

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/02895/FUL
Proposal Description: Conversion to HMO and addition of bike storage
Address: 59 Colebrook Street, Winchester, Hampshire, SO23 9LH
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Mr Mitchell Cowan (Winchester City Council)
Case Officer: Cameron Taylor
Date Valid: 22 January 2024
Recommendation: Permit
Pre Application Advice: No

Link to Planning Documents

[Link to page – enter in reference number 23/02895/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
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Reasons for Recommendation

The development is recommended for permission as it is considered that it will preserve the character of the conservation area in accordance with Policies DM15, DM 16 and DM27 of the LLP2 and would not harm neighbouring residential amenity in accordance with policy DM17 of the LPP2.

General Comments

The application is reported to Committee as the applicant is Winchester City Council and 1 comment has been received contrary to the Officer's recommendation.

Amendments to Plans Negotiated

None

Site Description

The site is located within central Winchester and the Winchester Conservation area, to the east of Colebrook Street. The building is a two and a half storey white painted brick dwellinghouse which has been in an office use but is currently vacant.

The site adjoins existing Winchester City Council buildings with offices to the south and a public house along its north boundary. The building fronts Colebrook Street with an access from the front to an enclosed amenity space to the rear of the building.

Proposal

The proposal is for the conversion of the office to a House of Multiple Occupation (HMO) with the addition of bike storage to the rear. The building currently adjoins neighbouring properties, however these do not have a residential use.

The proposal also includes the removal of a chimney as part of works to maintain the building.

Relevant Planning History

None Relevant

Consultations

Service Lead – Public Protection (Environmental Health) –

- Submission of a noise report is recommended.

Representations:

City of Winchester Trust- Objection

“The Trust objects to this application. More communal space should be provided and we also suggest that the proposed ground floor bedroom be allocated as a living area”

No other representations received.

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

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

Section 16 Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

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

DS1 - Development Strategy and Principles

MTRA1 - Market Towns & Rural Area

CP9 – Retention of Employment Land and Premises

CP11 - Sustainable Low and Zero Carbon Built Development

CP13 - High Quality Design

CP16 – Biodiversity

CP17 – Flooding, Flood Risk and the Water Environment

CP20-Heritage and Landscape Character

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

DM1 - Location of New Development

DM2 – Dwelling Sizes

DM15 - Local Distinctiveness

DM16- Site Design Criteria

DM17- Site Development Principles

DM18- Access and Parking

DM20 – Development and Noise

DM27- Development in Conservation Areas

DM28 – Heritage Assets

Supplementary Planning Document

National Design Guide (2019)

Car Parking Standards (2008)

High Quality Places SPD (2015)

Other relevant documents

Climate Emergency Declaration; Carbon Neutrality Action Plan 2020-2030

Statement of Community Involvement 2018 and 2020

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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, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is situated within the defined settlement boundary of Winchester. The principle of the creation of a residential unit (including a HMO) is acceptable in principle subject to compliance with the development plan as a whole and material planning considerations.

The proposal results in the loss of employment floorspace as the building has previously been in use as offices. Policy CP9 of the LPP1 seeks to prevent the unjustified loss of employment space. The policy allows the loss of employment floorspace if one of the criterion points within the policy are met. In this instance, the building has been unused as an office for a long period of time and requires intervention and upgrades to be used as an office. In addition, the proposed use is to provide temporary affordable housing. There is a growing demand for such accommodation and the proposal is considered to offer much needed accommodation in an appropriate location with good access to services.

Whilst the loss of employment floorspace is acknowledged, in this instance the proposed use is an acceptable replacement and results in a public benefit.

The principle of development is therefore acceptable subject to compliance with the development plan as a whole and material planning considerations.

Assessment under 2017 EIA Regulations.

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

Impact on character and appearance of area

The site is situated within central Winchester which is characterised by buildings with a variety of scales and external finishes. There are a variety of uses within the area ranging from offices, hotels, commercial units and residential. The building currently is noted to have a current office use but was originally a residential dwelling.

The proposal seeks the change of use from an office to a residential HMO with 6 bedrooms. The changes do not affect the external scale or appearance of the existing building with the changes being minor internal changes and the removal of a chimney being proposed as part of the property upgrade works. The proposed bike store is subservient in terms of its scale and appearance and located to the rear of the property. The building was originally a residential unit and the proposed use complements the variety of uses within the area.

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A leaking chimney is due to be removed. Due to the location in the city centre and narrow surrounding streets, the chimney cannot be seen from significant public viewpoints. Its removal does not harm the character of the building or the wider conservation area. Therefore the proposed change of use along with the alterations to the building are considered to be in-keeping to the character and appearance of the site. The proposal is therefore considered to comply with policies DM15 and DM16 of the LPP2.

Development affecting the South Downs National Park

The application site is located over 400m from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

The building sits within an urban environment. Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

Historic Environment

The building is not a listed building but is in close proximity to a number of listed buildings. The building is however located within the Winchester Conservation Area.

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

Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The preservation of a non-designated heritage asset (Policies DM29 & DM32 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16).

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Guidance

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

As such due regard has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed Building/Structure. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets. Paragraph 205 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 206 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 Guildhall (Grade II) is the adjoining building to the north. The application site forms part of the setting of the Guildhall given its proximity.

Whilst the chimney proposed to be removed is in close proximity to the Guildhall, it is not attached to the neighbouring building and its removal would not cause any loss of historic fabric. In the event that it is found any works to the Guildhall would be required to facilitate the removal of the chimney, a Listed Building Consent would be required which will assess that detail.

Given that the chimney is screened from public viewpoints due to the urban nature of the area, its removal does not harm the setting of the Guildhall.

The change of use of the building complements the variety of uses within the area and the building’s use as a HMO does not harm the setting of the listed building, the building is also returning to its original intended use as a residential property. In addition, no other external changes are required and no adverse harm to the Guildhall or its setting is identified.

There are a number of other listed buildings in the area along the Broadway/High Street and the Cathedral which is also a scheduled monument. Due to the distance between these features, the urban setting of the application site and the minor external changes required, no adverse harm on these heritage assets is identified.

Based upon the above assessment it is considered that the proposal will not result in harm to the significance of the setting and historic interest of the listed building, Section 16 para 205 of the NPPF (2023), S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP20 of WDLPP1 and DM29 of WDLPP2 and the historic environment section of the Planning Practice Guidance

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The application is within The Walled Town of the Winchester City Conservation Area. The removal of the chimney has been assessed and does not cause an adverse impact to the character of the conservation area, due to its screened location given the urban density of the area. The proposal does not result in other external changes.

The proposal also returns the building to its original use and a residential use would be expected given the variety in this area.

Based upon the above assessment, it is considered that the proposal will preserve the character or appearance of the conservation area in accordance (S.72 P (LBCA) Act 1990; and preserve or enhance the character and historic interest of the Conservation Area in accordance with Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

Sustainable Transport

The site does not include any allocated parking spaces to the site, however the building is located centrally within Winchester within walking distance to local amenities, the bus station is nearby and it is less than a 20 minute walk to the Winchester Train Station. The site is therefore considered to be within a sustainable location, with additional encouragement for alternative transport methods through the inclusion of an enclosed bike store. Therefore the proposal complies with policy DM18 of the LPP2 and section 3.8 of the Car Parking supplementary planning documents.

Neighbouring amenity

The site has offices located along its southern boundary and a public house to its north, given the location of the building and the nature of the site within a city centre environment, the proposal is not considered to cause adverse overbearing, overshadowing or overlooking impacts.

Therefore the proposal complies with policy DM17 of the LPP2.

Ecology and Biodiversity

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

The City Council databases have not highlighted the presence of bats within the building. In the event that evidence of bats is discovered during the chimney works, the applicant is advised by Informative 8 of the actions required.

Therefore the proposal complies with policy CP16 of the LPP1.

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Appropriate Assessment.

The proposal results in additional overnight accommodation and is within the catchment of the River Itchen. The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 3.24 Kg/TN/year of Nitrates and 0.12 Kg/TP/year of phosphates is made. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England.

The level of accommodation proposed, whilst being termed a HMO, is compliant with a C3 residential dwelling and as a result the submitted calculators have been completed in this way which is acceptable to the Competent Authority.

The City Council has a nutrient mitigation scheme available which has sufficient availability to provide mitigation for this development.

The authority's appropriate assessment is that the application coupled with a mitigation package secured by way of a Grampian condition would result in nutrient neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

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 (2023).

Under Reg 63(4) of the Habs Regs the Council considers that it is not appropriate, to take the opinion of the general public, and have not therefore further advertised the Appropriate Assessment.

Sustainability

The site consists of an existing building that will be returned to a residential use. Therefore whilst the proposal does require internal works to create a HMO use, any works will need to meet building regulations which will include insulation and efficiency of services to the building. Therefore the proposal is considered to comply with policy CP11 of the LPP1.

Sustainable Drainage

The proposal will have no impact on drainage because it utilises existing foul and surface water drainage to the site. As it returns to an existing residential use it is considered to provide adequate drainage services

The site is located within the Flood Zone Risk 2. The proposal does not create additional flooding risks within the area. In addition, the change of use is returning the building to its original residential usage and other residential properties (such as hotels and houses) are within the area, the flooding risk in this area is therefore well understood and due to the small scale of the proposal can be managed by the provider of the accommodation.

Therefore the proposal complies with policy DM17 of the LPP2

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Other Topics

Internal Arrangement

Concern has been raised that more communal space should be provided. The proposed layout of the property includes 6 bedrooms, with 1 on the ground floor, 4 on the middle floor and a large room with an en-suite on the upper level. The layout also provides a number of WCs and larger wet rooms. On the ground floor, a room to the rear is dedicated as a shared living space with a separate kitchen to the side. Given the size of the overall property, the level of accommodation provided and the need to retrofit within existing constraints, the amount of shared space within the unit is considered acceptable. The expansion of the living space would result in the removal of a bedroom which reduces the space available to provide temporary accommodation which is a public benefit.

Noise

The application site is within a city centre environment, in close proximity to a public house. It is acknowledged that a residential use will be re-introduced into this area. The proposal will be subject to Building Regulations approval which includes 'resistance to sound'. In addition, the property is within an urban city centre location where a variety of uses co-exist and no adverse harm to future occupants from a noise perspective is identified.

The proposal therefore complies with policy DM20 of the LPP2.

Air Quality

The site is located within the Winchester Air Quality Management Area. The applicant has completed the relevant checklists and confirmed that the building would not use solid fuel for heating and provide appropriate secure cycle storage with no parking provided given its central location, along with comprehensive information provided to tenants with regards to public transport options. The gas boiler shall meet the minimum standard for low carbon heating. The proposal therefore meets the requirements under Principle 3 Table 3 of the Air Quality SPD and this information is secured by condition .

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.

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Planning Balance and Conclusion

The proposal is therefore considered to not have a significant adverse impact upon the character and appearance of the site and preserves the significance of the conservation area and surrounding listed building. The loss of the employment space is justified and the introduction of temporary affordable housing is a public benefit.

The proposal therefore complies with policies DS1, CP11, CP13, CP16 and CP20 of the Local Plan Part 1 (2013) DM1, DM15, DM16, DM17, DM18 and DM27 of the Local Plan Part 2 (2017) and the High Quality Place SPD and Car Parking SPD.

Recommendation Permit

subject to the following condition(s):

Conditions

1.

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

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

2.

The development hereby approved shall be constructed in accordance with the following plans:

- Existing and Proposed Block and Site Plans- Dwg No. AP010 Rev A- Received
- Proposed Plans- Dwg No. AP100- Received 13.12.2023
- Proposed Elevations- Dwg No. AE250- Received 13.12.2023
- Proposed Elevations- Dwg No. AE255- Received 13.12.2023

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

3. The development hereby permitted must be completed in accordance with the Air Quality section of the Design, Access and Heritage Statement (November 2023 – Revision A).

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

Informative:

1.

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

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

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2.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP11, CP13, CP20, MTRA1

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM20, DM27

3.

This permission is granted for the following reasons:

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

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

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 (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)

8.

In the event that evidence of protected species is discovered during the works, development must cease immediately and the City Council's Ecologist and Natural England must be contacted for further guidance.

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