

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/01961/FUL
Proposal Description: (Amended Plans received) Demolition of former RAOB Club and redevelopment to provide a mixed-use scheme comprising 6no. flats (3 x 1 bedroom and 3 x 2 bedroom) with a west facing communal roof terrace and a 75 sqm commercial/retail unit at ground floor with associated works.
Address: R A O B Club, Cross Keys Passage, Winchester, Hampshire SO23 9AZ
Parish, or Ward if within Winchester City: St Michael
Applicants Name: c/o Alice Drew (Southern Planning)
Case Officer: Robert Green
Date Valid: 31 August 2022
Recommendation: Application Refused
Pre Application Advice Yes

Link to Planning Documents

Link to page – enter in reference number 22/01961/FUL
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The proposed development fails to recognise, protect and enhance the surrounding character of the area including its historic features. The proposal also results in an overbearing presence and harms the setting of surrounding listed buildings.

There are no material planning considerations which outweigh the harm caused.

General Comments

The application is reported to Committee due to the number of support comments received contrary to the officer recommendation.

Amendments to Plans Negotiated

During the course of the application, amended plans were received which removed the parapet feature from the top of the taller building, adding in railings for security purposes.

The amended plans were subject to a further 21-day publicity period.

Issues concerning the application have been discussed with the agent of the application over a prolonged period however amended plans to address concerns have not been provided.

Site Description

The application site sits within an urban environment in the centre of Winchester. The site forms a key corner plot between Silver Hill, Tanner Street and Cross Keys Passage and is highly visible from these perspectives.

The site is currently a meeting space for the RAOB but has been unoccupied for some time. As a result, the building has signs of age and damage.

The surrounding area itself currently contains a number of commercial buildings. Immediately surrounding the site is a car park and the Woolstaplers Hall, which neighbours the application site and is a Non-Designated Heritage Asset. The application site is within the setting of this asset and is also in close proximity to listed buildings on the High Street.

The site is within the Winchester Conservation Area and forms part of the Central Winchester Regeneration Area.

Proposal

The application site is within the Winchester Conservation Area and approval is required for the demolition of the existing building.

The proposal is for a replacement building with a ground floor commercial unit and 6 residential units. Visually, this is separated into a building with 3 storeys and a taller section with 5 stories (including ground floors).

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The legal ownership of the site is tight to the built form, there is therefore no scope for surrounding public realm improvements outside of the ownership of the applicant.

Relevant Planning History

None directly related to the site.

Consultations

Service Lead - Built Environment (Archaeology) -

- No objection subject to conditions

Service Lead - Built Environment (Historic Environment) -

- Comment 1 - Objection - harm to Conservation Area, Woolstaplers Hall and 154 - 159 High Street
- Comment 2 - Objection - harm to Conservation Area, Woolstaplers Hall and 154 - 159 High Street

Service Lead - Engineering (Drainage) -

- Comment 1 - Objection - FRA acceptable however concerns raised and clarity sought.
- Comment 2 - No Objection

Service Lead - Sustainability and Natural England (Landscape) -

o No objection - comments on submission documents

Service Lead - Public Protection (Environmental Health) -

- Comment 1 - Objection - introducing residential property into a commercial area. No noise assessments submitted.
- Comment 2 - Objection - Acoustic Report indicates that alternative forms of ventilation are required, information has not been submitted. (point clarified by the agent of the application).

Service Lead - Public Protection (Contaminated Land)

- No objection - conditions recommended

Hampshire County Council (Flood Authority) -

- Defer to WCC consultees

Hampshire County Council (Highway Authority) -

- No Comment Received

Historic England –

- Comment 1 - objection related to height and impact on listed buildings and conservation area.
- Comment 2 – concerns have not been meaningfully addressed. Building would remain 5 storeys tall. Amendments have not reduced the level of harm that would be caused to the significance of the conservation area and nearby listed buildings.

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Natural England -

- No Comment Received

Southern Water -

- No objection - formal connection approvals will be required

Environment Agency -

- No comment - generic advise on FRA

Representations:

City of Winchester Trust

- Objects due to height, roof-form, building details and surroundings.

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

- Issues with visualisations when surrounding developments are unknown.
- Narrow and tall development may lead to wind effects.
- Potential for overlooking to sites to the rear.
- Potential noise conflict due to proximity of the public house. Beer garden is open late into the evening.
- No assessment of cumulative impact with other development.

10 supporting Representations received from different addresses within the Winchester district citing the following material planning reasons:

- This will improve Cross Keys Passage
- Better use of an underutilised site
- Place is currently an eyesore and has anti-social behaviour.
- Scheme adds much needed retail and residential units.
- The scale is appropriate and retaining young people in the city centre is a benefit.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2023)

7. Ensuring the Vitality of Town Centres

12. Achieving well-designed and beautiful places

16. Conserving and enhancing the historic environment

National Planning Practice Guidance

- Historic Environment
- Noise

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

- WT1 - Development Strategy for Winchester Town
- MTRA1 - Development Strategy Market Towns and Rural Area
- CP2 - Housing Provision & Mix
- CP10 - Transport
- CP11 - Sustainable Low and Zero Carbon Built Development

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- CP13 - High Quality Design
- CP16 - Biodiversity
- CP17 - Flooding, Flood Risk and the Water Environment
- CP18 - Settlement Gaps
- CP20 - Heritage and Landscape Character

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

- WIN1 - Winchester Town
- WIN3 - Views & Roofscape
- WIN4 - Silver Hill Mixed Use Site
- DM1 - Location of New Development
- DM2 - Dwelling Sizes
- DM7 - Town, District and Local Centres
- DM8 - Primary Shopping Frontage
- DM15 - Local Distinctiveness
- DM16 - Site Design Criteria
- DM17 - Site Development Principles
- DM18 - Access and Parking
- DM20 - Development and Noise
- DM26 - Archaeology
- DM27 - Development in Conservation Areas
- DM28 - Demolition in Conservation Areas
- DM29 - Heritage Assets
- DM33 - Undesignated Rural and Industrial Heritage Assets

Supplementary Planning Document

- Central Winchester Regeneration 2018
- National Design Guide 2019
- High Quality Places 2015
- Air Quality 2021
- Residential Parking Standards 2009
- Affordable Housing SPD February 2008 with amendment 2012.
- Winchester Conservation Area Appraisal 2003

Other relevant documents

- Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
- Nature Emergency Declaration
- Statement of Community Involvement 2018 and 2020
- Biodiversity Action Plan 2021
- Waste Management Guidelines and Bin Arrangements
- Position Statement on Nitrate Neutral Development - February 2020
- Historic England Guidance
- Constructive Conservation in Practice 2008
- Constructive Conservation Sustainable Growth for Historic Places 2013
- Conservation Principles Policies and Guidance 2008
- Historic Environment Good Practice Advice in Planning: 4
- Published 30 June 2020
- Enabling Development and Heritage Assets

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- Winchester Future 50 Conservation Area Project 2018-2020
- Ancient monuments and Archaeological Area Act 1979

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 proposes the demolition of a building in a conservation area which is acceptable in principle subject to compliance with policy DM28 which is considered in the Heritage section of the report.

The existing use of the building is as a meeting hall for the RAOB, which as a land use would be classed as a local facility. The provisions of policy CP6 have been assessed and due to the duration of the absent use and current state of the building, alongside the site's location within a large settlement where there are alternative uses, the principles of policy CP6 are met.

The proposal includes the introduction of residential units. The site is within the defined settlement boundary of Winchester where the principle of additional residential units is found acceptable by policy MTRA1 of the LPP1 and DM1 of the LPP2.

Policy CP2 of the LPP1 seeks to provide a majority of 2 and 3 bed units within new development. The development provides a combination of 1 and 2 bed properties. This is considered to reflect the urban location of the development and the requirements of policy CP2 are considered to be met.

The development does not meet the thresholds for an affordable housing requirement or contribution under policy CP3 of the LPP1.

Policy WIN4 of the LPP2 supports development within the Silver Hill Mixed Use Site. The uses proposed are compliant with policy WIN4. There are conflicts with elements of the policy which are assessed within the relevant sections.

The principle of development is considered to be acceptable subject to compliance with the policies of the development plan 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 application site forms a key part of the Central Winchester Regeneration Area. The

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wider Area is in the early master planning stages and whilst this site is on the edge, it will be a visible building which interacts with public realm throughout the regeneration area.

Policy WIN4 requires for all development in the area to demonstrate how it will achieve the form of development intended by the regeneration as a whole. The Central Winchester Regeneration Area Supplementary Planning Document (CWR SPD) also sets the same purpose, governing development in the area to ensure a comprehensive, high quality public realm and regeneration is achieved.

It is therefore important to assess the impact of the application both on the current character of the area, and the future character defined by the regeneration.

Currently, the appearance of the immediate area is varied. There are a combination of buildings from different time periods which are interspersed with historic buildings, including those with which are listed and non-designated heritage assets. The street pattern of the area is key and there are views toward the site both from Friarsgate (the major through route through Winchester) and on smaller side streets such as Tanner Street and Silver Hill. This results in development of the site having a wide impact on the character of the area, as it is a focal point visible from a number of directions.

Height and scale also vary in the area, with taller buildings being identified such as Kings Walk and Woolstaplers Hall. The historic Woolstaplers Hall is a prominent historic building of industrial appearance, and there are glimpses to the rear of High Street buildings which are listed.

From the perspective of Silver Hill, the current character is defined by the height of Kings Walk and the varied height of the rear of the High Street. In the distance, Woolstaplers Hall stands as the tallest building visible. The proposal would have a small set back compared to Woolstaplers Hall, and the taller of the buildings (closest to Woolstaplers Hall) will sit at the same height. As a result, the view from this perspective would be of tall, contemporary building which blocks views of a key heritage asset in the area and fails to relate to the scale of neighbouring buildings to the rear of the high street. Other than the balconies on the corner of the building (above the commercial unit entrance), the design proposed includes a blank wall on the western elevation (save for a single window). From the perspective of Silver Hill, this would result in a blank brick wall standing in front of a key historical building which is to the detriment of the character of the area.

Cross Keys Passage is an ancient route from the High Street to Tanner Street. Due to the scale of the building proposed adjacent to the Passage, and the interest provided by the roof form with an active commercial frontage on the ground floor, no adverse harm is identified to the Passage.

From the perspective of Tanner Street (and by extension views to the site from the junction of Tanner Street with Friarsgate), Woolstaplers Hall is currently blocked by the larger St Clements Surgery. As a result, the proposal would stand as a corner plot. Whilst the design features of the smaller building have merit, the height and width of the taller building would be highly visible from this perspective. Buildings of this ratio are not found within the context of the area. Buildings are either small scale (such as those on the High Street) or taller buildings which have a large footprint which stretches their scale and reduces their impact on the public realm. To the contrary, the taller building is narrow and tall which results in its height being exaggerated from the public realm. Officers have recommended that the height of the taller building is spread across the smaller one to

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achieve a similar and more appropriate result however amended plans have not been forthcoming. In addition, buff brick is proposed which fails to take account of the material palette both within the context of the area and Winchester as a whole. Whilst there are limited examples, the use in this location does not relate to its surroundings and would be an inappropriate material.

As a result, from Tanner Street the building appears out of character with its surroundings, failing to relate to the scale of surrounding buildings and appearing disproportionate to its surroundings.

In its current form, the Woolstaplers Hall outshoot blocks the majority of the site from the public realm of the bus station to the east. The top of the building would be visible over this outshoot however the relationship in its current form is not harmful.

Whilst the High Street buildings block the majority of views from the south, due to the height of the building it would be visible from further within the Conservation Area, in the direction of the Cathedral. Colebrook Street is a key, narrow and historic street which looks toward the High Street. The character of that area is defined by views toward the historic, listed buildings of the High Street beyond with views of Woolstaplers Hall above (largely its sloping roof). The proposal would also be visible from The Broadway by users of the pavement in front of the Guildhall, a Grade II listed building. From these perspectives, the proposal would rise behind the listed buildings and sit next to the Woolstaplers Hall. Rather than providing an interesting feature which complements the historic variety of the area, a blank brick box with little detail and roof equipment would be presented. This contradicts the historic variety of built form seen from this perspective and would be an alien and undetailed feature for the area.

When assessing the current appearance and character of the area, the application is not considered to relate to the surrounding context and existing buildings, and ultimately competes with key historic and focal buildings which are either a non-designated asset or listed.

As a result, the proposal does not make a positive contribution to the local environment and the design does not respond positively to neighbouring built form and the local context.

The proposal fails to respond positively to the character, appearance and variety of the local environment in terms of design, scale and layout and does not respect the special qualities of the Conservation Area, contrary to policies CP13 of the LPP1 and DM15 and DM16 of the LPP2. This impact is assessed from a heritage perspective later in the report.

In terms of the future development, the surrounding area forms part of the Central Winchester Regeneration Area which will be a mixed-use development. The Central Winchester Regeneration Area Supplementary Planning Document (CWR SPD) is an adopted document which outlines the key principles for all development in the area, whether that be brought forward on an individual or wider masterplan basis.

The SPD is clear that public realm needs to be managed sensitively to ensure that building scale and form responds positively to the public realm it is supporting. The Public Realm Framework Plan identifies that Silver Hill and Tanner Street will continue to form part of an improved public realm. In addition, a new public realm will be opened to the north of the application site (immediately adjacent to the ground floor and past Woolstaplers Hall), connecting Silver Hill to the area currently occupied by the Bus Station which will form part of a public space with views to the Guildhall. This highlights

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that the application site would form a focal visual point from all perspectives, and as a result the impact on the public realm needs to be considered.

Another key area is height. The SPD sets a maximum datum point relative to the height of Woolstaplers Hall. It is acknowledged that the application site sits outside of the area where this limit applies, however Woolstaplers Hall as a key building, and a future historic focal centre of the regeneration area, needs to be respected.

Similar to the assessment on the current context, public realm views from Tanner Street will be presented with a blank elevation which sits at the same height as the ridge of Woolstaplers Hall. Tanner Street will be one of, if not the, main route into the regeneration area from the city centre. If approved, the proposal would block views of Woolstaplers Hall from this perspective and also present a tall, blank elevation which is not an inviting appearance for those entering the regeneration area. Whilst it is acknowledged the proposal site is set back slightly from Woolstaplers Hall, this does not provide sufficient mitigation.

From the perspective of Tanner Street (and, by extension, Friarsgate), the majority of the building would likely be blocked by future built form within the centre of the site. This is, however, dependent on the height of those buildings within the centre as there may still be a risk that the proposal is visible above these buildings, again competing with Woolstaplers Hall in the centre. As the height of the smaller building is more respectful of the area and public realm, views toward this building alone are not considered harmful. However, once the height of the taller building comes into view, particularly in relation to the historic Woolstaplers Hall, alongside the clear views of the blank side elevation, the proposal is considered harmful from the Tanner Street perspective.

The space to the east (currently occupied by the Bus Station) would become key public space in the regeneration area. Users would enter from the Broadway and be presented with a square area of public realm bounded by new buildings and Woolstaplers Hall. Due to the demolition of the outshoot of Woolstaplers Hall, the public realm would directly turn from this space to Silver Hill, directly past the proposal site. From this perspective, the taller building would visibly compete with Woolstaplers Hall in height. This is particularly important from this perspective as the height of Woolstaplers Hall is read by the eaves, rather than its maximum ridge height. To the contrary, the proposed tall building matches the height of the ridge and would therefore be a visibly taller structure.

In addition, there is a distance of 6 metres between the Hall and the proposed taller building. Whilst there is a setback, there will be a point when users are travelling from the public square toward Silver Hill that they are presented with the blank, 5 storey eastern elevation of the building. Whilst this is disrupted to a degree by the corner balconies, this does not mitigate the unattractive appearance provided by this elevation. In addition, this does not promote the safe use of the external space between the building and Woolstaplers Hall, which would become an area which is not overlooked or interacted with. This would result in an underused and unactive space which is highly visible from a key public realm route.

The assessment made concerning the harmful appearance of the taller building from the Colebrook Street area would also apply when the wider area is regenerated.

Therefore, when assessing character against the future regeneration of the site, the proposal is not considered to positively relate or support the character of the area.

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Objective 6 of the SPD states that incremental delivery is supported however 'within phased development implementation, there needs to be a consistent and coordinated approach to delivery of public realm, following guidance contained in this SPD'. The current scale and form of the proposals fails to provide that coordinated approach, and instead results in visual character harm from the majority of key future public realm points. As a result, the proposal is not considered to enhance the public realm and instead limits the success of placemaking in the regeneration area, contrary to Policy WIN4 of the LPP2. The proposals would fail to respond positively to the future character, appearance and variety of the local environment in terms of design, scale and layout and would not respect the special qualities of the Conservation Area, contrary to policies CP13, DM15 and DM16 of the LPP2.

This section details the harm identified on the character of the area and arising conflict with the future development of the area. Harm is also identified in a similar manner concerning heritage and this is assessed separately elsewhere in the report.

Development affecting the South Downs National Park

The application site is located 350 metres from the boundary of the South Downs National Park to the north.

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.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified. The proposal is located within an existing urban area and therefore additional harm from light spill is not expected, taking account of the Park's status as a Dark Skies Reserve.

Historic Environment

The application site sits in close proximity to 154, 155, 156, India Arms and 158 High Street (all separately listed Grade II buildings). Whilst there is no physical connection between the proposal and these listed buildings, the site does form part of the setting of these buildings.

The site is also within the Winchester Conservation Area.

There are a number of Non-Designated Heritage Assets in the area. The closest being Woolstaplers Hall directly adjacent to the site.

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
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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).

The preservation or enhancement of shopfronts and signage (Policies DM33 & DM34 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; Winchester City Council Design Guidance for the Control of Shopfronts & Signs (1998), NPPF (2023) Section 16).

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 16 and 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.

154, 155, 156, India Arms and 158 High Street are Grade II listed buildings to the south of the application site. All buildings have a similar height, which is characteristic of the High Street. As detailed within the impact on the character of the area section, one proposed building protrudes much taller than its surroundings.

Whilst this would block views of the rear of the listed buildings, this is not materially different to the current situation.

However, from public realm within the Broadway and Colebrook Street, the building would appear overbearing, protruding above the height of the listed buildings and presenting a

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blank brick box sitting above the attractive and varied historic buildings. Wireframe views were requested from this perspective and demonstrate that the building would be visible. From the High Street, the buildings would be blocked by existing built form. From the Broadway, the taller building would be visible from the perspective of users of the pavement outside the Guildhall, a major thoroughfare into the city centre. From Colebrook Street, the height would be very evident.

From both perspectives, the height of the building results in an uncomfortable relationship between the proposal site and the listed buildings, and the structure would appear overbearing, rising above the surrounding listed buildings and presenting an unattractive blank elevation and roof plant. This therefore detracts from the historic significance of the listed buildings and the role they play in setting the character of the Broadway/High Street.

Whilst it is acknowledged that Woolstaplers Hall can be seen also rising above the buildings, this is also an historic building which presents its sloping roof. To the contrary, the flat roof, brick box with little fenestration details dominates the listed buildings. In addition, the removal of the parapet wall, whilst included to achieve a small height reduction, then exposes unattractive features such as railings and roof plant.

Policy WIN2 allows development which enhances the sensitive historic environment of the town centre and its heritage assets. The proposal fails to respect and respond to its core historic surroundings and therefore does not comply with this policy.

Policy WIN3 of the LPP2 also seeks to ensure that all roof designs are sympathetic to the character of the Town's historic roofscape in terms of bulk, grain and form of materials. The policy also notes that any roof plant should be sensitively integrated within the roof-profile. Due to the conflict with the historic setting identified above, the proposal is also contrary to policy WIN3.

As a result, the proposal results in harm to the setting of the listed buildings and is contrary to policy DM29 of the LPP2. This is identified as less than substantial harm and a conclusion on public benefit is reached at the end of this section.

Woolstaplers Hall is a non-designated heritage asset. The building is a prominent and tall structure with high visibility. The building forms an important part of the future regeneration area, with heights of building being limited to ensure that Woolstaplers Hall is respected. Section 3.10.5 of the CWR SPD requires that the overall height and massing of proposed buildings do not compete with views of existing key buildings identified, which includes Woolstaplers Hall. Whilst the site is outside of the defined datum height control area, this is still a historic building which requires respect. The site is the closest area of development to the Woolstaplers, making this point even more important.

As described previously, the height of the building closest to Woolstaplers Hall has a height which matches the ridge height of Woolstaplers Hall. From the ground perspective, where the height of Woolstaplers Hall is read from its eaves, the building would appear even taller due to its flat-roof design. As a result, the proposal competes with the Woolstaplers Hall and reduces its prominence, sitting awkwardly immediately adjacent to what should be a respected and historic focal point in the area. This applies both in today's context and also in the future regeneration area. The proposal is therefore contrary to policy DM31 of the LPP2.

The site is a key part of the Winchester Conservation Area.

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The existing building does not provide a positive function within the conservation area. The building is of little architectural merit and its demolition is not objected to, in compliance with policy DM28 of the LPP2.

The Area is varied, ranging from the core historic buildings of the High Street to 20th Century buildings such as Kings Walk and St Clements Surgery. Whilst there is this variation, there is a consistent pattern of height and design control which respects existing historic buildings. Historic buildings remain the key features, particularly in the case of Woolstaplers Hall which, as the tallest building in the area, provides a key historic focal point. The Townscape and Visual Impact Assessment notes that the susceptibility to change in this area is considered to be high and a high sensitivity rating is recorded.

Policy DM27 of the LPP2 discusses development in conservation areas.

As identified within the impact on the character of the area section, the height of the building is not acceptable in this area due to the overbearing and negative relationship it causes with surrounding listed buildings and non-designated heritage assets. The proposal blocks views of Woolstaplers Hall from certain directions and competes with its prominence from all public views. In addition, due to the design of the taller building, the protruding section presents a brick boxed structure with little detail or fenestration and visible roof plant including railings and lift equipment. This is visible from Colebrook Street and the Broadway, where the top of the building is visible without any detail or fenestration.

The proposed development is not considered to respond sympathetically to the surrounding historic settlement pattern, townscape and roofscape. In addition, the proposal is not of a height and mass which respects surrounding buildings and the area as a whole. The proposal is therefore contrary to policy DM27 of the LPP2, resulting in harm to the character of the Conservation Area.

The above issues have also been echoed by the council's Historic Environment specialists and Historic England.

It is considered that the proposal will result in a degree of less than substantial 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.

The Historic England response notes that 'The current proposals do not conform to this local plan policy. Neither has the conflict between the proposals and the conservation of the Conservation Area and nearby listed buildings been minimised, as there is scope for refining the design to make it appear less stark; for instance, introducing a pitched roof and a more sympathetic approach to detailing. We would therefore question whether the harm is clearly and convincingly justified and outweighed by the public benefits as is required by the NPPF'.

Whilst the provision of residential accommodation is a public benefit, this does not outweigh the harm caused in this instance. In addition, it is also noted that the current building is derelict and does not provide a positive contribution to the conservation area. The site is in need of development; however, this proposal would result in long-term harm to the surrounding heritage assets and conservation area and the short-term gain provided

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by removal of the current building does not provide a public benefit which outweighs the harm identified.

An assessment under Section 73 of the LBCA Act 1990 has been made and it is considered that the proposal fails to 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.

In terms of buried heritage assets, the site lies within the core of the historic Roman, Late Saxon and Medieval city. The submitted archaeological information is considered acceptable and Written Schemes of Investigation and appropriate recording would have been secured by condition had the application been successful, in compliance with policy DM26 of the LPP2.

Neighbouring amenity

There are limited residential properties in the area and the proposal is not considered to cause any adverse overbearing, overlooking or overshadowing issues.

It is acknowledged that the proposal is in close proximity to a public house with an outside seating area to the rear. This has the potential to introduce noise complaints from the future residents of the proposal. Further information, including an Acoustic Report, was submitted which confirms the measures that would be put in place to prevent this issue occurring. It has been confirmed by the agent of the application that a MHVR system will be installed in the new building as an alternative form of ventilation to ensure that acceptable internal noise levels are maintained at all times. This would have been secured by condition had the application been successful.

The proposal is considered to be in compliance with policy DM17 of the LPP2.

Sustainable Transport

The application is within a highly sustainable location. Whilst no vehicular parking has been provided, the site is in close proximity to public transport and the lack of parking is acceptable in this instance. Bike storage is also provided.

The proposal is therefore considered to be in compliance with policy DM18 of the LPP2.

Ecology and Biodiversity

The proposal will have no impact as it is not development within, bordering or in close proximity to a European Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites). The application site is sufficient distance away from water streams which lead into the River Itchen protected sites, and had the application been successful a condition for a Construction Management Plan would have been included to obtain details of storage and spillage control.

Databases have not recorded the presence of protected species in the building; however, it is noted that no surveys have been provided within the application to confirm this. Had the application been successful an informative would have been included to remind the

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applicant of their responsibilities in the event a protected species was discovered during the course of demolition.

Appropriate Assessment.

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 0.03 Kg/P/Year (Phosphorus) and 1.1 Kg/N/year (Nitrogen) is made, requiring mitigation.

No mitigation has been provided and as a result the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have a likely significant effect on a National protected site though an increase in nutrient input which has not been addressed.

As a result, it is considered that the proposed development would result in significant harm to the Special Protection Area (SPA) and the species that it supports, therefore contravening the legal requirements of the Wildlife and Countryside Act 1981, the Habitat Regulations.

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).

Sustainability

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. Had the application been successful, a condition securing the submission of design-stage data prior to the commencement of development and prior to occupation would have been included.

The proposal therefore complies with policy CP11 of the Local Plan Part 1.

Air Quality

The application site is located within an area where the Air Quality Supplementary Planning Document applies. The application has been supported by the required checklist which confirms that the required measures will be complied with. This would have been conditioned had the application been successful.

Sustainable Drainage

The application site is within Flood Zone 2. The application has been supported by a Flood Risk Assessment which includes acceptable measures. Clarification on certain elements has been provided to the satisfaction of the council's drainage engineer.

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Had the application been successful a condition ensuring compliance with the Flood Risk Assessment, and a condition obtaining foul drainage confirmations from Southern Water, would have been included.

Therefore, the proposal complies with policy CP17 of the LPP1.

Trees

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term.

The application site and surrounding area do not contain any trees.

Other Topics

Equality

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

Planning Balance and Conclusion

The proposed development results in harm to the character and appearance of the surrounding area and conflicts with the surrounding context, particularly Woolstaplers Hall (a non-designated heritage asset) and surrounding listed buildings on High Street.

The proposal has also not demonstrated nutrient neutrality, in conflict with the duties under the Habitat Regulations.

It is acknowledged that the proposal would provide development to a derelict site, however this short-term gain does not justify the long-term harm caused by the proposal. The introduction of residential units is a public benefit; however, this does not outweigh the harm caused.

The application is therefore recommended for refusal.

Recommendation

Application Refused due to the following reasons:

1. The proposed development is contrary to Local Plan Policies CP13 and CP20 of the LPP1 and DM15, DM16, DM27, DM28, WIN1, WIN2, WIN3 and WIN4 of the LPP2, as well as High Quality Spaces SPD including HQB2 and Central Winchester Regeneration SPD Section 1: Objective 2 and 6 in that it:

- fails to recognise, protect and enhance heritage assets and their settings;

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- is not of a height, massing, scale and material which is in harmony with adjoining buildings and the area as a whole;
 - would not enhance or better reveal the significance of the conservation area;
 - fails to make a positive contribution to the local environment and the design has not been informed by the constraints and opportunities of the site;
 - does not enhance the special qualities of Conservation Areas and historic landscapes or recognised public views and skylines;
 - does not respond positively to the character, appearance of the local area in terms of design, scale and layout;
 - does not protect and enhance the special character of Winchester Town and its heritage assets;
 - does not enhance the sensitive historic environment of the town centre and its heritage assets;
 - has an unsympathetic roof design which conflicts with the character of the Town's historic roofscape.
 - fails to enhance the public realm and does not respect the historic context nor make a positive contribution towards protecting and enhancing the local character.
2. The proposed development is contrary to policies DM29 and DM31 of the LPP2 in that it:
- results in an overbearing visual impact to neighbouring listed buildings which is harmful to their significance;
 - competes with the neighbouring Woolstaplers Hall non-designated heritage asset and fails to respect its historic context and scale.
3. The proposal for additional residential units within the catchment of the River Itchen, resulting in additional nutrients being deposited into the Special Protection Area's. Therefore, in the absence of any mitigation, the proposal is contrary to Regulations 63 and 64 of The Conservation of Habitats and Species Regulations 2017 and Policy CP16 of Local Plan Part 1 as it is considered that the proposal will have likely significant effect on a European protected site though an increase in nutrient input.

Informatives:

1. In accordance with the NPPF 2023, 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.

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)

- WT1 - Development Strategy for Winchester Town
- MTRA1 - Development Strategy Market Towns and Rural Area
- CP2 - Housing Provision & Mix
- CP10 - Transport
- CP11 - Sustainable Low and Zero Carbon Built Development
- CP13 - High Quality Design

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- CP16 - Biodiversity
- CP17 - Flooding, Flood Risk and the Water Environment
- CP18 - Settlement Gaps
- CP20 - Heritage and Landscape Character

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

- WIN1 - Winchester Town
- WIN3 - Views & Roofscape
- WIN4 - Silver Hill Mixed Use Site
- DM1 - Location of New Development
- DM2 - Dwelling Sizes
- DM7 - Town, District and Local Centres
- DM8 - Primary Shopping Frontage
- DM15 - Local Distinctiveness
- DM16 - Site Design Criteria
- DM17 - Site Development Principles
- DM18 - Access and Parking
- DM20 - Development and Noise
- DM26 - Archaeology
- DM27 - Development in Conservation Areas
- DM28 - Demolition in Conservation Areas
- DM29 - Heritage Assets
- DM33 - Undesignated Rural and Industrial Heritage Assets

Supplementary Planning Document

- Central Winchester Regeneration 2018
- National Design Guide 2019
- High Quality Places 2015
- Air Quality 2021
- Residential Parking Standards 2009
- Affordable Housing SPD February 2008 with amendment 2012.
- Winchester Conservation Area Appraisal 2003

Other relevant documents

- Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
- Nature Emergency Declaration
- Statement of Community Involvement 2018 and 2020
- Biodiversity Action Plan 2021
- Waste Management Guidelines and Bin Arrangements
- Position Statement on Nitrate Neutral Development - February 2020
- 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: 4
- Published 30 June 2020
- Enabling Development and Heritage Assets
- Winchester Future 50 Conservation Area Project 2018-2020

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- Ancient monuments and Archaeological Area Act 1979