park.

Impact on neighbour amenity

There are residential properties in the vicinity of the development, which are potentially affected by the proposal. The nearest of these are Nos. 5 and 7 Brook Street, a pair of semi-detached houses located to the east of the site, adjacent to the current Foxes workshop building. The side elevation of no 7 would be a minimum of 5m from the nearest part of the northern block and there are no windows in this elevation which would be affected. The proposed building is not set significantly forward of the rear elevation so as

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to intrude into or be overbearing in views from the rear windows or south facing garden of the property and will not result in undue additional shading or loss of direct sunlight. The only windows in the eastern elevation of the proposed central block either serve bathrooms and would be obscure glazed or are located in the triangular 'bays' which angle the windows so that they look southwards rather than over the adjacent property and will not result in overlooking. There is some potential for overlooking from the balcony serving the ground floor apartment as it is raised above existing ground level and there may therefore be views over the boundary wall with no. 7. However, if it was proposed to grant permission this could be resolved by means of a side screen, which could be conditioned and it is not therefore considered that a reason for refusal could be sustained on this basis.

To the north, 1 Southfields Close is an end of terrace house whose side elevation is adjacent to the northern boundary of the site. There is however a tall line of trees along the boundary, most of which are within the site, then a bank and a ditch to the north of these. There is also a driveway within the curtilage of 1 Southfields Close running along the southern side of the property between the ditch and the house and garden. The main impact would be from the northern block, the rear (northern) elevation of which is set around 16m from the easternmost part of the garden, furthest from the rear of the house, and around 18.5m from the rear of the house. Given these distances and the intervening trees it is not considered that the proposal would result in loss of privacy through overlooking or an increase in shading, even if the trees, which are shown to be retained and protected, are removed.

Concern has also been raised about the impact of the proposal in views from the bungalows to the west of Malt Lane, where it is said that it will be overbearing. However, the nearest point of the development to the bungalows that face the site (1-3) is in the region of 30m and it is around 20m from the side elevation of no.5. Although the buildings are higher than those currently on the site, the part of the Malt Lane frontage block in line with them is effectively two-storey and it is considered that it is sufficiently distant from the bungalows so as not to result in an overbearing or detrimental impact on the outlook from those properties.

It is also necessary to consider the amenities of the occupants of the proposed development, in terms of the quality of the living environment available to them. With regard to overlooking, notwithstanding the relatively close proximity of the blocks to each other, particularly between the Malt Lane frontage and northern blocks, direct views between windows have been avoided through the use of triangular bays. This results in windows being set at an angle, ensuring that in most cases they look out over the open space areas and not the elevation of the adjacent building, avoiding loss of privacy and improving the outlook from the units.

It is also recognised that more amenity space is being provided than under the previous scheme, with the shared amenity space providing an attractive central area. There are also elements of private amenity areas in terms of small gardens for the houses along Winchester Road and the northern ground floor units in the northern block. However, these areas are all orientated facing north and, as illustrated by the submitted shading plans, will be shaded for the majority of the day, even at the height of summer. Furthermore, given the family size of the houses, which have the potential for 4 bedrooms, the proposed garden areas (around 26 sq.m) are considered to be inadequate. Similarly, the gardens serving the southern ground floor apartments in the Malt Lane block, whilst facing south,

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would be noisy due to their location on a busy road junction and would have little or no privacy without more substantial screening.

It is considered therefore that the proposal would not have an unacceptable impact of the amenities of neighbouring properties and provides a greater level of residential amenity for proposed occupants, than the previous, refused, application. However, this improvement still falls far short of the standards of residential amenity that would generally be expected in a new development and the application is not therefore acceptable on this basis.

Landscape/Trees

The current proposal has introduced a greater level of open space and landscape planting within the site than was proposed previously and has also allowed views through the site by separating the buildings into blocks. The plans have been amended to introduce small defensible areas to the houses on the Winchester Road frontage, which will be defined by hedges, which continue around the Malt Lane frontage and will provide a softer, green, boundary to the site.

In addition, a tree survey and method statement has been submitted, showing the retention of trees along the northern boundary of the site, which currently contribute to the visual amenities of the area. Concern has been raised about the potential impact on a beech tree located to the east of the site, which is close to the proposed northern block and this has been considered in the report, where it is proposed that minor lateral canopy reduction works are undertaken to avoid conflict with the new development. It has been agreed by the tree officer that these works will not have a detrimental impact on the health of the tree or its amenity value.

Highways/Parking

The application seeks to provide 34 parking spaces to be shared between the proposed residential units and the youth hall. This falls short of the parking standards for residential development which, based on the size of the properties, would require 39 shared spaces (and if an additional bedroom was provided in the roof space of the 4 central houses on the Winchester Road frontage, creating 4 bedroom houses, this would increase the residential requirement to 41 spaces in total). This number also makes no allowance for the spaces required by the Youth Hall. The council does not have adopted standards for non-residential parking, but based on Hampshire County Council standards for halls (1 space per 10 sq.m of open hall) a further 9 spaces would be required leading to a short fall of 14/16 spaces in total.

However, the site is located within a town centre location in close proximity to shops and other facilities and there are public car parks in the vicinity. A Transport Statement, submitted with the application, provides information about the relationship of the site from shops, banks, churches and schools all of which are within 10 minutes walking distance, together with the bus schedule and destinations. It is also recognised that there are a number of public car parks in the vicinity, which are free for a short period and available for longer periods in the evenings and on Sundays. Given these factors, it is considered that the site is in a sustainable location and the shortfall in on-site parking would not warrant a reason for refusal.

In terms of access, there are currently two vehicular accesses into the site, one from Malt Lane and one directly from Winchester Road to the frontage of Foxes. The Malt Lane
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access is to be retained and will form the primary access into the site, serving a courtyard of 9 spaces, including the 3 spaces allocated for the Youth Hall, and the undercroft parking, a further 16 spaces. The current access from Winchester Road (B2177) is to be closed and an alternative access to the site is to be created from Brook Street, through a currently enclosed yard to serve the remaining 9 parking spaces.

The Highways Authority have confirmed that the accessibility for service vehicles and arrangements for refuse collection are acceptable and, on balance, the likely increase in traffic generated by the proposed development will not be significantly greater than the previous uses on the site. The proposal will not therefore result in a detrimental impact of the operation or safety of the highway network.

Archaeology

The proximity of the site to the Bishops Palace and the historic centre of Bishops Waltham is such that there is considerable potential for archaeology, which has been borne out by a desk-based assessment, together with archaeological evaluation, in the form of trial trenching. Given the extent of the excavation required by the proposal, due to the undercroft parking and sunken courtyard, there will be direct impacts on this archaeology, though given the fragmentary nature of the medieval remains and the nature of the other features, their significance is diminished and does not form an overriding constraint to the development of the site. However, they are still considered to retain high evidential value for the information they contain and this should be properly recorded, analysed and reported by means of a programme of archaeological mitigation work in the form of archaeological excavation ahead of development. This is capable of being secured by means of condition and a reason for refusal on this basis is not justified.

Ecology

The application is supported by a biodiversity survey and subsequently submitted Biodiversity Enhancement and Mitigation Plan and Biodiversity Net Gain matrix. These have been confirmed as acceptable by the Ecology officer and, subject to their implementation, the proposal will improve the biodiversity of the area in accordance with the forthcoming Environment Bill.

Nitrates

The site is located in an area where Natural England has raised concern regarding the continued discharge of nitrates and phosphorus (nutrients) due to its proximity to and impact, resulting from eutrophication, on the Solent water environment, recognised as being internationally important for its wildlife and safeguarded by Special Protection Area designations. A Nitrate 'budget' has been submitted, which demonstrates that the development would result in additional nitrogen being released into the sewerage system and appropriate mitigation will be required in order to achieve the neutrality that is required.

The applicants have agreed to the Grampian condition, set out in the Council's Position Statement on nitrate neutral development. An Appropriate Assessment has been undertaken in accordance with regulation 63 of the Conservation of Habitats and Species Regulations 2017 and policy CP16 of the Local Plan Part 1 and, subject to the provision of these mitigation measures, the development will not result in an adverse impact on the ecology of the area and is therefore acceptable in this respect.

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Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty as statutory planning authority for the council.

Conclusion

The principle of the development is acceptable and it is recognised that the scheme has been improved from the previously refused proposal, through the reduction in the level of built form and the introduction of a greater level of open space and permeability through the site. The improved facilities to be provided for the Youth Hall will also be of benefit to the community and additional information has been provided to address concerns raised previously about archaeology and trees. However, the site is located in a very prominent location within the conservation area where development should be of an exceptional standard and, notwithstanding the improvements that have been made, it is not considered that this has been achieved.

The overall scale and design details of the proposals would therefore have an adverse impact on the conservation area, the setting of the adjacent listed building and on the amenities of the future occupants.

Recommendation

Refuse for the following reasons:

Reasons

1. The proposal is contrary to policies CP13 and CP20 of the Winchester Local Plan Part 1 and policies DM15, DM16, DM27 and DM29 of the Winchester Local Plan Part 2 and paragraphs 127, 130, 189, 190, 192-196 of the NPPF in that, due to its scale, height, layout and design, it would not successfully integrate with the locality, and so would fail to preserve or enhance the character and appearance of the conservation area and the setting of the adjacent listed building.
2. The proposal is contrary to policies CP13 of the Winchester Local Plan Part 1, policies DM16 and DM17 of the Winchester Local Plan Part 2 and paragraphs 124, 127 and 130 of the NPPF in that, due to its scale and layout it would result in a significant overdevelopment of the site resulting in a cramped living environment for residents, with inadequate amenity space and as such would not respond positively to the local environment or its neighbours or provide an attractive and distinctive place.

Informatives:

1. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,

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- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance pre-application advice was provided and the applicant has been apprised of all consultation responses.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles
MTRA1 – Development Strategy for Market Towns and Rural Area
MTRA2 – Market Towns and Larger Villages
CP1 – Housing Provision
CP2 – Housing Mix
CP3 – Affordable Housing
CP6 – Local Facilities and Services
CP7 – Open Space, Sport & Recreation
CP10 – Transport
CP11 – Sustainable Low and Zero Carbon Built Development
CP13 – High Quality Design
CP14 – Effective Uses of Land
CP15 – Green Infrastructure
CP16 – Biodiversity
CP17 – Flooding
CP20 – Heritage and Landscape Character
CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations (LPP2)

DM1 – Location of New Development
DM2 – Dwelling Sizes
DM6 – Open Space Provision
DM7 – Town, District and Local Centres
DM15 – Local Distinctiveness
DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM19 – Development and Pollution
DM20 – Development and Noise
DM21 – Contaminated Land
DM24 – Special Trees, Important Hedgerows and Ancient Woodlands
DM26 – Archaeology
DM27 – Development in Conservation Areas
DM28 – Demolition in Conservation Areas
DM29 – Heritage assets

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance

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- Bishops Waltham Design Statement February 2016
- High Quality Places March 2015
- Affordable Housing February 2008
- Residential Parking Standards December 2009