

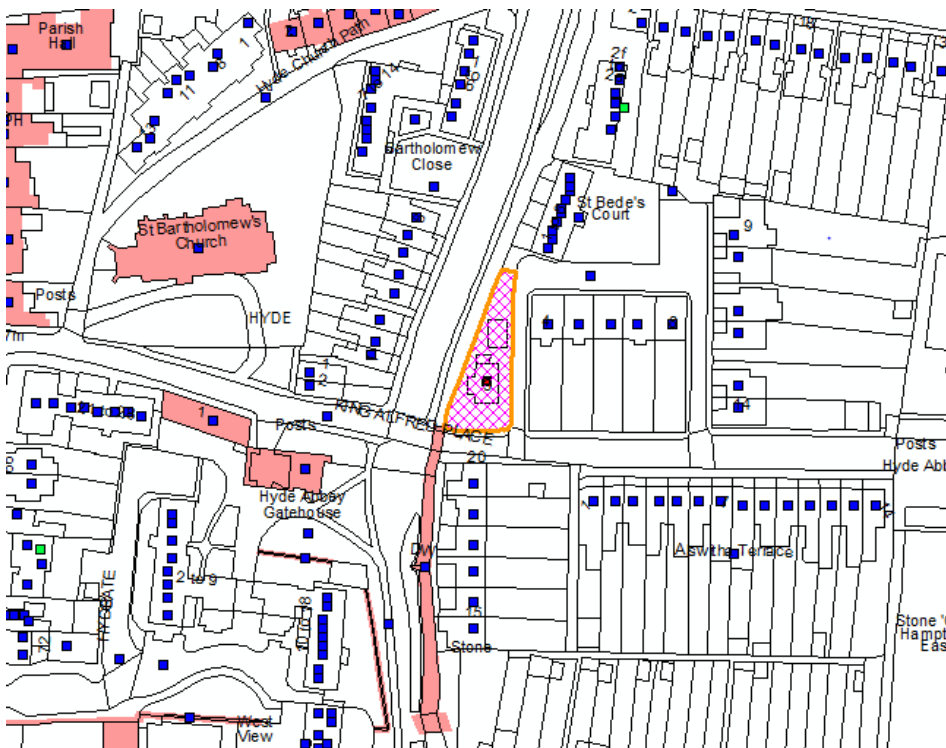
WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 19/02225/FUL  
**Proposal Description:** Demolition of existing 2 storey detached property; construction of 2 storey replacement dwelling with associated landscaping. (AMENDED PLANS)  
**Address:** 3 King Alfred Place Winchester SO23 7DF  
**Parish, or Ward if within Winchester City:** St Bartholomew  
**Applicants Name:** Mr Martin Johnston  
**Case Officer:** Catherine Watson  
**Date Valid:** 31 October 2019  
**Recommendation:** Application Permitted  
**Pre Application Advice** Yes

**Link to Planning Documents**

19/02225/FUL

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as it is an area identified in the Local Plan where proposals for redevelopment will be supported. The proposal is considered to meet a high standard of design and will not cause unacceptable harm to the setting of Listed Buildings, the Conservation Area, or the amenities of the neighbouring properties. The proposal is in therefore accordance with local and national planning policy and guidance.

**General Comments**

The application is reported to Committee because of the number of Objections received contrary to the Officer's recommendation.

The northern elevation can be seen within the Design and Access Statement Addendum however, a specific elevation was not included within the revised plans at that time. An elevational drawing has since been submitted for the sake of clarity however, it is not considered that this will have a material impact on the understanding of the proposal and it is considered that public law fairness does not require the amendment to be re-consulted on in these circumstances as the change is not considered to be something which residents would wish to make additional formal representations on. Additionally, the alteration would not change the outcome of the planning decision in this instance.

**Amendments to Plans Negotiated**

Amended plans were submitted on 11<sup>th</sup> Feb 2022. These were for a scheme which reduced the size and massing of the proposed dwelling and which dealt with the Environment Agency's concerns relating to the watercourse. The revised plans were advertised for 21 days via site notice, advertisement in the Mid-Hants Observer and by letters sent to those who had commented on the first plans submitted in 2019.

**Site Description**

The site is situated within the Winchester suburb of Hyde and is also within the Winchester Conservation Area. The site is situated in a visually prominent "island" position and has an area of approximately 340sqm. It is situated next to a watercourse, the Nuns Stream, and is also within the proximity of several listed buildings including the Grade II\* listed St Bartholomew's Church and the Grade I listed Hyde Abbey Gate, which is also a scheduled monument. The site also falls within the general area of the medieval Hyde Abbey, founded in the early 12<sup>th</sup>C.

**Proposal**

The proposal is for the demolition of the existing bungalow and for the construction of a two storey replacement dwelling with associated landscaping and parking.

**Relevant Planning History**

None relevant.

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**Consultations**

Environment Agency

- 2019 Comments

Objection to the proposed scheme as it involves building on top of a Main River channel wall. As submitted, it is unlikely that a Flood Risk Activity Permit would be granted. The proposed development would be likely to adversely affect the construction and stability of the channel wall, which would compromise its function. This would increase the risk of flooding to people and properties should the wall fail. Additionally, the proposed development would restrict essential maintenance and/or improvement works of the channel wall. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance.

In order to overcome the objection, the applicant was required to maintain a buffer between the development and the channel wall, as well as submitting an engineer's report to show that the structural integrity of the wall is sufficient for the proposed development.

- 2022 Comments

The amended plans have addressed the EA's previous concerns as per their letter dated 28.11.2019, and therefore there is no objection to the proposal provided a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, is applied to the consent.

Historic England

Both the 2019 and 2022 responses advise that HE do not wish to offer any comments on the proposed development as it doesn't pass their threshold for engagement.

Service Lead for Built Environment: WCC Archaeology

No objection, subject to conditions requiring a programme of archaeological work to assess and report on any evidence found, as well as appropriate mitigation measures.

The site lies within the historic northern suburb of Winchester, which dates back to the Roman period. The majority of known Roman remains in this area are to the west of the site and the likelihood of Saxon remain in the area is uncertain. The proposed site lies within the precinct of the great medieval Abbey at Hyde, specifically within the Inner Court of the Abbey which contained the monastery's principal buildings, cemetery, ancillary buildings and fishponds and is considered to have a high potential for archaeological remains principally relating to the Abbey. To the west lies the surviving gatehouse (Hyde Abbey Gate) between the Abbey forecourt and the Outer Court. This is designated as both a scheduled monument and a Grade I listed building. Circa 25m to the east of the proposed site, 38 burials were excavated in 1988-9; it is likely that these represent a cemetery extension. No burials were found in the western part of the excavation trench and it is possible they did not extend that far. The proposal site seems to lie within a garden area associated with the 18thC Bridewell and therefore, it may have escaped damage from the massive foundations of that building.

The proposed development would obscure an existing view of the scheduled/grade I listed gatehouse however, this is located in an open site with many other views afforded from the public domain.

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The archaeologist's comments regarding the 2022 amendments remain as previous, although the reduced footprint and piled foundations of the proposed dwelling is welcomed. The conditions applied originally will remain the same.

Southern Water

No objection.

A formal application for a connection to the public foul and surface water sewer should be made by the applicant/developer. If the application received planning consent, an informative reflecting the above should be included. The application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). SUDS rely on facilities which are not adoptable by sewerage undertakers. The applicant will need to ensure that arrangements existing for the long term maintenance of these facilities and the effectiveness of the system should be maintained in perpetuity. A number of further details should be submitted to the local planning authority if a SUDS scheme is to be implemented.

The 2022 comments stated that Southern Water can consider the adoption of SUDS if they are constructed in line with relevant guidance. All other comments in the response dated 12.11.2019 remain unchanged and valid for the amended details.

Service Lead Environmental Services: Drainage Engineer

No objection.

The site is within Flood Risk Zone 1 and is at very low risk of surface water flooding. The geology is chalk. Surface water drainage is proposed to drain via a sedum roof to a sewer. There is no surface water sewer at this location and a soakaway should be investigated if there is sufficient space available. Infiltration testing would be required. Alternatively, an attenuated discharge to the watercourse may be permissible but this would need permission from the Environment Agency. It is suggested that the EA was consulted about this. A standard foul and surface water drainage condition would be required should the application be approved.

The 2022 comments agreed with the EA's recommendations. The connection to a sewer for surface water drainage is not ideal as there is no surface water or combined sewer at this location. An investigation for an infiltration SUDS should be carried out. If infiltration is not practicable, an attenuated discharge to the Main River may be an option. There is no objection to the means of disposal for foul sewerage, as long as the building regulations are satisfied. Should the application be permitted, a standard pre-commencement drainage condition for surface water drainage, as well as the requirements specified by the EA, will be required.

Service Lead for Community: Natural Environment and Recreation (Ecology)

No objection.

A Preliminary Ecological Appraisal (PEA) was submitted by Peach Ecology in October 2019. The main property was considered to have high potential for roosting bats however, there emergence/re-entry surveys were undertaken and no bats were recorded emerging from or entering the building.

Conditions are required with regards to following the recommendations as set out on the PEA, as well as the submission of details regarding any external lighting.

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The 2022 comments stated that the 2019 bat emergence/re-entry surveys were out of date and needed to be updated in the period between May – August. An updated survey was duly submitted in May 2022 and upon discussion with the applicant's ecologist, the mitigation measures were accepted, subject to control by condition.

Service Lead Built Environment: Urban Design and Historic Environment (combined response).

No objection.

The revisions have taken on board previous comments and previous concerns have been resolved. The chimney is still “too timid” however this would not be a reason for refusal in itself. The articulation, proportion and rhythm of the windows, particularly to the first floor, is a significant change and the architect has clearly demonstrated how an analysis and understanding of the proportions and rhythm of the terraces opposite has been used to inform current proposals. The setting back of the building line as requested, the reduction in scale and footprint, and the much greater recessing, definition and lightweight treatment of the link are all in line with previous comments and are all welcome. The boundary treatment is also a significant improvement on that previously proposed but any further detail needed here could, we suggest, be adequately controlled by condition. We would also suggest that removing PD rights as part of any grant of consent would be appropriate in relation to this boundary to ensure this sensitive site is not compromised in the future by inappropriate boundary treatments that could otherwise take place under PD.

The only area of uncertainty is the degree to which the louvres would create a visually impermeable barrier and therefore a somewhat ‘dead’ or hostile frontage, particularly with reference to the Saxon Road elevation. It is appreciated that the intention as set out in the supporting information is for a widely spaced louvre that will give privacy without creating a heavy and visually impermeable detail, but the proposed views in Section 16 suggest that this may nevertheless appear quite visually solid. It is appreciated this may be down to how the visualisations are produced which give the impression of a ‘heavier’ detail that is actually proposed. A 1:20 detail of the louvres, including cross sections, is requested to allow a fully informed view on this detail to be considered. It is hoped that if any concerns remain regarding this detail that these can be resolved through further discussion with the architect.

Subject to the louvre detail being satisfactorily resolved we consider that amended proposals have satisfactorily resolved previous concerns.

Proposals would meet the statutory test of preserving or enhancing the character and appearance of the Conservation Area, would not harm the setting of nearby listed buildings and would comply with relevant local and national planning policy and guidance. As such the amended plans would receive support from the Urban Designer and myself (the Historic Environment officer), subject to resolution of the louvre detail.

The subsequent louvre details submitted are considered by the local planning authority to be satisfactory and to address the issues.

**Representations:**

City of Winchester Trust:  
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Comments on original proposals:

- The plot presents many challenges for owner and architect.
- The Trust has no objection to the demolition of the existing property (which we would regard as 1.5 rather than 2 storey) since it has no historic or architectural merit.
- The site itself is in a sensitive location in the Conservation Area, being close to St Barnabas Church and Hyde Abbey Gate (both grade 1 listed), which is no doubt why it is proving to be so controversial.
- Trust members have made a site visit and also note that pre-application advice was sought.
- The application is well and honestly presented and the Trust is of the view that a modern approach is preferable to a pastiche imitation of older styles, and the neighbourhood already contains a considerable variety of styles.
- However, the proposed design does considerably enlarge the dwelling, effectively filling the site, and adding a full flat roofed second storey including over the site of the present garage, which is currently a single storey shed. The second floor is set back from the boundaries at the southern end. The proposal is to use a light brick for the walls, and pale reconstituted stone chamfering alongside the primary windows (greatly enlarging their appearance), so that there is a strong contrast and increased impact on the surroundings. The use of brick and flint detailing for the boundary wall to the west was felt to be a good response facing onto Saxon Road provided it is properly detailed.
- It was noted that off-site parking provision remains the same even though the number of bedrooms is increased. This is however a location within easy walking distance of shops and the railway station.
- The Trust appreciates that there are concerns about the impact of a modern building on an important corner in the Conservation Area and this design does have more impact than it needs. If it were possible to require a reduction in the size of the second storey, particularly that over the site of the existing garage, and to tone down the materials this would help, but the flat roof would remain in total contrast to the area. On the other hand, it was felt that a sympathetically designed modern house is to be preferred over something traditional but of poor design.

Comments on revised proposals:

- The revised design appears to have taken some of our comments on board.
- The Trust welcomes the time and effort the applicants have put into the revisions in light of local concerns and remains of the view that a well-designed contemporary building would not be out of place in this location.

111 Objecting Representations received from different addresses citing the following material planning reasons with regards to the original plans:

- Completely out of keeping with the history and architecture of the area;
- Overscaled;
- Insensitive and inappropriate;
- Aesthetically displeasing;
- Potential flood risk;
- Flat roofs not appropriate to the area;
- Brutalist design;
- Too large for the plot;
- Problems with parking and traffic in the area;

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- Fails to have regard to the prevailing style of the area;
- Harms the setting of Hyde Abbey Gate.

48 Objecting Representations received from different addresses citing the following material planning reasons with regards to the amended plans:

- No new material reasons raised.

Total Objections: 156.

14 Supporting Representations received from different addresses citing the following material planning reasons:

- The scheme is a vast improvement on the current property;
- The design is appropriate for the gateway to the abbey;
- Contemporary in design but appropriate to the area;
- Palette of materials is contemporary and sympathetic;
- Careful attention to detail

2 Supporting Representations received from different addresses citing the following material planning reasons with regards to the amended plans:

- The revised proposal is better articulated and complements the surrounding buildings;
- An attractive, contemporary design.

Total Support: 16

### **Relevant Government Planning Policy and Guidance**

#### National Planning Policy Framework

Section 2 Achieving sustainable development

Section 4 Decision making

Section 12 Achieving well-designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change;

Section 15 Conserving and enhancing the natural environment

Section 16 Conserving and enhancing the historic environment

#### National Planning Practice Guidance

Climate change

Consultation and pre-decision matters

Design: process and tools

Determining a planning application

Flood risk and coastal change

Historic environment

Natural environment

Renewable and low carbon energy

Use of planning conditions

#### Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

DS1 Development Strategy and Principles

CP11 Sustainable Low and Zero Carbon Built Development

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CP12 Renewable and Decentralised Energy  
CP13 High Quality Design  
CP16 Biodiversity  
CP17 Flooding, Flood Risk and the Water Environment  
CP20 Heritage and Landscape Character.

Winchester District Local Plan Part 2 – Development Management and Site Allocations

WIN1 Winchester Town;  
DM1 Location of New Development  
DM15 Local Distinctiveness  
DM16 Site Design Criteria  
DM17 Site Development Principles  
DM18 Access and Parking  
DM26 Archaeology  
DM27 Development in Conservation Areas  
DM29 Heritage Assets

Supplementary Planning Document

National Design Guide 2019  
High Quality Places 2015  
Air Quality SPD September 2021  
RESIDENTIAL PARKING STANDARDS December 2009  
Winchester Conservation Area Project Appraisal 2003

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020 – 2030  
Statement of Community Involvement 2018 and 2020  
Historic England Guidance  
Conservation Principles Policies and Guidance 2008  
Historic Environment Good Practice Advice in Planning: 4 Published 30 June 2020  
Winchester Future 50 Conservation Area Project 2018-2020

**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy DM1 of LPP2 lists the settlements within the Winchester District where new development will be permitted where it accords with the development plan. The application site is situated within the defined settlement boundary of Winchester Town which is listed under policy DM1 as an area where new development is generally accepted.

It is therefore considered that the principle of replacing the existing dwelling is considered acceptable provided that the development accords with the other relevant policies of the development plan, namely DM15 (Local Distinctiveness), DM16 (Site Design Criteria), DM17 (Site Development Principles), DM18 (Access and Parking), DM26 (Archaeology), DM27 (Development in Conservation Areas), DM28 (Demolition in Conservation Areas)

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and DM29 (Heritage Assets). The proposed development's accordance with these policies is assessed in further detail throughout the report.

Policy DS1 of LPP1 sets the development strategy and principles for Winchester Town and stipulates that the council will work proactively to find solutions which mean proposals that accord with planning policies can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area.

Other relevant policies are CP11 (Sustainable Low and Zero Carbon Built Development), CP12 (Renewable and Decentralised Energy), CP13 (High Quality Design), CP16 (Biodiversity), CP17 (Flooding, Flood Risk and the Water Environment) and CP20 (Heritage and Landscape Character).

**Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

**Impact on character and appearance of area**

The development comprises the demolition of an existing bungalow and the construction of a two storey dwelling on a residential plot within the Winchester suburb of Hyde.

The site is situated within the Winchester Conservation Area. A detailed assessment of the proposed development's impact on the conservation area is included in the next section of this report.

The suburb of Hyde is situated to the north of Winchester city centre. The WCC Winchester Conservation Area Appraisal (p. 52) states that the area is predominantly residential and consists mainly of houses of varying sizes.

The site itself is unusual within the area as it sits on a triangular plot bounded by Saxon Road and the Nuns Stream to the west, King Alfred Place to the south and a rear link which serves numbers 4-8 King Alfred Place and St Bede's Court to the east and north. The site is relatively flat and the existing bungalow centrally placed, along with the detached garage. The northern part of the site largely consists of hardstanding and is used for parking. The south, east and west are mostly laid to lawn/shrubbery and create a softening effect towards King Alfred Place.

The form of the proposed dwelling has evolved since the application was first submitted in 2019. The original proposal was for a two storey dwelling consisting of two modules, linked with a glazed element. Materials included a long format pale red brick for the majority of the elevations but with a contrasting grey brick with flint detailing along the lower part of the front elevation, adjacent to the watercourse. The grey brick and flint was intended to pay homage to the former Hyde Abbey upon which the site is constructed and of which the Grade I listed scheduled monument, Hyde Abbey Gatehouse, is the only surviving above ground element.

The assessment of the above proposal was that the materials did not fully reflect those in the surrounding area and that the material reference to the abbey was not the most  
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immediate context. The massing of the two modules was considered out of scale to the other buildings in the area and to the plot itself. As a result of this, amendments were made reducing the scale and massing, as well as changes to the materials and detailing to better reflect the character of the surrounding area.

The proposals now show that the scale of the building has been reduced by reducing the footprint and moving the Saxon Road elevation away from the stream. The glazed link has been retained as this enables the building to be broken into separate elements which also reduces the massing and visual impact. A hedge was introduced along the Saxon Road elevation in order to soften the boundary which will in turn also reduce the impact of the new building on the stream. The materials have been changed to red brick and black timber screens. The elevations are more textured in appearance, with the use of hit and miss brickwork along the lower parts of the building. A chimney has been added to the southern elevation, which along with the red brickwork, reflects the prevailing materials and detailing used on Saxon Road and King Alfred Place. Flat roofs remain and they will accommodate a green roof system. On-site car parking has been reduced to one space with an electric charging point and a cycle store.

Another key consideration in re-designing the scheme, is the proximity of the site to the Nuns Stream. This is classed by the Environment Agency (EA) as being a "Main River", being a tributary of the River Itchen. Standard EA advice is that any such development must have be set back at least 8m from a Main River. Accordingly, the EA raised an objection to the original proposals for the reasons as cited in the consultees section above. The EA stated that additional information should be submitted by the applicant to demonstrate that the development is safe without increasing risk elsewhere.

Either a buffer should be created between the development and the channel wall or an engineer's report showing that the structural integrity of the channel wall is sufficient for the proposed development should be submitted to the EA.

The applicant submitted a Flood Risk Assessment (contained within Section 09 of the Design and Access Statement Addendum) which details mitigation measures including that

the external walls of the site will be no closer than 1.5m from the internal face of the River Itchen Channel Wall, the existing flood defence shown in Section 04 of the Design and Access Statement Addendum shall be maintained to the present standard of protection, and that finished floor levels will be set 300mm above the surrounding ground levels. These requirements will be controlled by condition 12 as requested by the EA. The proposal therefore complies with policy CP17 of LPP1.

The proposal is considered to address the issues raised by the original submitted plans in terms of scale, materials and detailing. The requirements of the EA also contributed towards the submitted amendments and result in a set back from the watercourse which lessens the impact on the streetscene. The separation of the two modules by the glazed link helps to reduce the massing and provide a degree of visual transparency between the two elements. The louvres provide some privacy for the occupants and are an attractive detail in a contrasting material to the red brick proposed for the rest of the building.

The windows' vertical orientation echo the form of some of the Victorian and Edwardian properties nearby, as does the choice of red brick, and the vertical emphasis is further reflected in the hit and miss brickwork to the lower part of the building. Whilst the flat roof

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is not typical of the surrounding area, it is considered to be appropriate to the contemporary design of the dwelling and enables the overall height to be kept down as well as individual elements such as the single storey parts of the building. The addition of a chimney on the southern part of the building reflects the character of the area, where these are an important design feature. Conditions 3 and 4 will be applied which require details of specific materials, windows, roofing etc to ensure a high quality finish. The development therefore complies with policy CP13 of LPP1, DM15, DM16 and DM17 of LPP2 as well as policies HQB1, HQB2, HQB4, HQB6, MD1, MD3, MD4, MD7 and MD8 of the High Quality Places SPD.

The proposed landscaping around the site is an important feature. Accordingly, details of both hard and soft landscaping including the parking area and boundary treatments (hedging and fencing) as well as the green roofs, will be required by conditions 8 and 9. Policy DM16 requires development to respond “positively to the character, appearance and variety of the local environment”. Service areas, such as parking provision, cycle storage and bins should be designed as an integral part of the scheme. These are duly included in the proposals and are acceptable. This accords with policies DM15 and DM16 of LPP2.

### **Development affecting the South Downs National Park**

The application site is located 0.3km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021.

The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

In Conclusion therefore the development will not affect any land within the National Park, or the setting of the National Park, and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

### **Historic Environment**

The proposed development is within the setting of a statutory listed building, Conservation Area and in an area of archaeological interest.

The development is within the Winchester Conservation Area. It is also situated approximately 36m from the Grade I listed and scheduled Hyde Abbey Gate, as well as approximately 13m from the Grade II listed walls and bridges of the Nuns Stream. The following legislation and policies are taken into account in the assessment and determination of this planning and listed building application.

#### *Relevant Legislation & Planning Policies*

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local  
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Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

*Analysis*

Officers have considered the potential impact of the proposal on the Grade I listed and scheduled Hyde Abbey Gate, Grade II listed walls and bridges of the Nuns Stream, the Conservation Area and representations received from the Council's Conservation Officer. Having considered all of the relevant facts and circumstances, and expert conservation advice, officers are of the opinion that the proposal will result in less than substantial harm to the listed buildings/structures and Conservation Area and/or their respective settings and/or any features of special architectural or historic interest which they respectively possess for the following reasons.

The consideration and assessment of due regard is required in relation to the relevant legislation and guidance as outlined within the Historic Environment and Archaeology consultation responses.

As such due regard has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 which confirms that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed Building/Structure. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "special attention should be given to the desirability of preserving or enhancing the character or appearance of that area".

Case law has established that where an authority finds that a development proposal would harm a listed building, Conservation Area and/or their setting, it must give that harm "considerable importance and weight".

The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets.

Paragraph 199 of the NPPF provides that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy CP20 of LPP1, Policy 27 and Policy DM29 of LPP2 ensure that development preserves and enhances heritage assets, including Conservation Areas, and their settings.

Annex 2 of the NPPF (2021) defines the setting of a heritage asset as:

*"The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a*

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*positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.*

The Historic Environment officer stated that:

“The setting back of the building line, the reduction in scale and footprint as well as the greater recessing, definition and lightweight appearance of the link, are all considered to be sympathetic to the character of the area and allow views across to the abbey gateway to be largely preserved.”

Where the proposal will have a potentially harmful effect on a listed building or its setting, Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires great weight to be given to the listed building / its setting’s preservation. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that (conservation) area. The greater the significance of the heritage asset the greater that weight must be. The exact amount of weight that is to be given to the conservation of the heritage asset is a matter of planning judgment for the Council, as local planning authority to determine.

Where a proposal will lead to substantial harm (or total loss of significance of) to a designated heritage asset, the Council should refuse to grant planning permission, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

In accordance with the statutory presumptions contained in Section 66 and Section 72, officers have placed substantial weight to the Grade I listed and scheduled Hyde Abbey Gate, and Grade II listed walls and bridges of the Nuns Stream and their respective settings, as well as the Conservation Area, and the desirability of preserving their respective significance. However, officers consider that the following public benefits of the proposal outweigh the identified harm to the listed building / its setting and the Conservation Area:

1. The site is situated in an area of high archaeological potential. As part of the construction stage of the development, archaeological investigations will be carried out which could result in an increased knowledge of the nature and extent of Hyde Abbey and its environs.
2. Other than the mature shrubbery in the garden of the existing dwelling, there are no specific biodiversity measures put in place. The new dwelling will have swift bricks, bat boxes and native hedging and other planting which is appropriate to wildlife in the area. These biodiversity enhancement measures and the resultant increase in wildlife will add to the character of the Conservation Area.
3. The proposed dwelling will incorporate energy efficiency measures, including air-source heat pumps. The dwelling will also be constructed to use passive and active measures to reduce or omit wasteful energy consumption. This will result in an improvement to the enjoyment of the Conservation Area due to the use of low emission energy sources.

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Details of further low carbon energy efficiency measures will be submitted in accordance with condition 18 of the consent.

The proposals will impact on three different heritage assets; the Conservation Area, the setting of the Grade I listed and scheduled monument of Hyde Abbey Gate, as well as potential impact on the underlying archaeology including Hyde Abbey.

Hyde Abbey Gate was listed at Grade I in 1950. The list description is brief, although it states that it dates to the 15thC. It also states that all of the listed buildings in King Alfred Place form a group. This would include the cart shed to the west of the gateway, some of which dates to the 12thC. It also includes the medieval walls and bridges which are Grade II listed. Policy DM29 states that development which would cause an unacceptable level of harm to the setting of heritage assets will not be permitted. The proposal has been assessed according to the criteria set out in this policy and this will be discussed below.

The Winchester Conservation Area Project Appraisal (p.52) states that the prevailing building character on Saxon Road and King Alfred Place is mainly of Victorian and Edwardian residential terraces, as well as semi-detached villas. There is some 20thC development, including local authority social housing. Unifying features include building heights of 2 or 3 storeys of load-bearing brick construction, generous back gardens and bay windows. Materials from the former abbey have been reused in other buildings, such as St Bartholomew's Church.

Policy WIN1 of the LPP2 requires development to "protect and enhance the special character of Winchester Town, including its setting, heritage assets and treed skylines". Policy WIN2 requires development to "enhance the sensitive historic environment of the town centre and its heritage assets. Policy WIN3 states that "roof designs (should be) sympathetic to the character of the Town's historic roofscape in terms of bulk, grain, form and materials and make a positive contribution to the roofscape". DM15 states that "developments should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area". Proposals should preserve or enhance the special qualities of Conservation Areas and the setting of heritage assets.

The proposed dwelling is contemporary in its form but retains elements that link it back to the character of the immediate area. Policy DM16 states that development should use high quality materials that are attractive and are appropriate to the area and the design. The proposal has been evolved so that materials reflect those used in the vicinity, including red brick which includes hit and miss patterning detailing. The window openings echo the verticality of those on the Victorian and Edwardian villas at Saxon Road.

Policy DM27 requires development to "enhance the character, appearance or special architectural or historic interest of the (conservation) area" and policy CP20 of LPP1 states that development should conserve local distinctiveness in terms of characteristic materials, built form and layout. DM27 also includes "respecting height, massing, materials, plan form, roofscape and grouping of buildings in scale and harmony with adjoining buildings and the area as a whole". Additionally, it requires that good quality building materials are used and that walls, gates and fences are of a kind used in the local area.

The setting back of the building line, the reduction in scale and footprint as well as the greater recessing, definition and lightweight appearance of the link, are all considered to

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be sympathetic to the character of the area and allow views across to the abbey gateway to be largely preserved.

The Grade II\* listed St Bartholomew's Church is situated further away and behind the Saxon Road dwellings. The tower can be glimpsed from the site but it is not considered that the church is as sensitive a receptor as the gateway has the potential to be.

A chimney has been included in the design which reflects the prominence of this feature within the surrounding area. The boundary treatment will be in the form of a low brick wall with brick pillars and metal railings and a hedge, as is seen on many of the properties in the surrounding area. The roof, whilst flat as opposed to the pitched roofs of the area, remains below the height of the ridges of surrounding properties. This accentuates the contemporary design of the dwelling, an approach which is not considered to be significantly harmful in this context. The development therefore accords with policies CP20 of LPP1, WIN1, WIN2, WIN3, DM16, DM27 and DM29 of LPP2.

The site has been assessed as being of high archaeological potential due to its situation within the Hyde Abbey precinct. Para. 194 of the NPPF (2021) requires that where development is proposed on a site which has the potential to include heritage assets with archaeological interest, developers should submit an appropriate desk-based assessment and where necessary, a field evaluation. Policy DM26 of LPP2 supports this requirement and requires a Written Scheme of Investigation to be submitted to, and approved by, the Local Planning Authority prior to the commencement of development.

The impact of the proposal on the significance of the Heritage Assets and their setting and how they are experienced is largely with regards to the Conservation Area and setting of the listed Hyde Abbey Gateway. The proposals, as discussed above, are considered to meet the statutory test of preserving or enhancing the character and appearance of the conservation area, would cause less than substantial harm to the setting of nearby listed buildings and would comply with relevant local and national planning policy and guidance.

### *Conclusion*

The development therefore accords with Section 16 para 199 of the NPPF (2021), S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that the proposed development will result in a degree of less than substantial harm to the significance of the setting and historic interest of the listed Hyde Abbey Gateway with regards to Section 16 para 199 of the NPPF (2021), S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP20 of WDLPP1 and DM29 of WDLPP2 and the historic environment section of the Planning Practice Guidance.

Officers are of the opinion on balance that the public benefits outweigh the S.66 statutory presumption in favour of preservation of the listed building / its setting, making the proposed development acceptable in planning terms.

It is considered that the proposal will preserve the character and/or appearance of the Winchester Conservation Area in accordance S.72 P (LBCA) Act 1990; and preserve and/or enhance the character and historic interest of the Winchester Conservation Area in accordance with Policies DM27 & DM28 of the Winchester District Local Plan Part 2

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Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

### **Neighbouring amenity**

There are no immediately adjoining neighbours however the nearest properties are no 4 King Alfred Place and no's 1 and 2 St Bede's Court.

All of the upper floor windows on the east (facing King Alfred Place) and west (facing Saxon Road) elevations have timber louvres, as does the glazed link. The window openings have been kept narrow and tall and first floor level in order to prevent overlooking. The ground floor windows on the east elevation remain smaller, although on the west and south elevations they are larger and open out onto a patio and garden to the south. The windows on the north elevation (facing St Bede's Court) are larger however they too have louvres and the number of windows at first floor level has been reduced to one. It is therefore considered that there will be no significant harm to neighbour amenity by means of overlooking. Due to its location on an "island", a degree of separation is created from the neighbouring properties.

There is a distance of approximately 14m from the northern elevation of the proposed dwelling, to the facing elevation of St Bede's Court. Due to the distance and the orientation, it is not considered that there would be any significant harm with regards to overshadowing and overbearing. Due to the orientation of the building, it is possible that there may be some slight overshadowing in the late afternoon/evening towards the garden at 4 King Alfred Place however, this is not considered to be significantly harmful.

Therefore the proposal complies with policy DM17 of LPP2.

### **Sustainable Transport**

The proposal will have no significant additional impact on highway safety or amenity. The proposed access remains in the same position as existing and one parking space has been provided. This falls below the three required by the WCC Parking Standards SPD however, it is considered that Hyde is a sustainable area with regards to the requirement for motor vehicles as it is within easy walking/cycling distance from the city centre, as well as the railway station. In addition, an electric vehicle charging point will be installed in the parking area which will facilitate the use of a more sustainable type of transport.

Therefore the proposal complies with policy DM18 of LPP2.

### **Ecology and Biodiversity**

The application is supported by an ecological appraisal undertaken in May 2022. This assesses the likelihood of bats using the area for foraging and roosting. Bats surveys were undertaken and confirmed that this is an active area.

Mitigation measures will be implemented by condition, including swift bricks, crevice roosting features for bats and carefully positioned lighting.

Therefore the proposal complies with policy CP16 of LPP1.

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**Appropriate Assessment.**

The development is for a replacement dwelling and therefore does not trigger a nitrate neutrality requirement.

**Sustainable Drainage**

The proposal mitigates against harm to the watercourse as agreed by the EA. Details with regards to surface water and foul drainage will be required as a pre-commencement condition.

Therefore the proposal complies with policy DM17 of LPP2.

**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.

**Planning Balance and Conclusion**

The principle of a replacement dwelling within the settlement boundary is acceptable. The proposal is for a contemporary family home which responds well to the character of the surrounding area and preserves the character of the conservation area in respect of its form, materials and detailing. It is not considered to have a significantly harmful impact on the setting of Hyde Abbey Gate, as discussed above and on balance the proposal is considered to be acceptable and complies with the relevant national and local plan policies and guidance.

**Recommendation**

Application Permitted, subject to the following conditions:

01 The development hereby permitted shall be begun before the expiration of three 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 (as amended).

02 Location and Block Plan Dwg no 352-OBA-XX-ZZ-DR-A-0100 P01 received 11.02.2022

Site Plan Proposed Dwg no 352-OBA-XX-ZZ-DR-A-0102 P01 received 11.02.2022

Ground Floor GA Plan Proposed Dwg no 352-OBA-XX-ZZ-DR-A-0251 P01 received 11.02.2022

First Floor GA Plan Proposed Dwg no 352-OBA-XX-ZZ-DR-A-0252 P01 received 11.02.2022

Roof GA Plan Proposed Dwg no 352-OBA-XX-ZZ-DR-A-0253 P01 received 11.02.2022

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Proposed West Elevation - Street Dwg no 352-OBA-XX-ZZ-DR-A-0452 P01 received 11.02.2022

Proposed South Elevation - Street Dwg no 352-OBA-XX-ZZ-DR-A-0453 P01 received 11.02.2022

Proposed East Elevation Dwg no 352-OBA-XX-ZZ-DR-A-0454 P01 received 11.02.2022

Proposed West Elevation Dwg no 352-OBA-XX-ZZ-DR-A-0455 P01 received 11.02.2022

Proposed North Elevation Dwg No 352-OBA-XX-ZZ-DR-A-0458 received

Louvre Details Dwg no 352-OBA-XX-ZZ-DR-A-0457 received 11.02.2022

Reason: In the interests of proper planning and for the avoidance of doubt.

03 No development shall take place until details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been 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.

04 Detailed sections of the proposed doors and windows, including recesses, rainwater goods and how they relate to the host building, shall be submitted to and approved in writing by the local planning authority prior to construction above DPC level.

Reason: To ensure an appropriately detailed development within the surroundings.

05 No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority, to include details of:

- i. construction traffic routes in the local area
- ii. parking and turning of operative, construction and visitor vehicles
- iii. deliveries, loading and unloading of plant and materials
- iv. storage of plant and materials
- v. programme of works (including measures for traffic management)

Only the approved details shall be implemented during the construction period.

Reason: To ensure that development should not prejudice highway safety nor cause inconvenience to other highway users or result in any other significant harm to the amenity of local residents, or to existing natural features.

06 The first floor windows and ground floor windows in the east and north elevations of the development hereby permitted, along with the glazed link, shall be fitted with louvres of the specification detailed in approved plan 352-OBA-XX-ZZ-DR-A-0457. The louvres shall remain in the condition in which they were approved and shall not be removed without prior written consent from the local planning authority.

Reason: To protect the amenity and privacy of the adjoining residential properties.

07 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Class AA, Class B, Class C, Class D

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and Class E of Part 1 of Schedule 2 of the Order and Class A of Part 2 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In order to protect the character of the boundary treatment within the surrounding area.

08 No development shall take place until full 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. These details shall include:

- Proposed finished levels or contours, in comparison to existing ground levels, including the damp proof course and ground floor of the proposed buildings, and the relationship to the levels of adjacent buildings, together with contours to be formed and earthworks to be undertaken;
- All boundary treatment, including fencing;
- Hard surfacing materials;
- Means of enclosure, including any retaining structures;
- Car parking layout;
- Other vehicle and pedestrian access and circulation areas;
- Minor artefacts and structures (including the air-source heat pumps);

Soft landscaping works shall include:

- Planting plans (for new trees, hedges and other planting);
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- Implementation programme.

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

09 The development hereby permitted shall not be occupied until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: In the interests of local amenity.

10 The recommendations within the Preliminary Ecological Appraisal (Peach Ecology, May 2022) shall be adhered to throughout all phases of the development and the mitigation and enhancement features as shown in Appendix E of the appraisal shall be sited prior to the development coming into its intended use and retained thereafter.

Reason: To safeguard protected species and maintain biodiversity.

11 Prior to commencement of the development details of any external lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority. The lighting scheme should be in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a **Case No: 19/02225/FUL**

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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 a variation.

Reason: To protect the appearance of the area, the environment and protected species from light pollution.

12 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (contained within Section 09 of the 'Design and Access Statement' produced by OB Architecture, dated December 2021) and the following mitigation measures it details:

- External walls of the site will be no closer than 1.5m from the internal face of the River Itchen Channel Wall (2m from the river).
- The existing flood defence shown in section 04 'Hyde and the Conservation Area' of the 'Design and Access Statement', will be maintained to the present standard of protection.
- Finished floor levels shall be set 300mm above the surrounding ground levels.

These mitigation measures shall be fully implemented prior to occupation of the development and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To ensure the structural integrity of the existing flood defences thereby reducing the risk of flooding and to reduce the risk of flooding to the proposed development and future occupants.

13 Prior to commencement of the development detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before occupation of the development hereby permitted.

Reason: To ensure satisfactory provision of foul and surface water drainage.

14 Prior to the commencement of the development hereby permitted, detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use (110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of a 'design stage' Standard Assessment Procedure (SAP) calculation and a water efficiency calculator shall be submitted to and approved in writing by the Local Planning Authority.

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Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

15 Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2019 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

16 No development or any works of site preparation shall take place until the applicant or their agents or successors in title have implemented of a programme of archaeological mitigation works, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA. The Written Scheme of Investigation shall include:

- The programme and methodology of site investigation and recording
- Provision for post investigation assessment, reporting and dissemination
- Provision to be made for deposition of the analysis and records of the site investigation (archive)
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations in line with Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy

17 Following completion of archaeological fieldwork, within 9 months (unless otherwise agreed in writing by the local planning authority) a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local authority.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available in line with Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy

18 Details of any external energy efficiency measures such as solar panels or any other measures, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The approved measures shall be implemented in accordance with the approved details.

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Reason: To encourage sustainable energy sources and to ensure that these do not harmfully impact upon the character of the area.

**Informatives**

1. In accordance with paragraph 38 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP11, CP12, CP13, CP16, CP17, CP20

Local Plan Part 2 - Development Management and Site Allocations: WIN1, DM1, DM15, DM16, DM17, DM18, DM26, DM27, DM29

High Quality Places SPD

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Parking Standards SPD

NPPF Section 16

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays.

Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>