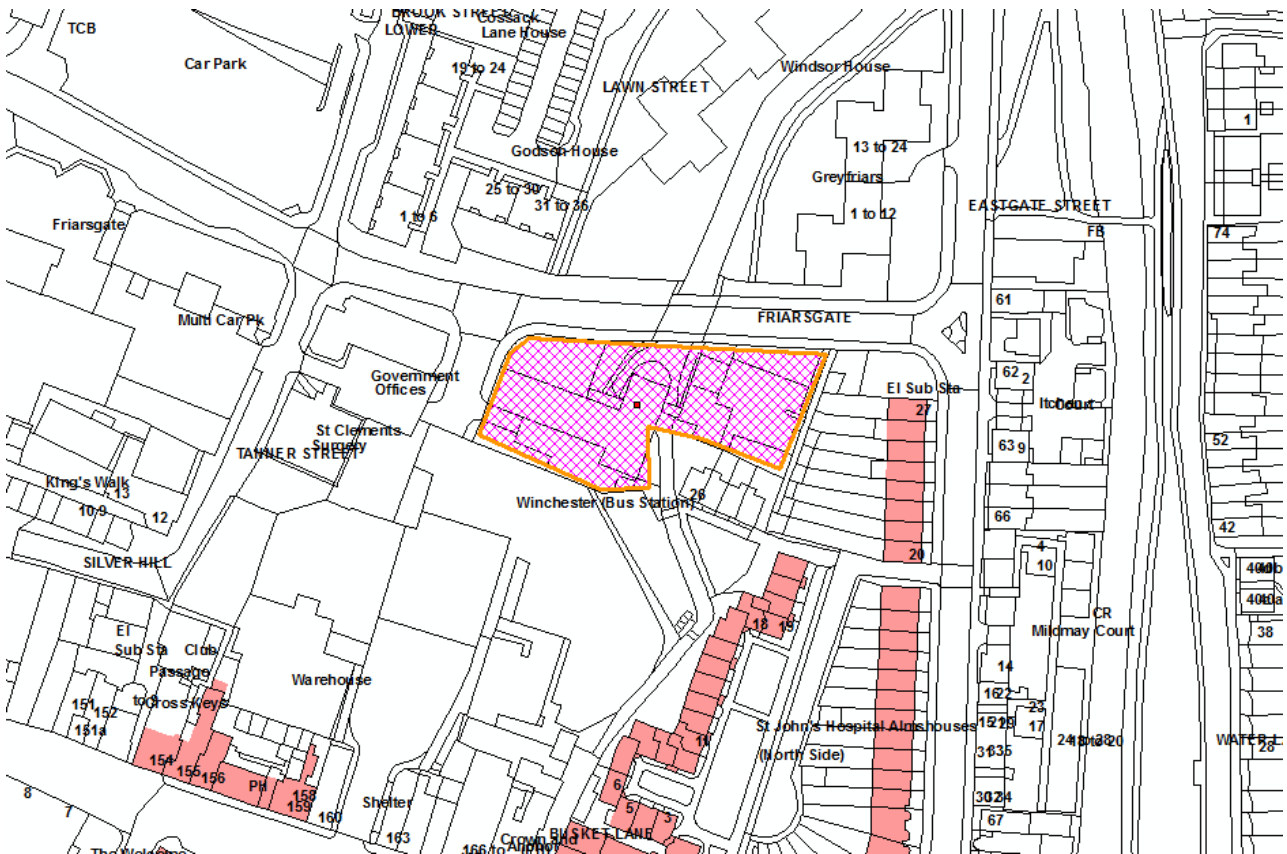


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 22/01882/FUL  
**Proposal Description:** (AMENDED DESCRIPTION; AMENDED PLANS AND DOCUMENTS)  
Demolition of the derelict Friarsgate Medical Centre and installation of an interim public realm with archaeological interest, with modular street furniture installations and associated development to be used as a 'meanwhile use' development in Friarsgate, Winchester.  
**Address:** The Medical Centre, Friarsgate, Winchester, Hampshire,  
**Parish, or Ward if within Winchester City:** St Michael  
**Applicants Name:** Mr Dan Lowe (Winchester City Council)  
**Case Officer:** Robert Green  
**Date Valid:** 11 August 2022  
**Recommendation:** Approve  
**Pre Application Advice** Yes

**Link to Planning Documents**

[Link to page – enter in reference number 22/01882/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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Case No: 22/01882/FUL

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**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 surrounding Conservation Area and the proposal would not harm neighbouring residential amenity.

Taking account of heritage matters including listed buildings and archaeology, alongside environmental considerations including proximity to a waterway which leads to the River Itchen SAC and SSSI, 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 2 objection comments have 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**

Amended plans and documents were received by the Local Planning Authority and a further publicity period was undertaken to advertise the amendments.

The amendments revised the public space and also introduced an area of archaeological investigation which is to be used for educational and public events, space has been created to host temporary exhibitions related to the archaeological space or public events.

**Site Description**

The application site is 0.24 hectares and is located with the centre of Winchester in the Winchester Conservation Area.

Presently, the site contains a large building which is separated into two distinct blocks and connected by a footbridge over the river. The building is not in use and hoardings have been constructed surrounding the site (as approved by 19/00174/AVC).

The site contains a parking area on the eastern section and an area of grass to the north which borders the Friarsgate road.

The waterbody which runs through the centre of the site travels from Winnall Moors to the north via the Durgate sluice. The route then traverses through the city centre before moving underground at Busket Lane and reappearing within Abbey Gardens before passing Winchester College and then re-joining the main Itchen channel to the south of the city. This part of the water route does not form part of the official River Itchen Special Area of Conservation (SAC) or Site of Special Scientific Interest (SSSI), but does lead to areas which are designated.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

To the south, there are a number of outbuildings which sit tight to the boundary, and the Winchester Bus Station is to the rear.

The character of the area is urban, being within the centre of the city and on a key part of the one-way road system. There is a mixture of built form, including buildings of post-war development. There are key historic buildings too, including St Johns North (Grade II), 1 – 27 Eastgate Street (Grade II) and St John's Chapel (Grade I).

The site forms part of the Central Winchester Regeneration Area.

## Proposal

The proposal is to demolish the Friarsgate Medical Centre building and construct an interim area of public use including open space, seating, event space and an area dedicated to archaeological investigation. There is also space within the site to host educational events related to the archaeological area.

As the size of the building exceeds 115 cubic metres, planning permission is required for the demolition of the building under section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## Relevant Planning History

- 16/02525/FUL - Change of use from former medical centre to offices (B1) – Approved 22.12.2016
- 17/00295/FUL - Removal of Condition 3 from application 16/02525/FUL (Change of use from former medical centre to offices (B1)) which stated that the building shall be used only for purposes within Class B1 (Offices) – Approved 06.04.2017
- 19/00174/AVC - Hoardings and window stickers/posters surrounding the Friarsgate Medical Centre building – Approved 14.03.2019

## Consultations

### Consultee:

*Comments on amended plans provided in italics.*

### Service Lead – Built Environment (Archaeology)

- No objection subject to conditions.
- Majority of groundworks are very shallow and entail no archaeological implications.
- In several areas there may be implications including where demolition or removal of the floor slab is proposed, land grading and tree pits. These works are quite shallow and are not considered to be of significant concern and appropriate mitigation can be secured by condition.
- The submitted demolition statement minimises potential impacts through vibration.
  
- *No objection subject to conditions. (Conditions 6,12 – 16)*
- *Certain areas of the development may impact on remains and Written Scheme of Investigation conditions recommended for works.*

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- *Further condition requested to cover the Archaeological dig site including details of the events and educational opportunity.*

Service Lead – Built Environment (Historic Environment)

- No concerns with the principle of demolishing the building.
- Recommend changes are made to soften the existing rear brick walls to the south-eastern corner with taller treatment.
- Encourage a consistent approach to boundary treatments is used.
- Requests further detail on lighting proposed.
- A management plan will be required for 5 years including an annual schedule of works. (condition 11).
- Welcome the presence of trees, further tree planting would assist.
- Species of trees need to be carefully maintained to maximise lifespan.
- The use and management of the south-eastern space needs to be considered.
- Demolition opens up views across the site and city.
- Heritage Statement does not demonstrate Historic England guidance has been followed in creation of the document.
- Historic Environment and Landscape look forward to the long-term development of the site.

Service Lead – Community and Wellbeing (Ecology)

- *The Ecological Impact Assessment, Biodiversity Net Gain Report, HRA reports were updated on 13 April 2023. The development is considered to result in a 23.8% net gain in habitat units for the short lifespan of the proposal. On-site River Itchen channels and culvert are now included in the BNG metric which has been updated to the latest version (4.0). No creation or enhancement is proposed to the river units for this 'meanwhile use' proposal, however future applications should pursue the opportunity to enhance the river for biodiversity.*
- *The 14/4/23 DiaLux report shows that the river (CG3 & CG7) will be not be illuminated by more than 1lux and the majority will be 0.1lux. The proposed lighting is therefore considered to be appropriate and in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals.*
- *The locations of the mitigation and enhancement features (bat boxes & bird boxes) remains unknown. This should be secured through conditioning a Biodiversity mitigation and Enhancement Plan (BMEP) (condition 7). A CEMP and management plan should also be secured through a condition (condition 8).*

Service Lead – Public Protection (Environmental Health)

- No objection subject to conditions including a Construction Management Plan and unexpected contamination (condition 8).
- *Addition of a stage and area for event vehicles is noted and a condition is recommended to control the hours of use in this area (condition 18).*

Service Lead – Special Maintenance (Drainage)

- No objection.
- Flood Risk Assessment is satisfactory. Proposal is a water-compatible development above the designed floor level.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- Location is suitable for infiltration SuDS and permeable surfaces should be used wherever possible.
- No foul water considerations.
- *The revised proposal is a water-compatible temporary development above the anticipated flood level without increasing the impermeable area.*
- *No objection provided the proposal is constructed in line with the submitted Flood Risk Assessment (condition 3).*

Hampshire County Council (Highway Authority)

- No objection
- *The amendments outlined do not change the position of the Highway Authority*

Hampshire County Council (Flood Authority)

- The site is located over a main tributary of the River Itchen.
- There will be no change in impermeable area or how the existing site drains as the built footprint is being retained as hard-standing.
- *The revised proposals are not changing the amount of impermeable area or the way the site is drained.*
- *No objections*

Natural England

- No objection subject to conditions.
- The watercourse connects to the Itchen SAC and SSSI and there is potential to impact the designated sites during demolition, construction and operational phases due to poor water quality and surface water run-off.
- An appropriate assessment is required (completed).
- Natural England recommends a Construction Environmental Management Plan is requested by condition (condition 8)
- Surface water drainage should also be considered within the Appropriate Assessment. Drainage plans should be conditioned (condition 9).
- *Advice provided in previous comments equally applies to this amendment.*
- *The amendments are unlikely to have significantly different impact on the natural environment than the original proposal.*
- *Natural England agrees with conclusions outlined in Appropriate Assessment.*

Environment Agency

- No objection.
- Applicant is reminded works may require a permit from the Environment Agency.
- *Same comment provided*

Historic England

- No objection.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- The building is of minimal historical or architectural interest and its current derelict state detracts from the significance of the Conservation Area. No objection to its removal.
- Central Winchester is highly important archaeologically and impact must be carefully considered. Deferred to City Archaeologist for guidance.
- *Do not wish to add any further comments*

**Representations:**

City of Winchester Trust

- Objection.
- Considerable concern about what is defined as a 'meanwhile use'
- It has been suggested that the building could be repurposed as residential accommodation though that has not been investigated.
- The proposal does not comply with policy DM28 as it is temporary in nature.
- The meanwhile use would not enhance or reveal the regeneration area.
  
- *Not a meanwhile use identified in the SPD*
- *Proposal does not comply with policy DM28 – building is similar to others in the area, no condition survey supplied, proposed interim use could last for many years*
- *Maintains previous objection*
- *Trust does not wish to retain the building in the final regeneration scheme. Support for demolition will not be supplied until replacement development enhances the area.*
- *Difficulty in understanding how coherent the scheme will look visually, range of hoardings, fences and railings.*
- *Context of the area is exposed to busy roadways.*
- *Activity in eastern end may not be neighbourly*
- *Questions whether effort and investment is worthwhile.*

1 Objecting Representation received citing the following material planning reasons:

- Great to see something happening but knocking it down and replacing it with street furniture is avoiding the underlying issue.
- Site would be perfect for high quality residential flats.
- Allocation is for residential so it would be straightforward to submit a planning application without compromising what may happen on the rest of the site. A landmark building on this prominent corner would be required.
  
- *No comment received during second consultation*

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

- Broadly in favour of demolition and creation of open space.
- There are some areas of concern including provision of wheelie bin storage with no provision on plans, concerns over potential for anti-social behaviour – would not want this to spill-over into properties rear alleyway.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- Support retention of existing boundary wall, this should be repointed by the applicant.

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

- *Remain fully supportive of plan to create an open space as the building is in a derelict state.*
- *Queries raised including strengthening of boundary wall, provision of a bin store, unwanted visitors to rear alleyway behind properties, will CCTV be provided?*
- *Existing site has attracted groups – how will applicant monitor this public space?*
- *Area for entertainment is appealing but may introduce rubbish and need for toilet facilities – concern over use of alleyway.*
- *Welcome the ambition and civic-mindedness. Needs to be better than Basket Yard.*
- *Hoardings along eastern boundary are higher than existing wall, privacy is appreciated however colour facing residents should be a neutral colour.*
- *Neutral hoardings may attract graffiti*
- *Events should take account of proximity to almshouses*

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

### National Planning Policy Framework

- 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 15 Conserving and enhancing the natural environment
- 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

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Relevant Local Development Plan Policy and Guidance

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

- 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 CP10 - Transport
- 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 DM15 – Local Distinctiveness
- Policy DM16 – Site Design Criteria
- Policy DM17 – Site Development Principles
- Policy DM18 – Access and Parking
- Policy DM19 – Development and Pollution
- Policy DM20 – Development and Noise
- Policy DM21 – Contaminated Land
- Policy DM26 - Archaeology
- Policy DM27 – Development in Conservation Areas
- Policy DM28 – Demolition 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



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

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.

The application is located within the Town Centre. Policy DM7 of the LPP2 supports a variety of uses in this area including arts and culture. As the development provides a public space for interaction it is considered as an appropriate use within this area and one which supports the mixture of uses expected within a town centre environment. The proposal acknowledges the requirement to introduce a meaningful replacement use following the demolition of the medical building in respect of the sensitive historic environment of the town centre in compliance with policies WIN1 and WIN2 of the LPP2.

The application involves the demolition of a large un-used building. Policy DM28 of the LPP2 applies to *Demolition in a Conservation Area*. This policy is assessed within the Historic Environment section of this report.

Whilst it is acknowledged that a number of documents refer to the public space as a 'meanwhile use', in this instance it is not possible for the Local Planning Authority to control the timeframe of this use (as the original building cannot be reconstructed and an application for subsequent development cannot be required from the current owner/occupier at the end of a temporary period).

As a result this assessment, including the review against regeneration policies, has assessed the public space as a permanent feature to ensure that, in the unlikely event alternative development is not forthcoming, the end result does not harm the conservation area and the surrounding character. This has formed the basis of the assessment but is not an expected scenario.

In addition, the proposal has been assessed to ensure that it does not limit the future potential of redevelopment of the site.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

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 aim of the policy across the entire regeneration area is to provide an appropriate mix of uses. The proposed use of the site as a public space complements the mixture of uses found within the town centre and is a use expected to be seen within the built environment to allow community gatherings and educational experiences.

ii. The proposals have utilised the constraints of the site effectively and introduce seating, landscaping and areas of community involvement to the site which results in a high quality design response.

iii. The proposal results in the opening up of this part of the Conservation Area to allow views across the regeneration site to historic features, including St Johns Chapel, Guildhall and Winchester Cathedral. The proposals respect the historic context of the city.

iv. The proposal is to demolish an un-used building and use the space for a public function which enhances the local public realm.

v. pedestrian and cycle access has been designed in to the scheme following pre-application discussions with relevant groups and is an accessible public space.

vi. The proposal introduces further trees and planting into an urban space and provides a high quality landscape framework.

vii. The proposal does not interfere with the existing or planned alterations to bus routes and does not impact upon local parking provision.

viii. Archaeology and the method of demolition has been considered and no adverse harm is found alongside appropriate monitoring.

ix. A Flood Risk Statement has been submitted which demonstrates there is no adverse harm.

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 provides a public space expected within a town centre location and sits alongside other uses 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.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Objective 2 – The proposal allows the removal of a building which does not contribute positively to the character of the area and does not represent the expected distinctiveness of Winchester. Public realm is improved which, alongside the Busket Yard space, develops a public realm to allow community use for gatherings and festivals to support *Winchesterness*.

Objectives 3 & 4 – The general enhancement of the area improves the public realm and begins to reintroduce water features into the public realm which is a key regeneration aspiration. The demolition and introduction of the public realm 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. Cycling and walking access is catered for.

Objective 6 – The SPD notes that '*the creative use of land and buildings for meanwhile opportunities is promoted*' and this proposal represents that opportunity. The proposal does not limit the potential of the wider regeneration area nor 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 public realm in this part of the site without limiting future development opportunities. Future applications and the wider regeneration scheme will have a focus on *housing for all*.

Objective 8 – Consultation has been undertaken by the applicant prior to submission of the application and the Planning Authority has conducted its statutory duties, 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 acknowledges the proximity of water in the area and introduces vegetation and greenery to the site. A Flood Risk Assessment has been conducted.

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 *Public Realm Framework* of the SPD highlights this area as a mixture of buildings and movement spaces. A key future plan for this area is Riverside Walk which is a shared surface and opened waterway, connecting to various passages and other routes across the regeneration site. By introducing a public space with a clear direction through Busket Yard, along the waterway and onto the Broadway, the proposal delivers this expectation in the interim and equally does not limit the future potential of development to achieve this aim further. The *Planning and Urban Design Framework* for this area sees further built form development in this area and the proposals do not prevent this future opportunity.

The SPD sees this corner site as a pedestrian movement space for the future regeneration and this is also achieved by the proposal.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

In terms of uses, the SPD notes this area should be a mixed use including commercial and residential, with some area of green space. Whilst it is acknowledged the proposal does not provide most of these uses due to the nature of the scheme, it does provide a public space which is of benefit to the wider town centre and introduces green features as expected. The proposal achieves this without limiting the future mixed use development of this area in the future.

Archaeology is a key consideration of the SPD and this is assessed later in this report.

As a key sustainability measure, the proposal maintains an area of natural space alongside the waterway in the town centre and increases vegetation within the CWR area as expected by the SPD.

The SPD also notes that meanwhile uses are required to ensure the momentum for the regeneration process is maintained through visible changes which signal the beginnings of the mixed use quarter and meanwhile uses and interim public realm improvements are encouraged and supported by the SPD (paragraph 3.12.2). Whilst the Friarsgate site is not listed within the SPD, the list provided there is not exhaustive and the application site is considered to provide a public realm improvement in accordance with the SPD.

When in use, the building fell under Use Class D1 (Non-Residential Institutions including medical). It is acknowledged that the amendments to Use Classes in September 2020 removed this use and merged it with Class E (Commercial, Business and Service) which would allow the existing building to be used for other purposes including offices, retail and nurseries amongst others. Whilst policy CP9 of the LPP1 was written prior to the Use Classes being updated, it seeks to prevent the unjustified loss of employment premises. The policy sets out examples of justification.

In this instance, it is first acknowledged that the site has clearly been designated for regeneration which is supported both by allocations and an adopted supplementary planning document. The principle of losing this building and its use is accepted as it is a benefit to regenerate the wider area. It is therefore not justified to seek to retain the building for employment uses given future regeneration plans; particularly as the SPD allocates this area for residential and mixed uses in the future.

In addition, the building has been vacant for 7 years and it is considered that it would require substantial intervention to bring the building to useable standards. Its demolition, and the proposed replacement use which has a key public benefit, is considered to outweigh the benefits of retaining the existing use which, in any case, is not being actively pursued at this time.

Comments have been raised suggesting that this area is more suitable for redevelopment for residential use, or that the existing building is converted for other purposes. Whilst those comments are acknowledged, the proposed development has been found acceptable in planning terms and does not prevent the future opportunity of residential development on the site as part of regeneration plans.

It is therefore not considered reasonable to retain the building for employment uses and its demolition is justified. The proposal is considered by officers to comply with policy CP9 of the LPP1.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Therefore, the proposal is acceptable in principle and is considered by officers to meet the requirements of policy WIN4 and the SPD. The proposal does not limit the future potential of the wider area to be regenerated in line with expectations.

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 character of the area is varied and is formed mostly by the mixture of uses and building types. It is clear that the site is within a town centre. More recently, the character of the area has been altered by the opening of the Busket Yard space which has hosted planned events such as festivals and one-off events such as an open-air cinema.

The FGMC building is a prominent visual part of the area. It is not of strong architectural or historic character and does not contribute positively to the character of the area. Its removal and replacement with an alternative use does not adversely harm the character of the area.

The proposed public space continues to use the floorplate of the existing building and introduces features, areas of planting and seating and level areas for food/drink provision. An area of hoardings is retained in order to provide public security and prevent access to the archaeological investigation area.

Starting in the west of the site, this area contains the archaeological dig site which by its nature requires security to prevent unauthorised access and for safety reasons. As a result, the existing hoardings which surround the site will be repositioned to safely enclose this area. Viewing windows will be cut into the hoardings to allow views into the archaeological dig site and the elevations will form part of an artistic mural piece. Condition 19 is included to ensure that these improvement works are completed within an appropriate timeframe so the hoardings are not left blank. This area also includes an area designated for temporary artistic pieces, the details of which are secured by condition 20. Whilst it is acknowledged that the hoardings would be a prominent feature within the area, they are providing a functional purpose and the inclusion of the viewing windows and opportunities for art installations ensures the proposals would not adversely harm the character of the area. The hoardings are also easily removed allowing the applicant to propose further development in the archaeological space (such as integration with the neighbouring public space) in the unlikely event that regeneration of the area does not occur.

Also within the western area, there is a designated area for seating which includes planters, a pergola and also space for a coffee/food van. This is surrounded by an area of wildflower seeding and will be an active area within the scheme.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The central area is the most prominent in the site. This contains a planting area with each section representing the individual wards of the Winchester District and an area for art installations. Planting is also introduced to create a Physic Garden. This area overlooks both wildflower planting areas and the waterways and painting is included on the floor to highlight the presence of the waterway beneath the site. Whilst there is no seating in this area it forms an area of public open space and would allow appreciation of the waterways and nature.

The eastern area contains wildflower areas along the roadway alongside the installation of natural logs and planters to prevent unauthorised vehicle access. This area does contain a larger amount of hardstanding in the form of aggregate however as the dedicated event space this is expected.

This area contains space dedicated for visiting educational / event vehicles connected with the archaeological dig site and columns are retained as feature pieces. A modular platform is also included for any events. Hoarding is proposed along the boundaries of this area at a height of 2m. Submitted drawings show this along the southern and entire eastern boundary which is considered excessive. Condition 5 is therefore included to ensure that the hoarding does not extend beyond the existing neighbouring wall to prevent it protruding into public view from the roadway.

Condition 19 is also included to obtain details of how the hoarding would be decorated to ensure the feature does not remain blank.

Whilst it is acknowledged this area will not be used for events/educational purposes all of the time, areas of hardstanding to allow for events are common features within town centres and from the public realm a wildflower buffer has been introduced which softens the appearance of this area. In addition, the hoarding murals will add a feature piece to this area and the level of hardstanding is not considered to adversely harm the character of the area.

A variety of fencing is proposed across the site. The use of hoardings has been assessed above.

The remainder of the site either uses existing railings (to prevent access to the waterway) or introduces timber fencing with posts and rails. This is a small scale treatment which is necessary to prevent access into plant and water areas. The treatment continues to allow views through and is not used excessively across the site. The boundary treatment does not adversely harm the character of the area.

When combined, the resulting space taken as a whole provides areas of public space both for general use and for dedicated events such as archaeological education. The space opens up the important waterways and provides seating and planting areas for use by the general public.

There are a number of alterations to existing boundary treatment being made, including the reduction in height in some areas of wall (such as the southern boundary with St Johns North). The reduction in wall height is to match surrounding examples and does not adversely harm the character of the area.

Whilst the demolition of FGMC will result in a visible gap in development, the proposed public space and archaeological investigation area is considered to be an appropriate replacement which supports the varied town centre character of the area.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The proposal does not adversely harm the character and appearance of the area and is in compliance with policies DM15 and DM16 of the Local Plan Part 2.

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

The application site is located 200 metres to the south of the South Downs National Park boundary.

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.

There are a number of intervening buildings and features between the Park and the application site. In addition, due to the scale of the proposal, the site is not visible from within the Park.

In conclusion therefore it is considered that the development will not affect any land within the National Park and does not affect its statutory purposes and the proposal is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

### **Historic Environment**

The development is within the Winchester Conservation Area and there are a number of listed buildings surrounding the site.

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

#### **Relevant Legislation, Policy and Guidance**

- 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 Buildings 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.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- 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).

Within the assessment of this application 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 a 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 listed 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.

The four step approach to proportionate decision taking set out in the Historic England Good Practice Advice in Planning Note No 3. (2<sup>nd</sup> edition) December 2017 is considered by officers to be an appropriate way of examining the impact on heritage assets. This approach recommends the following steps:

1. Identify the heritage asset that would be affected
2. Assess the value of setting
3. Assess the degree of impact
4. Explore ways to maximise enhancement and avoid or minimise harm

The surrounding listed buildings are now assessed individually using this method.

20 – 27 Eastgate are Grade II listed dwellings. They sit to the east of the application site and are formed of a terrace of 8 houses constructed in 1849. The rear gardens of 23-27 border the site. The existing brick wall between the sites is to be retained.

Due to the separation distance of the gardens, physical harm to the buildings themselves would not occur.

The setting of the listed buildings is formed by an urban environment with a combination of historic and modern built form surrounding the building. The buildings are located on a busy road junction which forms part of their setting and whilst largely addressing Eastgate Street, the rear of the properties is largely blocked by the existing building on the site.



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The application site forms part of the setting of the buildings by reason of their proximity and the proposal site is read in context with the listed building from multiple viewpoints as part of the surrounding urban environment.

The demolition of the Medical Centre building does not harm the setting of the listed buildings. Whilst its removal will be a visible change, the building does not create a positive feature in the listed building's setting. In addition, the FGMC building is set to the rear of the properties and due to its low height and lack of positive architectural contribution there is no adverse impact to the setting of the listed buildings as a consequence of its removal.

Due to the proximity of the development within the setting of the listed buildings, 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 (20 – 27 Eastgate) in accordance with the requirements set out in Section 16 para 199 of the NPPF (2021), the statutory duty in 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.

This is by virtue of the proximity of the development to the listed building and an evident change with their setting, caused by both the redevelopment of the site and its use for more intensive public engagements.

As less than substantial harm is identified, the guidance set out in paragraph 202 of the NPPF is engaged, which states:

*“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”*

There are a number of public benefits to the scheme including the removal of an unused building which does not contribute to the setting and also the improved public experience allowed by the creation of a useable space.

In addition, the creation of the public space opens views of the rear of the listed buildings from public perspectives along Friarsgate which is a public benefit to uphold the historic character of the area. Condition 5 ensures hoarding do not block this view. The remaining hoarding are not materially different to the existing situation and condition 19 ensures it is dressed appropriately, respecting its location within the setting of the buildings. Given the urban location, restrictions which can be put in place to control the extent and design of the hoardings and the public benefit of removing a detracting building to open up public views, it is therefore considered by officers that the public benefits of the proposal sufficient outweigh the less than substantial harm caused to the setting of the listed buildings and design alongside conditions has been used to maximise enhancement and minimise harm.

St Johns North are Grade II listed almshouses located to the south of the site. The building is dated 1862 and runs parallel to the waterway.

Due to the separation distance of the gardens, physical harm to the buildings themselves would not occur.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The setting of the listed buildings is formed by an urban environment with a combination of historic and modern built form surrounding the building. The buildings are surrounded by built form which reduces public visibility. The setting of the buildings is also formed by the waterway which passes parallel to the building. The setting also currently includes the large expanse of the Bus Station which presents as a highly urban environment.

The two sites are viewed in relation to one another from the private parking area for dwellings along Eastgate and also Busket Yard. The site is considered to form part of the setting of the listed building by reason of their proximity and interrelated views from public view points.

The demolition of the Medical Centre building does not harm the setting of the listed buildings. Whilst its removal will be a visible change, the FGMC building in its current state does not create a positive contribution to the setting of the building. The creation of the public space opens up views of the listed buildings which is a public benefit. Given the urban location, the introduction of a public space with events is not considered to interrupt or harm the setting of the listed buildings.

Due to the proximity of the development, 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 (St Johns North) in accordance with the requirements set out in Section 16 para 199 of the NPPF (2021), the statutory duty within 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. This is by virtue of the proximity of the development to the listed building and an evident change with their setting, caused by both the redevelopment of the site and its use for more intensive public engagements.

As less than substantial harm is identified, the guidance set out in paragraph 202 of the NPPF is engaged, which states:

*“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”*

There are a number of public benefits to the scheme including the removal of an unused building which does not contribute to the setting of the building and also the improved public experience allowed by the creation of a useable space. The proposal also activates an area close to the listed building which as assessed above is currently formed by a large expanse of urban space which is not currently used.

It is therefore considered that the public benefits of the proposal sufficiently outweigh the less than substantial harm to the setting of the listed buildings.

1 – 19 Eastgate are Grade II listed dwellings with some commercial units. They sit to the south-east of the application site and are formed of three group listings.

1 – 3 are early 19<sup>th</sup> Century. 4 – 8 are also early 19<sup>th</sup> Century and contain an important curved frontage. 9 – 19 are 19<sup>th</sup> Century and run parallel to the Eastgate roadway before meeting the previously assessed 20 – 27 Eastgate buildings.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The setting of the buildings is formed by the surrounding urban environment and St Johns North (also listed) which runs parallel to the listed buildings.

The Eastgate buildings are set to the far side of an intervening building. Whilst there may be a brief visual relationship between no19 and the site, this is in glimpses and is equally interrupted by boundary treatments and other buildings. There is considered to be no adverse impact on the buildings and their setting.

Due to the intervening distance and setting relationship which is interrupted in public views, it is considered that the proposal does not result in harm to the significance of the setting and historic interest of the listed buildings in accordance with the requirements set out in Section 16 para 199 of the NPPF (2021), the statutory duty in 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.

There are other listed buildings at further distances including St Johns Chapel (Grade I), 154 – 159 High Street (Grade II).

The setting of these buildings is again formed by the urban environment however the buildings interact with key public routes through the city (such as the Broadway) and landmark features (such as King Alfred's statue).

Due to the intervening distance and other buildings, the application site is not considered to be within the setting of the buildings and there is considered to be no harm to the buildings themselves or their setting.

The Guildhall (Grade II) and Winchester Cathedral (Grade I and Scheduled Monument) can be viewed from the site and in the case of the Guildhall the application site can be seen. Whilst there is inter-visibility, the application site is not considered to be within the setting of the buildings due to distances involved and the number of intervening features, including a large bus station and a number of commercial units. As a consequence, there is considered to be no direct harm to the buildings or their setting.

It is considered that the proposal does not result in harm to the significance of the setting and historic interest of the listed buildings in accordance with the requirements set out in Section 16 para 199 of the NPPF (2021), the statutory duty set out in 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.

The proposal is within the Winchester Conservation Area. Within the assessment of this application due regard has been given to Section 72 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 that area.

The NPPF (2021) notes in para 206 that Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting which make a positive contribution to the asset (or better reveal its significance) should be treated favourably.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The character of this part of the area is varied, with a number of post-war buildings interspersed with historic buildings, the majority of which are listed as discussed above.

Due to its location within a Conservation Area, permission is required to demolish the building in the first instance. Policy DM28 of the LPP2 assesses *Demolition in conservation areas* and allows the demolition of unlisted buildings provided one of the three criterion points are met. Each point is assessed in turn below:

*i. [the building] makes no positive contribution to the character, appearance or historic interest of the area, either individually or as part of a group, or in more general views within or from outside the Conservation Area.*

The building subject to demolition is a large elongated, flat roofed structure with a significant overhang above a car park area. The building is institutional in its appearance. The building is one of the first users of the one-way system see and is visually a very dated structure. The expanse of flat-roof is unusual in this area and the building does not create a positive contribution to the character, appearance or historic interest of the area. Whilst the residential buildings opposite are of a similar age, they are not as prominent due to their setting facing toward the river and landscaped gardens and they are visually more appropriate buildings for the area.

Whilst it is noted the demolition would open up views of the bus station to the rear, it is considered that views of the Cathedral and Guildhall would be an attractive addition to this area and the proposed interim space introduces features such as planting which interrupt this view.

In addition, due to the unused nature of the building awaiting regeneration, the building is visually derelict and unused and is currently surrounded by hoardings with broken windows.

*ii. [the building] is demonstrated to be incapable of repair or adaptation so as to extend its useful life*

The building is subject to demolition following regeneration of the area and has been vacant for 7 years. The applicant considers that the premises are superfluous to public requirements and alternative uses would not be feasible.

As seen in the planning history, there have been applications to change the use of the building to offices which have been approved and never commenced.

*iii. where the proposed redevelopment would enhance or better reveal the significance of the Conservation Area.*

The removal of the building plays a key role in opening up views of the waterways and also across the regeneration site to provide views of the Guildhall and Cathedral, which are key features in the Conservation Area.

As a result, it is considered that the removal of the building is justified as it makes no positive contribution to the character, appearance and historic interest of the area and, as Historic England agree, the building is of minimal historic or architectural interest and detracts from the significance of the conservation area.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

Policy DM28 continues to ensure that planning permission will be conditional on a contract for the approved replacement development (the public space) being let prior to any demolition work being undertaken and this is secured by condition 2.

Following demolition, the introduction of the public space provides a key opportunity to use the land for public benefit. The proposals introduce open space for public engagement alongside planting, seating and areas for active engagement. Wildflower planting is included in many places throughout the site, including on the most prominent view along Friarsgate. Whilst it is acknowledged that hoarding is to be retained on the site surrounding the archaeological area, this is for safety purposes and screens the dig site which would not be an attractive view for the area. The hoarding includes viewing windows and a condition is included to ensure it is decorated appropriately in the interests of the character of the area.

The other hoarding in the western corner also plays a purpose in screening neighbouring dwellings and condition 5 ensures views of the surrounding listed buildings, which contribute to the character of the conservation area, are not interrupted. Condition 19 also ensures treatment is appropriate and respects the conservation area.

There are a number of alterations to existing boundary treatment being made, including the reduction in height in some areas of wall (such as the southern boundary with St Johns North). The reduction in wall height is to match surrounding examples and does not adversely harm the character of the area.

As a result, it is considered that the proposal will preserve the character or appearance of the conservation area in accordance with the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and preserves 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.

There are a number of non-designated heritage assets within the area, the closest being The Nutshell, Woolstaplers Hall and the entrance to the bus station. Due to the intervening distance and features (such as other buildings or the large bus station), an adverse impact on the features and their setting is not considered to be caused and the proposal is in compliance with policy DM31.

The site is located within a known area of archaeological interest. Policy DM26 of the LPP2 notes that planning permission will be granted provided that archaeological remains are preserved in-situ or investigation is secured.

In terms of the demolition of the building, the applicant has submitted a Demolition Statement, including section drawings. The method of demolition minimises potential impact to below ground archaeological remains through vibration. There is a requirement to update the Demolition Method Statement following revision of the scheme and this is secured by condition 6. This provides the local planning authority and specialist archaeology officer an opportunity to review the updated Method Statement. The condition then requires the development to continue only in accordance with the approved statement.

For works to develop the public space, there are elements which may impact on archaeological remains including an area of slab removal in the east of the site, supports  
**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

for timber fences and supports for any art installation areas. As a result conditions are imposed to secure appropriate mitigation measures for all intrusive groundworks. This is secured by condition 12 and ensures that a correct scheme of mitigation is followed throughout construction to prevent adverse impact on archaeological remains. An informative is used to support the definitions used within this condition.

The archaeological dig site is also subject to condition 14 which secures appropriate Written Scheme of Investigations for this specific area in the western side of the site.

Condition 16 is included to secure details of the intended educational/outreach programmes, their appropriate quality and delivery together with provisions to secure post-excavation elements relating to the proposed archaeological excavation. The recommended condition also secures the provision of further information on related scheme elements and how the intended archaeological / heritage outreach and education programme will integrate with and inform the proposed Cultural Events programme. This requests details over the lifetime of the site.

Therefore, through the use of an agreed Demolition Method Statement alongside secured mitigation measures, the proposal does not create adverse archaeological implications and is considered by officers to comply with policy DM26 of the LPP2.

### **Neighbouring amenity**

20 – 27 Eastgate are situated to the east of the application site. The rear gardens of the properties lead to a shared alleyway which borders the application site. In its original use, car parking spaces lined this boundary and the site was easily open to members of the public and general activity.

The existing brick wall between the sites is to be retained and the multi-use space sits to the opposite side of the boundary wall. Whilst this area is likely to be used for events, condition 18 controls the hours of operation which prevents an adverse noise impact in unsociable hours. The main concentration of seating and activity in other times is located to the opposite side of the site.

Hoardings for artwork are proposed to sit on the application side of the wall. Due to the intervention of the alleyway, rear boundary treatments and garden areas this is not considered to cause an adverse overbearing impact. Condition 19 also ensures that the side of the hoardings facing the properties is also decorated to prevent an unattractive feature.

Whilst it is acknowledged the current hoardings prevent public access, the transformation of the space to a public area is not considered to result in a material difference to the historic situation and the interaction between the sites is not adversely harmful and there is no adverse impact in terms of overlooking, noise disturbance or residential amenity in compliance with policy DM17 of LPP2.

23 – 26 St Johns North sit to the south of the site. At present, the sites are divided by a brick wall and originally the car park, which again was easily open to the public, borders this wall. The neighbouring property has an area containing a shed and clothes drying airers. The area is partly covered in tarmac and shingle.

The proposals to the north of this area include the modular platform and multi-use space which when in use for events may result in noise disturbance. As a result, condition 18

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

ensures the timings of the use are limited to acceptable sociable hours and due to this and the infrequent use of the space for such purposes an adverse impact is not identified.

Hoarding is also proposed on this boundary which prevents privacy issues as St Johns North has a number of windows facing this direction. Whilst this would be a visible change to the outlook of St Johns North, this sits above an existing wall and is not of a scale which leads to an adverse overbearing impact. The fence is to the north and does not cause any overshadowing concerns. Condition 19 also ensures the side facing St Johns North is painted in a colour to be agreed to prevent it becoming an unattractive feature from this perspective.

To the west, the central part of the application site (containing the planting feature) would allow views into this area from the public viewpoint. It is noted that there has always been a level of overlooking between the sites as a number of windows and public spaces look into this area when the site was open. Considering this, the use of the garden area in question and the distance which comprises intervening features such as boundary treatment and the waterway, an adverse overlooking impact is not demonstrated. The existing shed also plays a role in blocking views into this area.

St Johns North also has a garden area to the southern side of the building which overlooks the river and would also look toward the middle section of the site. Views between the middle section of the site and this garden area would be possible. Boundary treatment would consist of timber fencing which prevents access to the waterway. In its use, the medical centre contained a number of windows which overlooked this area and considering this and the distance including intervening features such as boundary treatment and the waterway, an adverse overlooking impact into this area is not demonstrated.

Whilst it is acknowledged the proximity of the neighbouring uses will be a visible change, it is considered that the previous use of the site for a building with multiple windows and a car park open to the public already involved an element of visual interaction between the sites and the proposed is not considered materially different or adversely harmful.

Whilst 21 – 22 Eastgate Street may visually see the park from upper windows, there is sufficient distance and intervening features to prevent an adverse neighbour impact.

Coitbury House and St Clements Surgery are to the opposite site of the Bus Station entrance road and there is sufficient distance between the two to prevent an adverse neighbour impact.

Godson House, Windsor House and Greyfriars are to the north, the opposite side of Friarsgate. Due to the intervening road an adverse neighbour impact is prevented.

Comments have been raised regarding the provision of a bin store and structural issues to the alleyway wall. The applicant has been made aware of these comments and this is a matter outside of consideration for this application. Concerns relating to asbestos are also managed under separate legislation.

In general, comments have been raised regarding the potential increase for anti-social behaviour. It is noted that the seating area is located to the far side of the site away from surrounding residential properties. The local planning authority have also notified the

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

applicant of concerns raised by neighbouring properties including potential for CCTV. Whilst no permanent CCTV is included as part of this proposal the applicant does employ a mobile CCTV unit which will be used on the site and other measures separate to planning can be relied upon in the future if issues arise.

For all of the above properties, the interaction between alternative uses is expected in an urban environment and adverse harm is not considered to arise. The proposal therefore complies with policy DM17 of the LPP2.

### **Sustainable Transport**

The proposal does not create provision for or interrupt parking provision in the area. A public car park is available on Middle Brook Street.

The proposal contains a clear accessible route for pedestrians and cyclists through the centre of the site.

The proposal complies with CP10 of the LPP1 and DM18 of the LPP2.

### **Ecology and Biodiversity**

The application contains a waterway of the River Itchen which enters the site on the northern boundary, splits into two directions and then exits the site to the south before continuing through the city. The waterway splits from the main Itchen channel to the north of the city and re-joins it again to the south.

The River Itchen main channel is located to the east to the opposite side of Eastgate and the Itchen Court collection of dwellings. The main channel is a Site of Special Scientific Interest and a Special Area of Conservation, which are nationally designated features of ecological importance. The Itchen also travels south through Hampshire and enters the Solent, which is a highly protected area designated a Special Protection Area. There is sufficient distance and intervening features to prevent an adverse direct impact to the Itchen waterway in this location.

Whilst the waterway travelling through the site does not have any formal designations, it is classified as a Priority Habitat (Chalk River based on UK BAP Priority Habitat descriptions) and does connect to protected features and as such the development has been assessed for any potential harm to the features both in demolition, construction and in operation.

The applicant has submitted a number of documents in support of the application which assess this issue which have been assessed by the local planning authority and external consultees.

Taking demolition first, there is potential for habitat loss/degradation, species disturbance from noise and species mortality/injury. There is also risk of accidental contamination of the waterway due to its proximity to operation areas.

The applicant has undertaken bat surveys which have confirmed roosts present within both buildings which are used for foraging by a small number of bats. As the buildings are to be demolished, two bat roosts are to be lost.

The applicant is required to obtain a European Protected Species Mitigation License from Natural England prior to works commencing which governs the movement of the roosts.

**Case No: 22/01882/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The submitted Ecological Impact Assessment (EclA) sets out a number of mitigation measures including timing of works, provision of an alternative roosting site within the applicant's ownership, lighting and general methods of capture. The mitigation is acceptable and will also be governed by the license with Natural England.

The proposed replacement bat roost is on land immediately to the east of the application site which is within the applicant's ownership and condition 4 ensure that this suitable land is used within agreed timeframes.

Otters have not been confirmed on site however they are confirmed to commute on this waterway. The EclA sets out measures for monitoring of the site to ensure otters are not trapped alongside standard good practise such as controlling lighting away from the river. The mitigation methods are acceptable.

Fish and white-clawed crayfish are known to occupy the Itchen with a known record 8.5km north-east of the site. There are a number of aquatic species within the area.

Due to the urban nature of the site it is unlikely to support breeding fish species however the depth is great enough to allow fish to pass the site.

There are strict pollution prevention measures in place during construction; set out both in EclA and also in the future Construction Environmental Management Plan which is secured by condition 8. With both measures in place, a significant effect is not identified.

Invasive non-native species have also been reviewed and montbretia has been discovered on site. A pre-construction survey is required to determine the extent prior to any commencement and this is secured by condition 4 and the EclA sets out measures for prevention which are secured.

The submitted information is detailed and its recommendations for mitigation are acceptable. The application secures these measures as per condition 4 and condition 7 also secures a Biodiversity Mitigation and Enhancement Plan. In addition, condition 8 secures an overarching Construction Environmental Management Plan which, when submitted, will be consulted upon with specialists including the council's ecology team, Natural England and the Environment Agency.

Following surveys, assessments and the security of appropriate mitigation, the proposal does not result in significant harm to surrounding ecology and biodiversity features during the demolition and construction phase.

In operation, following completion of the public space, it is acknowledged that the waterway will be opened up to members of the public and there is therefore a higher risk of contamination or interruption to the waterway, with an indirect impact to the protected sites and species further downstream.

It is acknowledged that prior to the construction of the hoardings, the waterway was already accessible and visible for members of the public as the entrance to the building contained a walkway parallel to the water. In addition, upon leaving the site, the same waterway is exposed to public interaction alongside Busket Yard and even more so within Abbey Gardens.

It is acknowledged opening up the waterways is a key consideration for the regeneration of the area and an important part of the adopted SPD. There is therefore an expectation that the public will be able to enjoy Winchester's hidden waterways which are a key characteristic.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

In addition, design has been used to create strategic buffers around the waterway including wildflower planting and boundary treatment which creates a physical barrier between users and the river.

As a result, the opening up of the waterways in this location is not considered to cause a significant risk to the waterway and the species and habitats it supports, as the historic use of the site has always operated alongside the waterway and the same body is already easily accessible to the public downstream.

There is lighting introduced to the site and it is important that this is located and directed in a way which does not interfere with bat habitats/foraging and other species which use the river. Whilst the waterbody travels for an extensive distance through an urban location already, this remains a key consideration.

A lighting plan has been submitted which demonstrates the proposal is in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals. The proposed lighting is therefore considered to be acceptable and does not result in adverse harm to surrounding biodiversity.

The EclA has assessed the impact on identified species during the operation of the development.

As covered previously, artificial lighting of the site is controlled to prevent impacts on bat commuting and foraging and roosts themselves. This is also considered in relation to potential otters in the area, fish and white-clawed crayfish.

Therefore, following the design input and mitigation which can be secured by the consent, alongside the comparison of the future interaction with the river with the previous site and surrounding parts of the city, a significant adverse impact on surrounding ecology and biodiversity during operation is not considered to arise and the proposal complies with policy CP16.

Whilst the requirement under the Environment Act 2022 for a scheme to deliver a Biodiversity Net Gain of at least 10% does not become law until November 2023, the applicant has acknowledged the potential to provide a gain and this is a requirement under policy CP16 of the LPP1.

A calculation with technical notes has been undertaken. The removal of the buildings and introduction of shrubs across the site has allowed for creation of habitats which is a biodiversity benefit. These are formed by the modified and neutral grassland and planters containing semi-broadleaved trees. This results in a 23.8% biodiversity net gain based on habitat units. It is noted however there is some loss within other categories however the habitat gain is a benefit to surrounding biodiversity.

The latest Biodiversity Net Gain metric has been used and whilst no creation or enhancement is proposed to the river units this can be achieved in future long-term applications for the site in the future.

The monitoring of this forms part of conditions 4 and 5.

This is a biodiversity benefit to the scheme and is supported both by policy CP16 and future legislation.

Therefore, the proposal does not cause adverse harm to ecology and biodiversity and designated features have been assessed. The local planning authority have undertaken an Appropriate Assessment as competent authority which confirms these matters and the proposal is considered by officers to comply with policy CP16 of the LPP1.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Appropriate Assessment.**

Due to the proximity of the site to the Itchen waterway which, whilst not being designated in its own right, interacts with a designated site, a Habitat Regulations Assessment is required.

The Local Planning Authority is the Competent Authority under the Habitat Regulations to complete the assessment, and the applicant has submitted a 'draft' or 'shadow' Appropriate Assessment to assist.

An Appropriate Assessment by the competent authority assisted by the 'shadow' assessment has been completed which confirms there is no significant harm to local and regional designated sites and the application provides opportunity to secure mitigation as an enforceable measure. The Appropriate Assessment goes into further detail on these points and the conclusions have been agreed by Natural England.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework.

**Sustainability**

The council declared a Climate Emergency in June 2019. Whilst it is acknowledged a building is being demolished, it is also considered that the building forms part of a regeneration area which is subject to demolition and redevelopment. The sustainability of the replacement building's standards will be assessed at that time. Therefore, refusal of the application is not justified on this basis.

The introduction of further vegetation and greenery to the site is a public benefit.

**Sustainable Drainage**

The central portion of the site is located within Flood Zones 2 and 3. Outside of the site, the Busket Yard space to the south is within Flood Zone 2 and relevant flood mapping notes that a main river passes through the site.

The main flooding risk for the site is from the River Itchen and the flood risk vulnerability classification is classified as 'water compatible' (i.e. it does not contain residences or uses which are at risk of flooding impact).

The development remains above the estimated maximum 1 in 100 year (+ climate change) fluvial flood level.

Regarding surface water impact, it is noted that as the works retain the slab of the existing building and as a result water which previously fell onto the roof of the building would now fall onto a hard surface of the same size. In addition, in some instances existing hardstanding is replaced with permeable ground and as a result there is no increase in impermeable surfacing across the site and the risk of surface water flooding does not

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

increase. It is understood that the existing building discharges collected rainwater into the waterway and condition 8 is included to obtain drainage details for the proposed scheme to ensure that the revised drainage plans are confirmed to the LPA, address the drainage hierarchy and can take place without harming the ecology of the neighbouring river.

The proposal is considered acceptable and does not result in increased flood risk both on-site and within the local area. The proposal therefore complies with policies CP17 of the LPP1 and DM17 of the LPP2.

## **Other Topics**

### Trees

There are no trees protected by Tree Preservation Orders on or near the site. However, by virtue of being within a Conservation Area all trees are protected under section 211 of the Town and Country Planning Act.

As the existing site is covered by hard standing, there are no trees to be removed to allow the development to take place. Whilst small trees and shrubs have grown as the building has not been used, these are small and do not contribute to the area and their removal is justified.

There is a large tree off-site in the north-east corner which is set to the opposite side of the shared alleyway. It is acknowledged there would be demolition works in this area including the removal of car park hardstanding. Within the root protection area of the tree would be a wildflower planting area and a small section of crushed aggregate. Condition 10 is included to obtain demolition methods in this part of the site and also obtains tree protection measures to ensure the tree is not harmed during development works.

The proposal is considered by officers to comply with policy DM24 of the 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**

Based upon the above assessment of all the material considerations, it is not considered that the proposed development will result in adverse impact upon the character and appearance of the surrounding area, conservation area, listed buildings, archaeology, neighbouring 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.

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

The principle of demolishing the FGMC building is established and an acceptable replacement development is secured in an appropriate timeframe. Whilst the applicant has referred to this as a 'meanwhile use' it has been assessed as a permanent feature.

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**

Timeframe

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. Prior to the commencement of demolition to the Friarsgate Medical Centre Building, confirmation of a contract let to commence the replacement public space and archaeological works must be submitted to and approved in writing by the Local Planning Authority.

Demolition of the Friarsgate Medical Centre can only commence once the Local Planning Authority has provided confirmation in writing.

Reason: To comply with the requirements of policy DM28 of the LPP2 and to ensure the replacement works follow the demolition in a suitable timeframe to prevent a large undeveloped area in the centre of the Conservation Area.

Approved Plans

3. The proposed development must be completed in accordance with the following documents and drawings:

- Bespoke Timber Fence [drawing 293984-XX-XX-DR-L-X-010 P04]
- Biodiversity Net Gain Report [reference 4-50] dated 13 April 2023
- Block Plan [drawing 293984-XX-XX-DR-L-X-015 P03]
- Combined Plan – Soft and Hard Landscape Plan [drawing 293984-ARP-XX-DR-L-0013 P02]
- Ecological Impact Assessment V2 dated 13 April 2023
- Flood Risk Statement [reference 293984-ARP-XX-XX-RP-CX-0001 P02] dated 14 April 2023
- Habitat Regulations Assessment V2 dated 13 April 2023
- Lighting Design [drawing 293984-ARP-XX-XX-DR-LX-0013 P01]
- Lighting Design [drawing 293984-ARP-XX-XX-DR-LX-0014 01]
- Lighting Specifications by DIALux dated 14.04.2023
- Lighting Technical Note [reference 293984/Note/L/0001]
- Location Plan [drawing 293984-ARP-XX-DR-L-X-014 P03]

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- Luminaire Specification Sheet [reference 293394-00]
- Street Furniture [drawing 293984-XX-XX-DR-L-X-007 P04]

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

4. The development hereby approved must be completed in strict accordance with the requirements and mitigations in the Ecological Impact Assessment V2 dated 13 April 2023

Reason: The report contains acceptable mitigation measures which must be completed and the condition is included for the avoidance of doubt.

5. Notwithstanding the boundary treatment details shown on drawing 293984-ARP-XX-DR-L-0013 P02, the hoarding on the eastern edge of the application site (parallel to 20 – 27 Eastgate) must be set back from the edge of Friarsgate pavement by 11 metres (in-line with alley-way wall)

Reason: To ensure the open character of this area is not harmed and to maintain views to the rear of 20-27 Eastgate.

Pre-Commencement

6. No demolition works shall commence until an updated archaeological demolition method statement and associated drawings have been submitted to and approved by the local planning authority in writing.

No demolition shall take place other than in accordance with the approved method statement and drawings.

Reason: To ensure that the archaeological and historical interest of the site is safeguarded as insufficient detail was submitted with the application. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy and the NPPF.

7. Prior to the commencement of development, a Biodiversity Mitigation and Enhancement Plan (BMEP) must be submitted to and approved in writing by the Local Planning Authority.

The details must include details of the mitigation and enhancement features (bat boxes and bird boxes).

Development must then continue in accordance with the approved details.

Reason: The application is supported by a number of biodiversity improvements and a complete Plan is required for monitoring purposes.

8. Prior to the commencement of development, a Construction Management Plan / Construction Environmental Management Plan must be submitted to and approved in writing by the Local Planning Authority.

The plan(s) must include:

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

- A list of defined potential impacts on the SAC & SSSI during the demolition and construction phases.
- Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run-off) is able to enter the water.
- Details on the storage and disposal of waste on site
- Details on how sediment/concrete/other debris that may be accidentally released during demolition and construction will be captured to prevent contaminants entering the water.
- Details of biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.
- Development contacts, roles and responsibilities
- Public communication strategy, including a complaints procedure
- Dust suppression, mitigation and avoidance measures
- Noise reduction measures, including the use of acoustic screens and enclosures, Type of equipment to be used and hours of operation.
- Use of fences and barriers to protect adjacent land, footpaths and highways
- Details of parking for operatives and traffic management measures
- Avoidance of light spill and glare from any floodlighting and security lighting installed
- Pest control.

Reason: To ensure that all demolition and construction work in relation to the application does not cause materially harmful effects on nearby environments, land, properties, businesses and to prevent indirect impacts to the River Itchen SAC and SSSI.

9. Prior to the commencement of development, a surface water management plan must be submitted to and approved in writing by the Local Planning Authority.

The Plan must include details of long-term maintenance/replacement and funding and responsibility.

Development must then continue in accordance with the approved details.

Reason: To ensure that the discharge of surface water is appropriate and to protect the neighbouring waterway.

10. Prior to the commencement of development, a demolition method statement and tree protection plan for the eastern section of the site must be submitted to and approved in writing by the Local Planning Authority.

Development must then continue in accordance with the approved details.

Reason: To ensure the tree in the neighbouring car park is protected during demolition and construction.

Pre-operation

11. Prior to the opening and use of the public space, a detailed management plan for 5 years including an annual schedule of works for all activities associated with both the soft and hard landscape works including street furniture shall be submitted to and approved in

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

writing by the local planning authority. The management plan must account for any ongoing maintenance thereafter.

Development must then continue in accordance with the approved details.

Reason: To ensure the landscaping being introduced is maintained and established.

Others

12. No below ground impacts shall take place until the applicant or their agents or successors in title have implemented a programme of archaeological mitigation work (archaeological monitoring), in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No below ground impacts shall take place other than in accordance with the Written Scheme of Investigation approved by the local planning authority. 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. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy and the NPPF.

13. Following completion of the archaeological mitigation work within 9 months (unless otherwise agreed in writing) a report will be produced in accordance with the 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. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy

14. Within 3 months of the completion of demolition and for clarity prior to any works being undertaken within the 'Dig Site' as shown on dwg no. 293984-ARP-XX-DR-L-0013 P02 dated 14/04/2023 a detailed programme and Written Scheme of Investigation for a public archaeological excavation shall be submitted to and approved in writing by the local planning authority and thereafter implemented. The Written Scheme of Investigation shall include:

- The programme, methodology and timetable for the site investigation and recording
- The intended participant programme
- Provision for post investigation assessment, reporting and wider publication and dissemination
- Provision for deposition of the analysis and records of the site investigation

**Case No: 22/01882/FUL**



WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

(archive)

- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: Details are required to secure an appropriate public archaeological excavation and to ensure that information arising from this excavation is preserved by record for future generations as insufficient detail was submitted with the application. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy and the NPPF.

15. Following completion of the public archaeological excavation within 9 months (unless otherwise agreed in writing) a report will be produced in accordance with the 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. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy and the NPPF.

16. Within 3 months of the completion of demolition and for clarity prior to any works being undertaken within the 'Dig Site' as shown on dwg no. 293984-ARP-XX-DR-L-0013 P02 dated 14/04/2023 a detailed programme for an archaeological education and outreach programme linked to the public archaeological dig and the wider cultural programme should be submitted for approval by the local planning authority and thereafter implemented in full. The programme which should be designed by a competent person or organisation (both in archaeology and education / outreach) should include:

- *a detailed schedule of outreach events and activities, including their intended duration over the lifetime of the meanwhile use proposed on the site*
- *the proposed educational programme, including intended audiences*
- *details of the proposed viewing windows in the site hoardings and out of hours securing of these*
- *details of integration with and input into elements of the proposed Cultural Events programme (including appropriate context and information for the proposed Art Commission, Video / Light project, historical and archaeological context for proposed murals and art work on the site hoardings and historic inspired planting elements.*

Reason: Details are required because insufficient information was submitted with the application to ensure that an appropriate programme of outreach, education and public art linked to the archaeological dig and wider heritage of the site is secured and delivered to advance understanding of heritage assets in their wider context and to disseminate information. Policy DM26 Winchester District Local Plan Part 2; Policy CP20 of the Winchester District Joint Core Strategy and the NPPF.

17. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before a site assessment has been undertaken and details of the findings along with

**Case No: 22/01882/FUL**

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

details of any remedial action required (including timing provision for implementation), has been submitted to and approved in writing by the Local Planning Authority.

The development must then be completed in accordance with the approved details.

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

NB - potentially contaminated ground conditions include infilled ground, visual evidence of contamination or materials with an unusual odour or appearance.

18. No events shall take place on the site except between the hours of 08:00 and 18:00 Monday to Saturdays and at no time on Sundays and recognised public holidays.

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

19. Prior to the installation of the hoardings on the site, a plan demonstrating the decoration of the structure must be submitted to and approved in writing by the Local Planning Authority.

The details must include details of the decoration concept, observation windows and a timeframe for implementation.

The details must also include the colour scheme for the side of the hoardings facing 20 – 27 Eastgate and St Johns North.

Development must continue in accordance with the approved details.

Reason: To ensure the hoardings are not left in a natural state which would not be an attractive addition to the area.

20. Prior to the installation of any art features on the site, details of the feature (including height and any lighting proposed) must be submitted to and approved in writing by the Local Planning Authority.

Development must then continue in accordance with the approved details.

Reason: To allow assessment of any tall structures and to assess the impact of any lighting on the surrounding area and wildlife.

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Informative:**

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.

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).

- 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 CP10 - Transport
- 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 DM15 – Local Distinctiveness
- Policy DM16 – Site Design Criteria
- Policy DM17 – Site Development Principles
- Policy DM18 – Access and Parking
- Policy DM19 – Development and Pollution
- Policy DM20 – Development and Noise
- Policy DM21 – Contaminated Land
- Policy DM26 - Archaeology
- Policy DM27 – Development in Conservation Areas
- Policy DM28 – Demolition in Conservation Areas
- Policy DM29 – Heritage Assets
- Policy DM31 – Locally Listed Heritage Assets

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

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. 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.

During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6.

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 Practise

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

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information

<https://www.winchester.gov.uk/building-control>

8.

For clarity, in Condition 12 “no below ground impacts” means no works below existing ground levels or of areas of slab removal.

9.

The applicant is reminded of the need to apply for permissions separate to the planning process including European Species Licences and Flood Permits prior to the commencement of development.

**Case No: 22/01882/FUL**