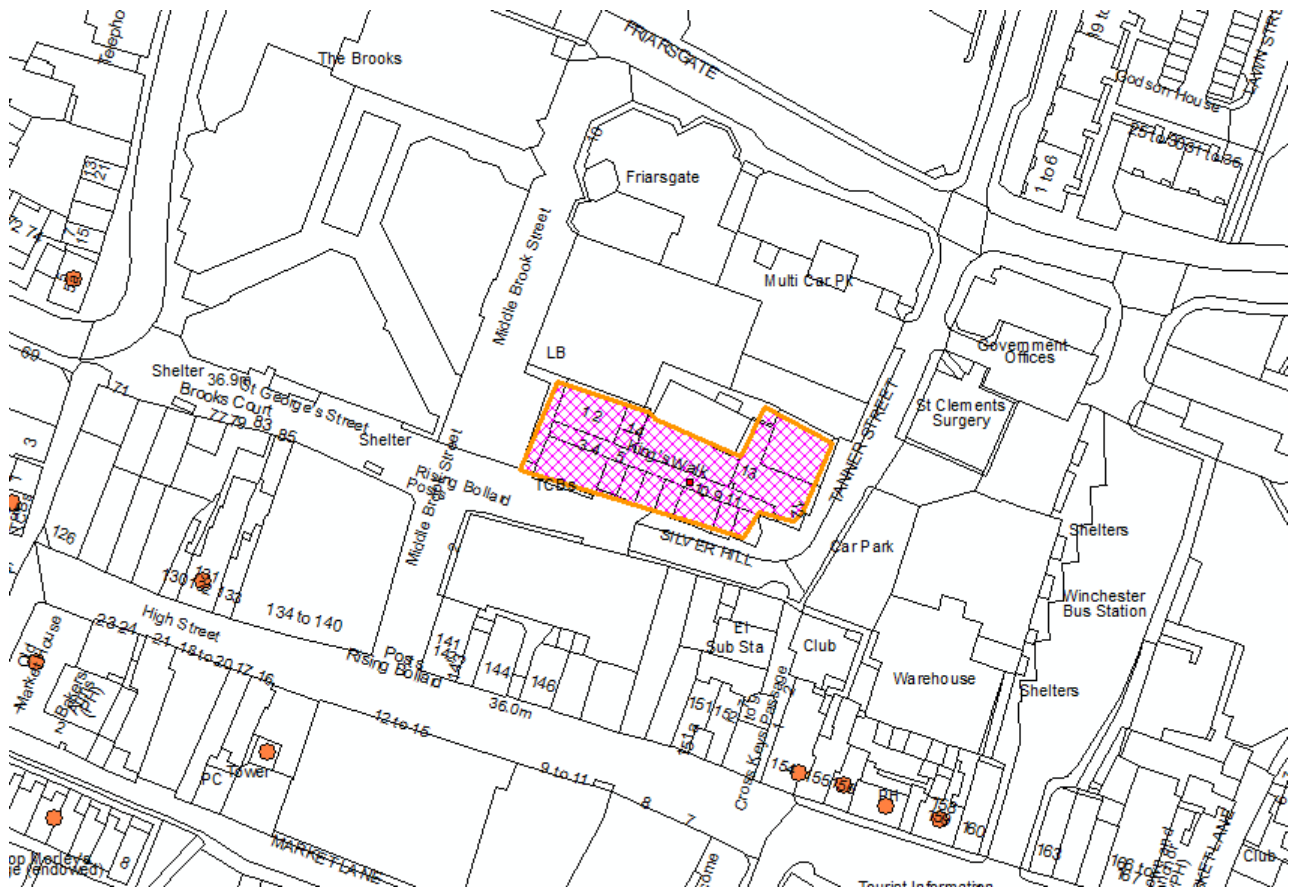


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Case No: 22/01681/FUL
Proposal Description: New lighting installations and change of use of existing loading bay to an events space.
Address: Street Record, Kings Walk, Winchester, Hampshire
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Winchester City Council
Case Officer: Robert Green
Date Valid: 29 July 2022
Recommendation: Application permitted
Pre Application Advice: Yes

Link to Planning Documents

[Link to page – enter in reference number 22/01681/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<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 considered that no significant additional adverse impact is demonstrated upon the character and appearance of the existing building and the surrounding area and the proposal would not harm neighbouring residential amenity. The development does not raise any material matters that would sufficiently weigh against the granting of planning permission.

General Comments

The application is reported to Committee as 1 objection comment has been received and the applicant is Winchester City Council. The application will be determined by the Council as Local Planning Authority based on relevant policy, legislation and material considerations.

Amendments to Plans Negotiated

None required

Site Description

Kings Walk is an existing shopping area within the centre of Winchester, close to the High Street and other commercial facilities.

The building consists of a 4-storey building which uses a dark brick on the ground floor and clay tile hanging on the remainder of the building. The building surrounds the Antiques Market building (otherwise known as 'The Nutshell'), a separated building which is classed as a non-designated heritage asset.

The ground floor consists of commercial units which face toward a central courtyard (and The Antiques Market). The arcade is accessed from Middle Brook Street and Tanner Street.

The upper floors hold a commercial use class and are currently not occupied.

The entire site sits within an area designated for regeneration. The site also sits within the Winchester Conservation Area but is not a listed building.

The surrounding area is commercial in nature and characterised by the large Brooks Shopping Centre, a supermarket, service areas for High Street shops, a car park and a medical facility.

Proposal

The applicant proposes:

- A lighting installation above the existing courtyard area, connected between the Kings Walk building and the Nutshell and lighting at the entrances of the centre.
- A change of use of a bin-store accessed from Tanner Street to an events space

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The applicant is proposing a series of works to the building which do not require Planning Permission. The aspects of the wider project which do require consent are included in this application. The applicant has applied for a separate Advertisement Consent under reference 22/01683/AVC, which forms part of the wider project.

Consultations

Consultee:

Service Lead for Built Environment - Historic Environment and Urban Design

- No objection to change of use of events space, no impact on heritage assets.
- Lighting has direct and indirect impact.
- Lighting is fixed to the Nutshell (a non-designated heritage asset) which may harm the fabric of the building. Condition 5 is recommended to obtain details to ensure this is a sensitive attachment.
- Indirect impact is positive as the proposals encourage greater public engagement with the Nutshell
- The proposals are not considered to result in any other impacts on the significance of heritage assets.

Service Lead for Public Protection - Environmental Health

- No objection
- Requests condition for hours of use proposed by applicant (condition 5)

Historic England

- No comments provided

Environment Agency

- No objection

Representations:

City of Winchester Trust

- No comment

1 Objecting Representation received citing the following material planning reasons:

- Local pilates studio on Middle Brook Street overlooks the Nutshell and the loading bay
- Have had recent issues with markets in the area due to the noise created
- Concern over noise generated by use of area as an events space over the duration of opening hours of small business.

1 Supporting Representations received citing the following material planning reasons:

- Recent changes to the area have improved anti-social behaviour issues.
- Project is vital to 'reclaim' Kings Walk for the public and create a space for the public to enjoy which can be an incubator for businesses.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

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Section 2 Achieving Sustainable development
Section 4 Decision Making
Section 6 Building a strong, competitive economy
Section 7 Ensuring the vitality of town centres
Section 8 Promoting healthy and safe communities
Section 11 Making effective use of land
Section 12 Achieving well designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 16 Conserving and Enhancing the Historic Environment

National Planning Legislation

Section 66 of Planning (Listed Building and Conservation Areas) Act 1990
Section 72 of Planning (Listed Building and Conservation Areas) Act 1990

National Planning Practice Guidance

Climate Change
Consultation and pre-decision matters
Design: process and tools
Environmental Impact Assessment
Flood risk and coastal change
Planning Obligations
Use of planning conditions

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

Policy DS1 – Development Strategy and Principles
Policy WT1 – Development Strategy for Winchester Town
Policy MTRA1 – Development Strategy Market Towns and Rural Areas
Policy MTRA2 – Market Towns and Larger Villages
Policy CP8 – Economic Growth and Diversification
Policy CP9 – Retention of Employment Land and Premises
Policy CP13 – High Quality Design
Policy CP16 – Biodiversity
Policy CP17 – Flooding, Flood Risk and the Water Environment
Policy CP19 – South Downs National Park
Policy CP20 – Heritage and Landscape Character

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

Policy WIN1 – Winchester Town
Policy WIN2 – Town Centre
Policy WIN3 – Views & Roofscape
Policy WIN4 – Silver Hill Mixed Use Site
Policy DM1 – Location of new development
Policy DM7 – Town, District and Local Centres
Policy DM8 – Primary Shopping Frontage
Policy DM9 – Secondary Shopping Frontage
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM20 – Development and Noise

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Policy DM26 - Archaeology
Policy DM27 – Development in Conservation Areas
Policy DM29 – Heritage Assets
Policy DM31 – Locally Listed Heritage Assets

Supplementary Planning Document

Central Winchester Regeneration Supplementary Planning Document
National Design Guide 2019
High Quality Places 2015
Air Quality SPD September 2021
Residential Parking Standards December 2009
Winchester Conservation Area Appraisal
Winchester Conservation Area Review
Winchester Conservation Area Strategy

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020-2030
Statement of Community Involvement 2018 and 2020
Biodiversity Action Plan 2021
Historic England Guidance
Constructive Conservation in Practice 2008
Constructive Conservation Sustainable Growth for Historic Places 2013
Conservation Principals Policies and Guidance 2008
Historic Environment Good Practice Advice in Planning: 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.

The application site is located within the defined settlement boundary of Winchester Town. Policy DM1 of the Local Plan Part 2 (LPP2) confirms that development which accords with the Development Plan as a whole will be permitted within this area. The overarching principle of development is therefore established.

Sit within the Town Centre, the proposal results in uses and improvements which contribute to Winchester's role as a major centre whilst enhancing and protecting the historic nature of the town in compliance with policy WIN2 of the LPP2.

The application site sits within an area allocated for regeneration. Policy WIN4 of the LPP2 sets out the expectations for development within this area. WIN4 notes that permission for proposals can be granted provided the expectations of the policy are met.

Taking each point in turn;

i. The proposal improves the appearance of the building as a whole and enhances the courtyard as a public space for all to access and use. The building continues to house a

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mixture of commercial enterprises and facilities which are expected in a town centre. The introduction of the event space supports the mixed use intentions of the wider area.

ii. The end result of the proposals satisfies design requirements and sits as part of a wider improvement project.

iii. The proposal does not alter a designated feature and is assessed as acceptable in terms of its location within a Conservation Area. The improvements will enhance the enjoyment of the Antique Market, a non-designated heritage asset and lighting connection points are secured by condition 3.

iv. the public realm (in terms of the courtyard) is improved by the scheme to encourage public interaction with the space.

v. pedestrian and cycle access is not altered from the current situation.

vi. the wider project introduces landscaping features which do not require permission. The existing structure involves significant hard landscaping which is improved as a consequence of the scheme.

vii. The proposal does not alter the existing access arrangements for buses or parking which form part of the wider regeneration of the area.

viii. The proposals alter an existing building with no ground disturbance to respect the significance of archaeological remains.

ix. A Flood Risk Assessment has been included which confirms no adverse issues.

The proposal is therefore considered by officers to comply with the requirements of policy WIN4.

The area is subject to the adopted *Central Winchester Regeneration Supplementary Planning Document* (SPD) which sets out the expectations for development of the wider regeneration area. The SPD sets out 9 key objectives which all development in the area must satisfy. Taking each in turn;

Objective 1 – The proposal continues to support the mixture of uses found in the wider area to ensure the area can develop as a *vibrant mixed use quarter*. Future proposals on the site will be subject to their own assessment on this point.

Objective 2 – The proposal does not alter the existing built form in the area and instead seeks to improve the appearance and use of the area. Public realm in the courtyard is improved and the relationship improvements for the Antique Market is a key benefit to support *Winchesterness*.

Objectives 3 & 4 – The general enhancement of the area improves the public realm surrounding Kings Walk and the courtyard improvements highlight this is a useable space to create an *exceptional public realm* and supporting the *city experience*.

Objective 5 – The proposals do not alter the existing *sustainable transport* arrangements and the site is in a sustainable location.

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Objective 6 – The proposal does not limit the potential of the wider regeneration area or limit the opportunity for *incremental delivery*. The SPD expects parts of the site to be taken forward at different times.

Objective 7 – The proposal does not currently provide any housing and instead enhances the mixed use potential of this part of the site. Future applications and the wider regeneration scheme will have a focus on *housing for all*.

Objective 8 – Consultation has been undertaken by the Planning Authority, welcoming comments from the *community* on the scheme which have been taken into consideration.

Objective 9 – In terms of *climate change and sustainability*, the proposal involves the retention of a number of existing features. Flooding has been considered by appropriate assessments and the Environment Agency confirm there are no objections.

The proposal is therefore considered by officers to meet the overarching objectives of the regeneration area.

The SPD continues to outline specific expectations for the area which are assessed in detail throughout the report. Overarching elements of the SPD's expectations are outlined below.

The proposal encourages activity on Tanner Street through the event space which encourages a more public use to this area in line with the expectations of the SPD to enhance public realm. The courtyard improvements enhance the area significantly.

The proposal continues to allow views to the Cathedral and enhances the appreciation of the Antiques Market as expected by the SPD Public Realm Framework Plan.

The expectations for development in the Tanner Street area include a mixed use quarter with shared surfaces. The proposal encourages and improves the mixture of uses in this area and, whilst not delivering on the shared surfaces, does not limit the future potential for redevelopment of this area to achieve that aim.

The area surrounding the Antiques Market is expected to form a flexible public space with a mixture of uses. The proposal complies with this expectation as it significantly improves the public courtyard space which enhances the appreciation of the Antiques Market. Existing uses continue and are improved by the introduction of the events space.

Movement and accessibility is not altered by the proposals.

The SPD expects this area to host a mixture of uses including commercial, leisure, cultural heritage and community. The proposal supports this mixture of uses, supporting the retail and market use of the area and enhancing the appreciation of the Antiques Market, a key historic feature.

The Antiques Market is a key heritage asset which the SPD expects to be retained and adapted. The proposal enhances the use of the courtyard which surrounds the Antiques Market and improves its relationship with the public, the building is currently surrounded by

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the Kings Walk structure and the proposals improve the prominence of the building and equally do not limit the future potential for redevelopment of this area.

The SPD also notes that this area is an opportunity for 'meanwhile' public realm improvements, this scheme is part of that approach. Equally, the proposals are acceptable in the long-term awaiting the regeneration of the area and do not limit the potential for redevelopment.

DM7 of the LPP2 secures uses within defined *town centres*. The proposal continues to support a mixture of acceptable uses in compliance with this policy.

The application site sits within an area defined as *primary shopping frontage* under policy DM8 of the LPP2. The application does not alter or result in the loss of supported uses and complies with this policy.

Therefore, the proposal is acceptable in principle and is considered by officers to meet the requirements of policy WIN4 and the SPD.

The principle of development is therefore established.

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 considered to be required.

Impact on character and appearance of area

The existing area is characterised by a mixture of buildings and uses. The majority of buildings, including the application site, are of a post-war era however as expected within the historic core of the city there are buildings of heritage importance spread across the area.

Tanner Street, Silver Hill and Middle Brook Street contain a variety of building heights however there is a strong commercial dominance to the area including retail, professional services and service areas.

Kings Walk itself is a dominant building in the area which is highly visible. The introduction of the lighting to the central courtyard is not visible from the exterior of the building (other than minor glimpses through the entrance routes). The lighting does, however, enhance the opportunities to use the internal courtyard for public purposes which supports the character of the area.

The two wall-mounted façade lights on Middle Brook Street are discreet and do not harm the character of the area.

The arcade and Kings Walk entrance feature lights (on Middle Brook Street and Tanner Street) are attractive features which welcome and advertise the area as a safe public space. Their introduction does not harm the character of the area.

The change of use of the events space results in a use which is expected in this area.

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The events space will contribute to the existing mixture of uses in the area and can take place without adverse harm on the character of the area.

Due to the screened nature of the proposals within existing built form, there is no harm to the wider views of the area and the characteristic roofscape of Winchester is not harmed in compliance with policy WIN3 of the LPP2.

The site forms part of the Winchester Conservation Area which is assessed in detail later in the report.

Based upon the above assessment it is considered that the proposed development will not result in significant additional adverse impact upon the character and appearance of the existing building and surrounding area.

The proposal is therefore considered by officers to comply with policies DM15 and DM16 of the Winchester District Local Plan Part 2, the Central Winchester Regeneration SPD and the High Quality Places SPD.

Development affecting the South Downs National Park

The South Downs National Park is located to the north, to the opposite side of the city.

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.

Due to the intervening distance and features, the proposal does not harm the statutory purposes of the National Park and also, as it sits amongst an existing built settlement, does not harm the Dark Skies Reserve status of the Park.

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

Taking account of the Park's purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote understanding of its special qualities, the development has a neutral impact and does not therefore adversely conflict with the statutory purposes of the SDNP designation

Historic Environment

The development sits in the historic core of the city and there are listed buildings in the vicinity.

The application site is within the Winchester Conservation Area and surrounds the Antiques Market, a non-designated heritage asset.

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The following legislation and policies are taken into account in the assessment and determination of this planning and listed building application:

Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990; Policy DM29 & DM30 of the Winchester District Local 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 (Section 72 of the Planning (Listed Building and Conservation Areas) 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.

The preservation of a non-designated heritage asset (Policies DM29 & DM32 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16).

The preservation or enhancement of shopfronts and signage (Policies DM33 & DM34 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; Winchester City Council *Design Guidance for the Control of Shopfronts & Signs (1998)*, NPPF (2021) Section 16).

Guidance

The consideration and assessment of due regard is required in relation to the relevant legislation and guidance.

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. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building, 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 advises 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 WDLPP1 and Policy DM29 of WDLPP2 ensure that development preserves and enhances heritage assets and their settings.

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130, 131 and 133 High Street (Grade II) are located on the High Street and are separated from the proposal site by intervening buildings. The proposal does not harm the feature or its setting.

154 – 159 High Street (Grade II) are also located on the High Street. Number 154 is at the opposite end of Cross Keys Passage so is in closer proximity to the proposal. The lighting and use of the events space does not harm the setting of the listed building which already sits within a mixed use urban environment.

St Johns Chapel (Grade I) and St Johns North (Grade II) are located to the opposite side of the bus station. Due to this intervening distance the proposals do not read within the same setting and adverse harm is not identified.

It is considered that the proposal will result in less than substantial harm to the significance of the setting and historic interest of the listed buildings in accordance with the duties set out in Section 16 para 199 of the NPPF (2021), Section 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.

Paragraph 200 (NPPF) 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), requires clear and convincing justification. In this case adverse impact is avoided due to the separating distances and intervening features as discussed above. There are a number of public benefits to the scheme including improving the public experience of this area and enhancing the setting of the Antiques Market, a non-designated heritage asset. It is therefore considered that the public benefits of the proposal sufficiently outweigh any harm to the setting of the listed buildings.

The site is within the 'Walled Town' character area of the Winchester City Conservation Area.

Kings Walk is a mid 20th Century commercial development. The architectural form and design of Kings Walk is characteristic of its age, and has a largely negative relationship with its surroundings. This negative relationship is exemplified by the way in which Kings Walk has largely engulfed the Antiques Market, an important non-designated heritage asset, dating to the early 19th Century. Kings Walk diminishes an ability to appreciate the significance of the Antiques Market.

In terms of the change of use for the events space, the area is already characterised by a mixture of uses expected in an urban environment and this use complements that.

Equally, the lighting within the entrance areas, on Middle Brook Street and within the arcade area are attractive features which do not harm the character of the Conservation Area.

The lighting within the courtyard is well-designed and enhances the public interaction in the area, supporting its mixed use vibrancy. The lighting does not result in adverse harm to the character of the conservation area.

It is considered that the proposal will preserve the character or appearance of the conservation area in accordance (Section 72 of the Planning (Listed Building and
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Conservation Areas) Act 1990; and preserve or enhance the character and historic interest of the Conservation Area in accordance with Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

The Antique Market (The Nutshell) is a non-designated heritage asset. Policy DM31 of the LPP2 notes that the building's status is a material consideration. Any damaging alteration will be permitted only where it can be demonstrated that a less damaging alteration is not feasible or is overwhelmingly in the interests of the locality. Building recording is also a requirement.

The proposed suspended lighting within the courtyard between the Antiques Market and Kings Walk would have both direct and indirect impacts on the significance of the non-designated heritage asset, through the fixings to into the wall of the Market building, and the change to the immediate setting of the building.

The direct physical impacts of the fixings could result in harm to the non-designated heritage asset, due to the potential damage to the fabric of the building and change to its appearance. The attachments form part of a wider project and result in the courtyard, a key public area both for Kings Walk and the Antiques Market, being upgraded to an attractive public space. This, in turn, improves the setting of the Antiques Market. Alternative lighting would involve the introduction of lighting poles which both detract from the space and may have archaeological implications. In addition, condition 3 is included to obtain technical details of the connections to ensure long-term damage is not caused, this will be assessed by the Planning Authority and its specialist Historic Environment officers prior to works taking place on this aspect.

The indirect impacts on the non-designated heritage asset, through the way in which this proposal would influence perceptions of the building and its heritage significance would be positive, due to the greater public engagement with this building which is likely to result from the scheme.

Other non-designated heritage assets in the area including Woolstaplers Hall and properties on the High Street are a sufficient distance from the site and an adverse impact is not found.

Recording of the building and any alterations made is secured by condition 4.

As a result, adverse harm to the building and its setting is not identified and the proposal is considered by officers to comply with policy DM31 of the Local Plan Part 2.

Neighbouring amenity

The application site is located within the centre of the town, surrounded by multiple uses.

The lighting arrangements are as expected within an urban environment and do not cause adverse harm to surrounding occupants and users.

The events space does introduce an active use into a part of the building. Concerns have been raised regarding the potential noise impact from users and activities within this space.

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This is largely concerning the surrounding commercial uses including offices, professional services and health facilities. Whilst it is acknowledged the proposal will introduce a more evident noise source into the surroundings, this sits as part of an existing dense urban environment with a variety of uses and the level of additional noise experienced would be as expected for a city centre environment. In addition, the applicant proposes restricting the hours of operation to between 07:00 and 00:00 which is secured by condition 5. Statutory noise nuisances can be investigated using separate legislation to Planning should the need arise.

There are residential properties in the area, namely at Coitbury House, Godson House, St John's Almshouses and properties on the High Street. In all cases, there is sufficient distance to prevent an adverse conflict between residential uses and the event space the aforementioned condition assists further.

As a result, the proposal does not result in adverse impact to neighbouring amenity and is considered by officers to comply with policy DM17 of the LPP2.

Sustainable Transport

The proposal will have minimal impact on highway safety/amenity/traffic generation/air quality/sustainable travel/parking ratio/standards/ because the existing arrangements are not being altered. The site continues to be close to existing public car parking, in a sustainable walking location and cycle provision continues to be provided in the local area.

The proposal is therefore considered by officers to comply with policy DM18 of the LPP2.

Ecology and Biodiversity

The proposal will have no impact as it is not development within, bordering or in close proximity to a Nationally Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is not overnight accommodation affecting Nitrates.

Whilst a tributary of the River Itchen SSSI sits to the east, this is a significant distance from the proposal and the uses proposed would not result in significant risk to this feature.

Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Whilst lighting is introduced, this sits as part of an existing urban environment and the additional light is not considered to harm habitats or species as a result. The works are not extensive so as to raise concern on impacts of surrounding habitats or species.

The proposal is therefore considered by officers to comply with policy CP16 in this regard.

Appropriate Assessment.

The application does not involve overnight accommodation and as a result does not require mitigation for nitrate and phosphate impact.

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A significant risk to a Nationally Protected Site is not identified and an Appropriate Assessment is not required.

Sustainable Drainage

The existing buildings remains as it stands and the surface water arrangements therefore remain unchanged. The proposal would not result in an increase to surface water.

Regarding foul connections, the current situation is not altered and there are no changes to foul drainage from the site.

The application site does sit within Flood Zone 1 and Flood Zone 2. As a result, a Flood Risk Statement was submitted which confirm no physical alterations are being made to the building to increase the risk of flooding in the area. Whilst the event space introduces another use, this is associated with the existing mixed use of the building and future occupants are not at risk from adverse flood impacts.

The Environment Agency have been consulted and raised no objection in this regard.

The proposal is therefore considered by officers to comply with policy CP17 of the LPP1 and DM17 of the LPP2.

Other Topics

Sustainability

The City Council declared a climate emergency in June 2021. The proposal utilises an existing building and seeks to improve its environs as part of a meanwhile use, as supported by the CWR SPD.

Whilst additional lighting is proposed, the applicant confirms the majority of the lighting for the scheme will reuse the existing cable infrastructure. All new lighting will meet British Standards and CIE recommendation and it is proposed to replace old fluorescent and sodium pressure lighting with new energy efficient LED lighting.

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

Based upon the above assessment of the material considerations, it is not considered that the proposed development will result in adverse impact upon the character and appearance of the existing building and surrounding area, conservation area, neighbouring
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amenity, sustainable transport, ecology/biodiversity and drainage. The proposal has been assessed against the requirements of the Development Plan and the Central Winchester Regeneration SPD.

The proposed development is therefore considered to comply with the policies of the Development Plan and material planning reasons do not indicate an alternative approach should be taken.

Recommendation

Application approved subject to the following conditions:

Conditions

1. 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).

2. The development hereby approved must be completed in accordance with the following:

- Ground Floor Lighting Layout – General Lighting [drawing 1 Rev A]
- Lighting Assessment received 27.07.2022
- Lighting detail – suspended luminaires in courtyard [drawing 4 Rev B]
- Location Plan received 27.07.2022
- Proposed Elevation – Arcade [drawing 21005A-DWG-00-307-B]
- Proposed Plan – Loading Bay [drawing 21005A-DWG-010-B]
- Proposed Plan and Elevations – Courtyard Cables [drawing 21005A-DWG-90-010-B]
- Proposed Reflected Ceiling Plan – Terraces, Arcade and Loading Bay [drawing 21005A-DWG-002-B]
- Proposed Section EE – Loading Bay [drawing 21005A-DWG-210-B]
- Proposed Section FF – Loading Bay [drawing 21005A-DWG-00-211-B]
- Proposed Site Plan [drawing 21005A-DWG-007-B]
- Section AA: Lighting Layout – General Layout [drawing 2 Rev A]

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

3. Prior to the installation of the lighting above the courtyard area, or any attachment to the Antiques Market ('The Nutshell'), detailed plans showing the fixtures used to connect the lighting cables to the fabric of the building must be submitted to and approved in writing by the Local Planning Authority.

Development must then continue in accordance with the approved details.

Reason: The Antiques Market is a non-designated heritage asset and the Local Planning Authority wishes to ensure long-term significant damage is not caused to the building.

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4. Prior to the commencement of development, a Building Record Statement must be submitted to and approved in writing by the Local Planning Authority.

The Statement must include clear images of the Antiques Market in its current position and the surrounding courtyard. The Statement must be kept as a record of the building prior to works.

Development may commence upon approval of the Statement by the Local Planning Authority.

Reason: The Antiques Market is a non-designated heritage asset and a record of the development of the building is required under policy DM31 of the Local Plan Part 2.

5. The 'events space' (Tanner Street) hereby approved must only be occupied and used within the following times:

Monday to Saturday – 07:00 and 00:00
Sunday and Public Bank Holidays – 07:00 and 21:00

Reason: To protect surrounding neighbouring amenity.

6. The lighting hereby approved must only be used between the hours of 07:00 and 00:00

Reason: To comply with the submitted lighting assessment and to prevent wasted electricity as the area is lit by other means beyond this time.

Informatives:

1. In accordance with the NPPF, 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:-

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

Policy DS1 – Development Strategy and Principles

Policy WT1 – Development Strategy for Winchester Town

Policy MTRA1 – Development Strategy Market Towns and Rural Areas

Policy MTRA2 – Market Towns and Larger Villages

Policy CP8 – Economic Growth and Diversification

Policy CP9 – Retention of Employment Land and Premises

Policy CP13 – High Quality Design

Policy CP16 – Biodiversity

Policy CP17 – Flooding, Flood Risk and the Water Environment

Policy CP19 – South Downs National Park

Policy CP20 – Heritage and Landscape Character

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

Policy WIN1 – Winchester Town
Policy WIN2 – Town Centre
Policy WIN3 – Views & Roofscape
Policy WIN4 – Silver Hill Mixed Use Site
Policy DM1 – Location of new development
Policy DM7 – Town, District and Local Centres
Policy DM8 – Primary Shopping Frontage
Policy DM9 – Secondary Shopping Frontage
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM20 – Development and Noise
Policy DM26 - Archaeology
Policy DM27 – Development in Conservation Areas
Policy DM29 – Heritage Assets
Policy DM31 – Locally Listed Heritage Assets

High Quality Places SPD

Central Winchester Regeneration SPD

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. Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the Business and Planning Bill 2019-21 <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions. <https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

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.

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

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

6. Any modifications to the approved drawings, whether for Building Control or any other reason, or any departure on site from what is shown, may constitute a criminal offence under Section 7 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The applicant is required to draw this and other conditions on the Consent to the attention of any contractors or sub-contractors working on site and furnish them with a copy of the consent and approved drawings.