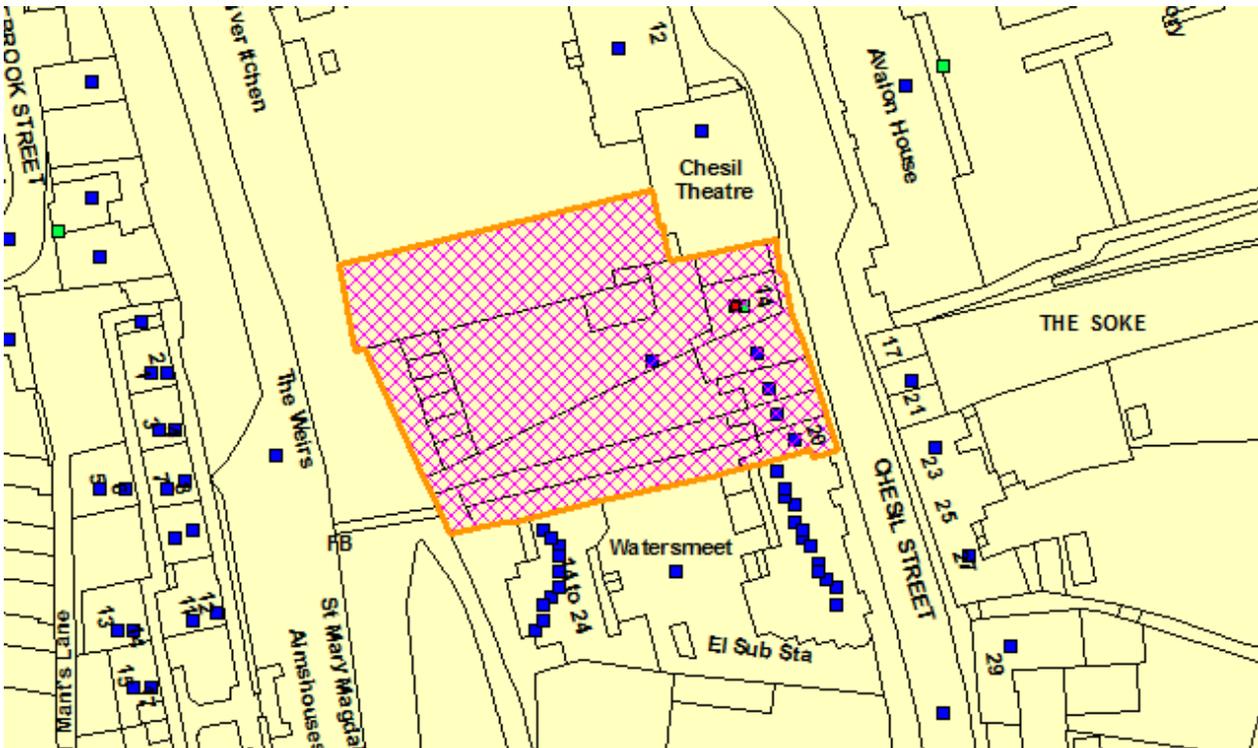


Case No: 17/03096/FUL
Proposal Description: Demolition of existing dilapidated cottages and outbuildings to create 16 affordable, fully accessible, residential alms house apartments, support facilities and private pedestrian bridge including highways improvements. (AMENDED PLANS RECEIVED 25/05)
Address: 14 Chesil Street Winchester SO23 0HU
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Mr Clive Cook
Case Officer: Pat Aird
Date Valid: 8 December 2017
Site Factors: Winchester Conservation Area
Site of Special Scientific Importance
Recommendation: Application Permitted



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General Comments

Application is reported to Committee as the number of objections, received 15

Following consultee responses minor modifications have been made to the design to improve the appearance of the development from Chesil Street and reduce the impact on the adjacent Grade II* Listed Building St Peter's Church. These are

- Brick is to be orange-red multi instead of buff
- Ventilation chimneys have been repositioned and reduced in height
- A glazed tower has been removed and brickwork gable has been replaced with zinc clad gables set back from the frontage so the height and bulk is perceived to be reduced and therefore the roof of St Peter's Church remains the prominent feature in the street scene.

In addition, to reduce the potential for adverse impact on the River Itchen SAC and SSSI

- a footbridge over the River Itchen to connect the site with the site on Colebrook Street has been omitted
- It is no longer proposed to remove trees along the rear boundary as this could destabilise the river bank
- It is proposed to use the existing head wall for storm water discharge.

As such there will be no works undertaken immediately adjacent to the River Itchen. In accordance with the Habitats Regulations an Appropriate Assessment has been adopted which concludes that there will be no adverse impact on the River Itchen SAC as a result of the development.

A Listed Building application 17/03097 was submitted with this application. It is for the works that may be required to detach the adjacent property number 14 Chesil St from St Peter's Church. No 14 is not part of the listing and is not within the curtilage of St Peters. The exact nature of the works will not be known until the demolition of no 14 has commenced but it is possible that no works to the listed building will be required as the two buildings appear to be separated, albeit by a thin margin. Therefore the Listed Building application does not fall to be determined unless planning permission is granted and the works have commenced and are found to affect the fabric of St Peter's Church.

Site Description

The site is a roughly rectangular piece of land 0.16 ha in area. It is bounded to the west by the River Itchen and to the east by Chesil Street. Within the site along the Chesil St frontage is a row of small cottages, 14-20 Chesil Street, which have long back gardens stretching down to the river bounded by brick walls. Along the south and rear boundary are linear groups of mature trees. The land falls away towards the river to both west and south.

No 14 is at the northern end of the row of cottages and on its north side is an alley way at ground floor accessed through double timber gates with first floor accommodation above. At the back of no. 14 is a brick outbuilding with a pitched roof. No. 14 is immediately adjacent to St Peter's Church. It abuts the church at roof level against a layer of slate tiles but the north flank wall is separated from the church by a few centimetres and is free standing.

St Peter's Church is a grade II* Listed Building thought to date back to the 12th century. It is currently used as a theatre and had permission for a two storey extension which has now expired.

On the north side of the church is The Soke, also a grade II* Listed Building, which dates back at least to the mid 16th century and like the properties on the application site has a garden stretching down to the river.

To the south of the site is a modern development, Watersmeet comprising two residential blocks. One block fronts Chesil Street and the other fronts onto the river. The block fronting the river has terraces and balconies on the river frontage but no windows in the north elevation facing the application site. There is one window on the north elevation on the block fronting Chesil Street which is not to a habitable room. Beyond Watersmeet to the south is the Kwik Fit garage. Between these two blocks on the shared boundary with the application site is a brick wall in excess of 2 metres in height.

On the opposite of the road are the listed cottages 17-27 Chesil Street and Avalon House. Further south is the access to Chesil Street multi-storey car park and beyond is the new extra care development.

Proposal

This proposal is to demolish the existing cottages and outbuildings and construct 16 one bed alms house apartments with support facilities in blocks aligned east west.

To minimise the height of the building and to address the slope of the land the eastern end of the block on the north side of the site will be constructed from approximately 3 m below the existing ground level at its western end and approximately 2 m below the existing ground level at the eastern end. The eastern half will be 3 storey with a maximum height of 9.5 m to the parapet so that at its highest point it will be lower than eaves of the church tower with a maximum ridge height of the set back roofs of 9 m. The western half will be 2 storey and approximately 6.75 m to the parapet with a maximum ridge height of the set back roofs of 9.0m. The north east corner will be 7.5 m from the north boundary of the site and approximately 15.25 m from the south west corner of the Soke. The north western corner of this building will be 6.9 m from the site boundary. The block including access walkways will be approximately 18.75 m long and 10.75 m wide.

The block on the southern part of the site will be 3 storey at the Chesil street frontage and 2 storey at the western end constructed on a level below the existing ground level on the north and on made up ground on the south (where the land falls away at the southern boundary) to match the height of the northern block. It will be 10.75 m wide and extend from the Chesil Street frontage to the back of the site leaving a tapering buffer zone of 6.3-8m to the edge of the river bank. The south elevation of the block on the south side of the site will be 2.1 m from the southern boundary. The main east elevation will be set back 5.25 m from the edge of Chesil Street and the north east corner of the building will be approximately 14 m from St Peter's Church.

The blocks will be constructed of orange-red multi bricks with zinc plated mono-pitch roofs.

Exterior lighting will be controlled by photo-electric cells to allow dusk to dawn illumination

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with emergency lighting.

Provision is included for mobility scooters to be stored within the entrance lobby of each apartment with a suitable re-charging point. A centrally located lift will provide access to all floors within the development.

There will be no provision for parking private vehicles or turning on site. Staff will either be based at the Southside hub where car parking is provided or will use the WCC park and ride carparks. Visitors will also use the WCC park and ride car parks.

Cycle parking will be provided to HCC standards with 1 space per unit and 1 loop/hoop per 2 units

It is proposed to realign and widen the existing footway fronting Chesil Street and to form a new lay-by for emergency vehicles and refuse vehicles. There will be a shared pedestrian and trade/delivery vehicle access from Chesil Street adjacent to the new block and a wall on the frontage between this access and St Peter's Church in front of the area where permission has been granted for an extension which will be used as a garden pending implementation of that permission. There is potential for this wall to be used as a part of the public realm with inset planting and seating.

A laburnum and a sycamore in poor condition will be removed and other trees will be crown lifted to accommodate the new residential blocks.

The applicant is St John's, Winchester, a charity which provides affordable housing with community facilities on 4 sites within the city with rents at least 20% below market rents for those of limited financial means with preference given to residents of Winchester and Hampshire or residents outside Hampshire who have a close relative in Winchester District.

The proposed development of the site is part of an overarching plan to maintain a viable alms-house community into the future which includes 14 apartments on the site at Colebrook Street and the refurbishment of 20 units on Southside as well as the redevelopment of this site in Chesil Street

Relevant Planning History

05/01200/FUL - Erection of 5 no 1 bed terraces, refectory, kitchen and hall with new theatre facilities and alterations to access Permitted 18.04.2007
(This application included the provision of a footbridge over the river Itchen at the south west corner of the site and was also subject to a Section 106 agreement to secure public benefit from community use.)

12/00781/FUL - Extension to the time limit for implementing planning permission 05/01200/FUL) Erection of 1 no. four bed dwelling and 4 no. two bed dwellings, new refectory, kitchen, hall with 1 no. one bedroom flat over and new theatre facilities, alterations to existing access, replacement bridge over River Itchen. [AMENDED DESCRIPTION] Permitted 21.05.2013

13/01799/FUL and 13/02014/LIS - Extension to the Chesil Theatre in 2013 Permitted 23.12.2013

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(also approved the demolition of numbers 14-16 Chesil Street.

Consultations

Engineers: Drainage:

Foul drainage capacity check required from SW. Conditions 6 and 16 required relating to surface water drainage and information on future maintenance of drainage infrastructure and foul drainage.

Engineers: Highways:

Revisions required to layby so both fire appliance and refuse vehicle can use layby at the same time – to be secured by condition 12; pedestrian access wide enough for car; changes to double yellow line require a TRO

Head of Historic Environment:

The harm, whilst less than substantial would be significant and needs to be justified by the public benefits; improvement on the 2005 permitted scheme apart from the height of the blocks but with the improvements proposed by urban design this concern would be addressed; agree with Historic England in respect of the layby; height on Chesil St frontage should be reduced and roof form simplified and materials/treatment of entrance gates and visual impact of walkways; Chesil St frontage should be redesigned to be more active at ground floor level; views from river of St Peters Church should be framed; concern over garden as a temporary measure pending implementation of planning permission to build an extension to the church; condition 9 required to secure appropriate boundary treatment.

Archaeologist

No objection subject to conditions 2 and 3.

Head of Strategic Planning:

Principle acceptable; site vacant a long time so development welcomed; design needs to be high quality in this location; impact on conservation area and other matters for specialists to comment; not a housing mix but it is for a particular form of accommodation which appears to be needed locally; relevant policies identified; confirmed WCC can demonstrate a 5 year supply of housing land.

Head of Landscape:

Important location in Conservation area; need to maintain/enhance views to the church from the rear; details of new planting/tree removal and retention including future management required by condition 9.

Tree Officer

Trees in group 1 of low quality and could be removed. Drainage needs to be considered in relation to root protection areas and method statement provided. Additional/existing

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trees/planting will shade the dwellings and the public footpath

Urban Design

Suggested simplification of design incorporated in amendments

Ecology

As River Itchen Special Area of Conservation is adjacent to the site a Habitat Regulation Assessment Stage 1 Screening Report should be completed. Recommendations in relation to protected species (bats, water vole and otter and reptiles) have been submitted and are deemed appropriate.

WCC Building Control

Demolition Notice and Building Regulations application will be required and these will identify any building control issues.

Environment Agency:

No objection; works within 8 m of the river bank may require a permit

Natural England

Measures in CEMP to address potential construction impacts on the River Itchen SAC welcomed; impacts on European protected sites should be considered and mitigation (in the form of the CEMP) outlined within an Appropriate Assessment (AA) as per Regulation 63 of the Habitats Regulations 2017 which will require further detail of the construction of the headwall and the potential impact upon the SAC (e.g. current state of existing bank, quantify amount of bank to be removed, methods of construction etc.), in order that a proper assessment can be made. Further measures may be required to ensure the construction of the headwall will not incur significant adverse impact on the SAC via erosion of the bank, spillage of materials/chemicals into the watercourse etc. (condition)

Historic England:

Loss of buildings and boundary walls, loss of openness of garden areas, and construction of layby (which opens up the street frontage) which will harm the character and appearance of conservation area and impact on the setting of listed buildings needs to be weighed against the public benefit; 3 storey building too high - competes with St Peter's church despite amendments. Consideration must be given to Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the application evaluated in accordance with paragraphs 129, 132 and 134 of the NPPF. A method statement for demolition is required to avoid harm to St Peter's Church (condition 4).

Southern Water:

Advice on building or tree planting in vicinity of sewer and connection to foul sewer – informatives 10 and 11 required

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HCC Flood and water Management

No objection subject to condition 6 and informatives 10 and 11.

Representations:

City of Winchester Trust
Support – much needed housing

15 letters received objecting to the application for the following reasons:

- Overdevelopment - site too small for 16 units
- Out of scale and mass reaching down to the river will spoil the area for residents, neighbours and visitors
- modern design out of keeping
- increase in density from 24 to 92 dwelling per hectare excessive even for an urban development and inappropriate
- D&A statement inaccurate; density of Watersmeet should not be used as a precedent
- accept new homes required but development too big for this historic area which should be preserved for historic association
- Building in the open area behind the houses will change character of area
- 3 storeys unsympathetic to listed buildings and would mask views
- Impact on rear of The Soke has been underestimated especially the importance of the rear of the building to the historic townscape
- Significance of the Soke lies in its architecture, historical value of its social history (detailed information submitted)
- new build will permanently obscure views of The Soke and St Peter's Church being read together from anywhere other than directly in front of the corner of the development
- Wessex Archaeology report has under-represented the impact on the Soke
- overlooking of bedrooms, kitchen and private garden of The Soke
- views of St Peters could be enhanced by clearing foliage not building
- three storey currently only on Chesil Street and not at rear
- why not re-use and refurbish
- overbearing
- impact on security of adjoining properties
- loss of light
- should be no parking on site or additional parking permit applications without additional residential parking places
- volume of traffic
- disruption from building works
- Private pedestrian bridge inappropriate in view of the likely users.

3 Letters of support

- Much needed housing

Relevant Planning Policy:

Winchester Local Plan Part 1- Joint Core Strategy

DS1, WT1, CP1, CP2, CP3, CP7, CP10, CP11, CP13, CP14, CP15, CP16, CP17, CP20,

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CP21

Winchester Local Plan Part 2

WIN1, WIN3, DM1, DM2, DM5, DM6, DM15, DM16, DM17, DM18, DM19, DM26, DM27, DM28, DM29

National Planning Policy Guidance/Statements

Nation Planning Policy Framework

Planning Considerations

Principle of development

The site lies within the policy boundary of Winchester where policies WT1 and CP1 of the Winchester District Local Plan Part 1 sets a target for growth and make provision for 4,000 dwellings. Whilst policy CP2 of the Winchester District Local Plan Part 1 expects half the units in residential developments to be 2 and 3 bed dwellings it is not possible in this case due to the nature of the accommodation provided and the lack of housing mix is therefore justified particularly as there is provision within the policy for specialist forms of accommodation such as extra care housing for older persons where there is a local need as in this case. Therefore in principle the development is acceptable.

Affordable Housing

The accommodation has been designed to meet 'Extra Care criteria and HCA standards. Each property will have 2 bed spaces which meets the requirements of the Winchester City Council Affordable Housing Supplementary Planning Document para 2.8. The size of each the 1 bed room flats is 54sq m which meets the requirements of policy DM2 of the Winchester Local Plan Part 2 that 1 bedroom flats should comply with Nationally Described Space standards and therefore be at least 50sq m. The units will also comply with Part M4 Category 2 of the Building Regulations. The proposed rent and the eligibility criteria meet the definition of affordable housing set out in the NPPF. However under the rules governing their charity St John's also have a selection requirement that residents play an active part in community life. For this reason they will not necessarily be able to accept all referrals made by Winchester City Council but they have agreed in principle to consider referrals. Therefore whilst the property is owned by St John's the provisions of Policy CP3 are met. St John's is also required by the rules governing their charity to re-provide a suitable property if one of its almshouses is sold or ceased to be used for that purpose. This requirement will be formalised for planning purposes through a legal agreement to ensure that the charity re-provides affordable housing elsewhere in Winchester that equates to 40% of the units on this site.

Impact on the Historic Environment

The site is within the Winchester Conservation Area and the impact of the demolition of the existing and the design and layout of the new buildings on the character and appearance of the conservation area are important considerations. The site is also in close proximity to a number of listed buildings, two of which are Grade II*, and the development therefore has the potential to affect their setting. The site is also potentially important for its archaeological value. These three elements of the historic environment are considered separately below.

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Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Historic England considers that the buildings to be demolished (and their boundary walls) in themselves make a positive contribution to the conservation area. However the site has been vacant for a long time and the buildings are in a dilapidated state. The applicant has considered the potential for retaining and refurbishing the existing buildings but found that the need to provide a rear turning area for refuse vehicles and fire engines would prohibit any other development at the back of the site so the refurbishment would be unviable.

Sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. Whilst the buildings to be demolished are part of the historic fabric of the city they are currently crowding the Church of St Peter's and the demolition of no.14 in particular will better reveal the significance of this grade II* Listed Building.

The proposed redevelopment will bring this prominent site in the conservation area back into use which in itself brings a substantial public benefit but in addition the proposal will provide affordable housing in a sustainable location close to the city centre which is also a substantial public benefit..

Finally, with regard to the demolition, permission was granted in 2005 (extended in 2012) and again in 2013 for the demolition of these buildings and there have been no material changes in legislation, national policy and guidance or local development plan policies which would now warrant a refusal.

The 1990 legislation referred to above, paragraph 200 of the NPPF and Policy DM29 of the Winchester District Local Plan Part 2 require consideration of the impact of the replacement buildings on both the character and appearance of the conservation area and the setting of the listed buildings in the vicinity and the opportunity to enhance or better reveal their significance.

Concerns regarding the design of the building on the Chesil street frontage have largely been addressed by the alterations to the elevation which allows St Peter's Church to remain the dominant building in the street scene. The addition of buildings to the rear is not characteristic but the linear form of the residential blocks does reflect the urban grain and due to the retention of the tree screen on the river frontage these blocks will not appear intrusive. Moreover, the adjacent site at Watersmeet has been developed with buildings behind the frontage. Historic England and the Head of Conservation consider the proposed layby will affect the character of Chesil Street which narrows at this point with a strong sense of enclosure from the properties on either side. However, setting back the building line on the south side will reflect a similar set back to The Soke on the north side of St Peter's Church and emphasise the dominance of this important heritage asset, thereby better revealing its significance. Furthermore, whilst the short stretch of Chesil Street in front of the application site is fairly narrow, on the street as a whole the sense of enclosure is not particularly strong and there are several point along the road in the vicinity of the site where the building line is set back and the road widens.

At the rear the setting of The Soke and St Peters Church individually and together is appreciated principally when approaching from the north and these building will remain dominant in the view form this direction. Following construction of Watersmeet there are only glimpsed views of St Peters Church tower and The Soke when approaching the site along the Itchen path from the south and due to the existing trees when standing immediately west of the site it is not possible to see either of these grade II* buildings. As no trees in this group will be removed the setting of these listed buildings will be largely unaffected except from inside the curtilage of The Soke and the application site itself. Whilst it is accepted trees are not permanent they could survive as long as the lifetime of the development. The development is not therefore considered to affect the special interest of these heritage assets and any harm is less than substantial and outweighed by the public benefits of bringing the site back into viable use and the nature of the development itself for affordable housing which is of great public benefit.

In order to prevent any damage to St Peter's Church during demolition condition 4 requires the submission of a Demolition Method statement and condition 5 requires the measures in the demolition Method statement to be implemented.

The setting the listed buildings on the west side of the street is not affected by the development as they were built as part of a street and this character will remain.

For these reasons set out above the proposal meets the tests of NPPF paragraphs 189-201, Policy CP20 of the Winchester District Local Plan Part 1 and Policies DM27, DM28 and DM29 of the Winchester District Local Plan Part 2

The site also has the potential archaeological value as it is an area where occupation is known to date back to the Roman period and continued through the Saxon and medieval periods and it is in close proximity to listed buildings. A report has been submitted by Wessex Archaeology and reports on the archaeological potential and reports have been submitted in respect of other applications, including a report on the historic building recording of 14-20 Chesil Street which indicate that it is unlikely that there are any deposits worthy or retention in situ and the archaeological potential can be addressed by conditions 2 and 3. As such the proposal will meet the requirements of Policy DM26 of the Winchester District Local Plan Part 2.

Design/layout

The new residential blocks are sited with sufficient space about the building not to appear cramped or overbearing.

Amendments have been made to achieve a better relationship with St Peter's Church on the Chesil Street frontage so the church remains the dominant building and the elevational treatment simplified with the removal of glazing and balconies and addition of a horizontal parapet line which reduces the mass and draws the eye down so that the height of the building appears to be diminished.

The linear shape and orientation fits the urban grain and the height of the buildings on the Chesil Street frontage is in keeping with the adjacent development Watersmeet. The brick colour has been amended so it is more in keeping with the character of the area and details of the external materials will be required by condition 7.

The buildings have been designed to step down at the rear to address the gradient of the land as it falls towards the river. This would have allowed glimpses of St Peters Church from the path along the river when approaching from the south but as the trees are now to remain this view remains theoretical for the foreseeable future. Moreover, due to the angle of vision from down below on the river path the extension at the rear of no. 14 Chesil Street would also partially screen the church tower even if the trees did not.

Analysis of the design in terms of its impact on the character and appearance of the Winchester Conservation Area and setting of listed buildings has been considered in the previous section of this report.

The design aims for code 4/5 for water/energy and the design utilises layout and orientation as far as other constraints allow to utilise the principles of energy efficient design and this code level can be secured by conditions 7 and 8.

The landscaping details and details of refuse storage will be secured by condition 9. There is an opportunity to enhance the public realm with public seating and planting beds.

In summary the application is for an appropriate quantum of development which makes efficient use of the land available and the design and layout complies with Policies CP11 CP13 and CP14 of the Winchester Local Plan Part 1 and Policies WIN1, WIN3, DM15 and DM16 of the Winchester Local Plan Part 2.

Residential Amenity

The balconies on the river frontage of Watersmeet are on the south elevation and will not be overshadowed or overlooked. There are no windows on the northern elevation of Watersmeet except the single second floor window to a non-habitable room on the block at the front of the site so there will be no impact on light, outlook or privacy to the residents of that development.

There is no public access to the site and there are 2 metre high walls on both boundaries and the river at the rear so there is no increased impact in terms of security on the adjoining properties.

A Construction Environmental Management Plan will be required by condition 14 to minimise disruption to adjoining residents during building works.

The main impact in terms of residential amenity will be on The Soke, the property to the North of St Peters Church. The distance to the boundary wall from the north elevation of the block in the north west corner of the site is 7 m. There are no windows in the east elevation of this block. The windows at first floor will look into the rear garden of The Soke but due to the angle there will be no direct overlooking of habitable rooms. As such there may be some loss of privacy in the garden but not so significant as to warrant refusal of the application.

The proposal does not therefore have an unacceptable adverse impact on adjoining land uses in compliance with Policy DM17 of the Winchester District Local Plan Part 2.

Infrastructure, Open Space and Community Benefit

The proposal as submitted included a foot bridge over the River Itchen but concerns were raised about the potential impact on the SAC and SSSI so it has been omitted. There is potential to provide planting and public seating on the Chesil Street frontage through a landscaping scheme which will be required by condition 9 but while policy CP21 of the Winchester Local Plan Part 1 is supportive of such initiatives they are not a requirement unless the scheme itself generates a need through a lack of capacity which is not the case in this instance.

Under the provisions of Policy CP7 of the Winchester Local Plan Part 1 new housing development is expected to make provision for public open space in accordance with the council's open space standard. However, as this proposal is for extra care accommodation which includes community facilities for residents open space provision is not appropriate in this case.

Ecology

The River Itchen Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) is located adjacent to the western boundary of the site. A Habitat Regulations Assessment Stage 1 Screening report has been completed in accordance with Articles 6.3 and 6.4 of the Habitats Directive 92/43/EEC and submitted with the application. As mitigation is needed to address potential impacts the Regulations require details to be submitted prior to determination therefore a Construction Ecological Management Plan has been submitted and an Appropriate Assessment (HRA)undertaken.

Habitats Regulations Assessment (HRA) is a process that identifies if a plan, programme or project has the potential to have an adverse effect on a protected 'European site', due to the project's nature, size or location. Examples of European sites include Special Areas of Conservation, Special Protection Areas and Ramsar sites.

The HRA has been carried out and adopted by the Local Planning Authority (LPA) as the decision maker and competent authority under the Habitats Regulations ensuring that development management decisions do not adversely affect the integrity of European sites. Regulations 61-63 include provision to ensure that European sites of importance for nature conservation are protected in the determination of a planning application. It is considered that sufficient evidence has been submitted to enable the authority to complete the HRA. Winchester City Council LPA is the competent authority with regard to ensuring compliance with the requirements of the HRA Regulations, including thorough comprehensive consultation with the relevant statutory environmental regulator, Natural England.

The role of the Appropriate Assessment (AA) is to consider the implications of the plan or project for the conservation objectives of the relevant European sites and should determine whether they will have an adverse effect on the integrity of the site. Depending upon the outcome of the AA, the local authority may need to adapt the plan or project to ensure that there are no adverse effects on site integrity, alone or in combination with other plans or projects.

In the absence of mitigation there is a risk that the proposed development could cause contamination of ground water and/or surface water run off which could affect the species and habitats of the River Itchen.

A bridge across the river is no longer part of the proposal, nor is a new head wall therefore there is no physical land take or modification related to this application. The trees on the western boundary of the site are now to be retained so there will be no impact on the stability of the bank.

The potential impacts are therefore from pollution during construction and occupation. A SuDs scheme is proposed to deal with surface water drainage designed to meet the requirements of current environmental legislation during occupation. The potential impact from pollution during construction will be mitigated by the requirement of condition 14 to implement the measures set out in the submitted Construction Ecological Management Plan. The HRA concludes that the development is unlikely to have any significant effects on the identified European sites, either alone or in combination with other plans and projects. Natural England has supported the conclusion of the HRA.

The gardens of the properties to be demolished have little ecological value. Reptile surveys haven't been undertaken and slow worms were found to be present. Mitigation against any harm arising from the development can be required by condition.

A bat survey revealed the presence of common, soprano pipistrelle, noctule and serotine foraging in the gardens but not entering or emerging from the buildings. Any impact can be mitigated through careful use of lighting which can be controlled by condition 15. There is a known bat roost within St Peter's Church therefore the Demolition Method Statement (see above) and Construction Ecological Management Plan include measures to ensure there is no disturbance to roosting bats. Habitat enhancement can be secured through a landscaping condition including the provision of bat boxes.

In order to prevent the disturbance of nesting birds all development needs to be completed outside the nesting season or where that is not feasible vegetation needs to be inspected by a suitably qualified ecologist and if there are active nests a buffer zone needs to be kept free of works until the young have fledged.

Mitigation measures also need to be secured through the Construction Ecological Management Plan required to be implemented by condition 14 to ensure no harm is caused by the development to water voles and otters.

Subject to the conditions outlined above the development complies with Policies CP15 and CP16 of the Winchester District Local Plan Part 1.

Access and Parking

The principle of development on this site has been accepted by the Highway Authority as it is in a sustainable location which is highly accessible by public transport and as such complies with policy CP10 of the Winchester District Local Plan Part 1.

There is no provision for parking of private vehicles due to the nature of the accommodation provided. As such there will be no increase in traffic generation.

The internal layout and proposed access meet the requirements of policy DM18 of Winchester District Local Plan Part 2.

The layby will require separate consent from Hampshire County Council but this can be dealt with by way of the pre-commencement condition 12.

Drainage and Flood Risk

Surface water drainage will be through SuDs the details of which will be finalised by condition 6 to comply with Policy CP17 of the Winchester District Local Plan Part 1.

Other Matters

Although the extension of time to planning permission 05/01200/FUL has now lapsed it is still a material consideration in the determination of this planning application as there have been no fundamental shifts in policy since 2012 when the extension of time was granted that would justify a departure, purely in Historic Environment terms, from the principles of development established under that permission, namely the loss of 14-20 Chesil Street and the residential development of the site.

In addition planning permission 13/01799/FUL for an extension to the Chesil Theatre in 2013 included the demolition of numbers 14-16 Chesil Street.

Conclusion

The proposal will provide affordable extra care accommodation in a sustainable location close to the city centre for which there is an identified need.

The demolition of nos. 14-20 Chesil Street will remove part of the historic fabric of the city but the cottages are not capable of re-use in their current state and the principle of demolition has been accepted and is a material consideration as there have been no changes to policy or guidance since 2012. The demolition of no. 14 will better reveal the Church of St Peter's and improve its setting on the Chesil Street frontage. There will be a minor change in the setting of the Soke and St Peter's Church when viewed from a small section of the River Itchen path but the harm is considered to be less than substantial and outweighed by the improvement to the setting at the front of the church and the public benefit of providing affordable housing. The design and layout of the new buildings overall respects the urban grain and the historic character of this part of the Winchester Conservation Area and archaeological remains will be recorded.

The integrity of the River Itchen Special Conservation Area and Site of Scientific Interest will not be compromised, there is no unacceptable impact on residential amenity, the surface water drainage will be by SuDs, details of materials and landscaping will be secured by condition, there will be no adverse impact on the highway network and measures can be secured by condition to mitigate any potential harm to protected species.

Recommendation

That planning application be GRANTED subject to a Legal Agreement (the terms of which are to be approved by the Head of Legal and Democratic Services) to secure the following:

The re-provision of affordable housing off site that equates to 40% of the units on this site if the site is sold on.

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Planning Obligations/Agreements

In seeking the obligations relating to affordable housing provision the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

(Note: If the Legal Agreement is not completed within 6 months then the application may be refused without further reference to Committee)

And subject to the following conditions:

Conditions

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

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

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

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

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations in compliance with Policy CP20 of the Winchester District Local Plan Part 1 and Policy DM26 of the Winchester District Local Plan Part 2.

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

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available to comply with Policy CP20 of the Winchester District Local Plan Part 1 and Policy DM26 of the Winchester District Local Plan Part 2.

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04 No development or any works of site preparation shall take place until a Demolition Method Statement has been submitted to and approved by the local planning authority in writing. The Demolition Method Statement shall set out in detail

- how the demolition of number 14 Chesil street will be undertaken to prevent any damage to the historic fabric of St Peter's Church which is a grade 2* Listed Building; and
- measures for proceeding if the buildings are found to share any part of their structure
- measures to ensure any roosting bats are not disturbed.

Reason: To ensure that there is no damage to St Peter's Church or disturbance to roosting bats to comply with Policies CP16 and CP20 of the Winchester District Local Plan Part 1 and Policy DM29 of the Winchester District Local Plan Part 2.

05 No works of demolition on the site shall take place except in accordance with the Demolition Method Statement approved under condition 4 of this planning permission.

Reason: To ensure that there is no damage to St Peter's Church or disturbance to roosting bats to comply with Policies CP16 and CP20 of the Winchester District Local Plan Part 1 and Policy DM29 of the Winchester District Local Plan Part 2.

06 No development shall take place until a detailed surface water drainage strategy has been submitted to and approved by the local planning authority in writing following consultation with the Lead Local Flood Authority, the Environment Agency and Natural England. The surface water drainage strategy shall, contain the following elements:

- Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753
- Maintenance regimes of entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element. Evidence that those responsible/adopting bodies are in discussion with the developer and evidence of measures taken to protect and ensure continued operation of drainage features during construction.
- Detailed drainage layout including calculations and flow control device information

Reason: To ensure satisfactory provision of surface water drainage and to prevent any pollution which would harm the integrity of the River Itchen which is a Special Area of Conservation and an Site of Special Scientific Interest to comply with Policies CP16 and CP17 of the Winchester District Local Plan Part 1 and Policy DM17 of the Winchester District Local Plan Part 2.

07 No development shall take place above slab level until details and samples of the external materials to be used in the construction of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area to comply with Policies CP13 and CP20 of Winchester District Local Plan Part 1 and Policies DM15, DM16 and DM27 of the Winchester District Local Plan Part 2

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08 Prior to the occupation of the first dwelling hereby permitted detailed information demonstrating that the development will achieve a dwelling emission rate (DER) at least 19% lower than the 2013 Part L Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and no more than 105 Litres per person per day predicted internal water use(110 Litres per person per day total) (Equivalent of Code for Sustainable Homes Level 3 / 4) in the form of an 'as built' stage SAP calculation and a water efficiency calculator shall be submitted to the local planning authority for its approval. The development shall be occupied in accordance with the approved details.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirement of Policy CP11 of the Winchester District Local Plan Part.

09 No development shall take place above slab level until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- Details of earthworks including the proposed grading and mounding of land areas including the existing and proposed levels and contours, showing the relationship of proposed mounding to existing vegetation and surrounding landform and the levels of adjacent buildings,
- All boundary treatment;
- Hard surfacing materials;
- means of enclosure, including any retaining structures;
- minor artefacts and structures including seating in the private and/or public realm, planter and planting beds, refuse or other storage units, warning and directional signs and lighting structures;
- Soft landscaping works shall including planting plans (for new trees, hedges and other planting); written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- A programme for implementation, management and long term maintenance.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs to comply with To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area to comply with Policies CP13, CP16 and CP20 of Winchester District Local Plan Part 1 and Policies DM15, DM16, DM17 and DM27 of the Winchester District Local Plan Part 2

10 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out before the use hereby permitted is commenced and prior to the completion of the development or in accordance with the programme agreed with the local planning authority. If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the local planning authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the local planning authority gives its written consent to any variation.

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Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs to comply To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area to comply with Policies CP13, CP16 and CP20 of Winchester District Local Plan Part 1 and Policies DM15, DM16, DM17 and DM27 of the Winchester District Local Plan Part 2.

11 Measures to protect the trees to be retained, including fencing and ground protection, shall be installed in accordance with details submitted to and approved by the local planning authority in writing prior to any demolition, construction or groundwork commencing on the site and retained during construction.

Reason: To ensure protection and long term viability of retained trees in the interests of the amenity of the area to comply with Policies CP13, CP16 and CP20 of Winchester District Local Plan Part 1 and Policies DM15, DM16, DM17 and DM27 of the Winchester District Local Plan Part 2.

12 No other development or preparation works of any kind shall commence until the lay by on the highway at the front of the property has been constructed in accordance with details submitted to and approved by the local planning authority in writing.

Reason: In the interests of highway safety and the amenity of the area to comply with Policies DM17 and DM18 of the Winchester District Local Plan Part 2.

13 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the local planning authority and fully implemented before development commences. Such measures shall be retained for the construction period.

Reason: In the interests of highway safety and to ensure that the development presents a satisfactory appearance in the interests of the amenities of the area to comply with Policy DM17 and DM18 of the Winchester District Local Plan Part 2.

14 No works shall take place on site (including demolition and site preparation) other than in compliance with the Construction Ecological Management Plan (CEMP) Report No. RT-MME-128836 dated 9 August 2018.

Reason: In the interests of highway safety, biodiversity, on site and off site statutory and non statutory nature conservation, minimising the impacts to the ecological interest of the site, and to reduce the traffic and construction impact of development the amenities of the area to comply with Policies CP16, CP17 and CP20 Winchester District Local Plan Part and Policies DM17, DM18 and DM19 of the Winchester District Local Plan Part 2.

15 Before development commences above slab level a scheme for exterior lighting designed to a level of 20 lux to meet CIBSE Lighting Guide 9 (2013) government advice rev 06.03.2014 and Guidance published by ILP GNO!! (2011) shall be submitted to and approved by the local planning authority in writing. No external lighting shall be provided on the site other than in accordance with the approved details.

Reason: In the interest of residential amenity and protection of nocturnal animal life and to ensure that the development presents a satisfactory appearance in the interests of the amenities of the area to comply with Policies CP13, CP16 and CP20 of the Winchester

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District Local Plan Part 1 and Policies DM16, DM17, DM19DM27 and DM29 of the Winchester District Local Plan Part 2.

16 No development shall take place until details of foul drainage have been submitted to and approved by the Local Planning Authority in writing.

Reason: To ensure satisfactory provision of foul drainage to comply with Policy DM17 of the Winchester District Local Plan Part 2.

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

CL-17-A-L-2A-001A
CL-17-A-L-2A-002
CL-17-A-L-2A-003
CL-17-A-L-2A-004
CL-17-A-L-2A-005
CL-17-A-L-2A-006
CL-17-A-L-2A-007
CL-17-A-L-2A-008
CL-17-A-L-2A-010
CL-17-A-L-2A-011
CL-17-A-L-2A-012
CL-17-A-L-2A-013A
CL-17-A-L-2A-014
CL-17-A-L-2A-015
CL-17-A-L-2A-016
CL-17-A-L-2A-017
CL-17-A-L-2A-020A
CL-17-A-L-2A-021A
CL-17-A-L-2A-025A
CL-17-A-L-2A-026A
CL-17-A-L-2A-027A
CL-17-A-L-2A-028A
CL-17-A-L-2A-029A
CL-17-A-L-2A-030A
CL-17-A-L-2A-040A
CL-17-A-L-2A-041
CL-17-A-L-2A-045
CL-17-A-L-2A-051A
CL-17-A-L-2A-052A
CL-17-A-L-2A-100A
CL-17-A-L-2A-101A
CL-17-A-L-2A-102A
CL-17-A-L-2A-103A
CL-17-A-L-2A-104A
CL-17-A-L-2A-150
CL-17-A-L-2A-151
CL-17-A-L-2A-200A
CL-17-A-L-2A-201A
CL-17-A-L-2A-202A

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CL1-17-AL-2A 500 Materials Schedule

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

Informatives:

01 In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

02 This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out below, 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.

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

Winchester District Local Plan Part 1

DS1, WT1, CP1, CP2, CP3, CP7, CP10, CP11, CP13, CP14, CP15, CP16, CP17, CP20, CP21

Winchester District Local Plan Part 2

WIN1, WIN3, DM1, DM2, DM5, DM6, DM15, DM16, DM17, DM18, DM19, DM26, DM27, DM28. DM29

04 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 on this please refer the Construction Code of Practice <http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>.

05 The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of

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development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

06 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.

07 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.

08 Any structures or activities undertaken in, over, under or within 8 metres of the top of the bank of the River Itchen, designated a 'main river' may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency. This was formerly called a Flood Defence Consent. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

09 No excavation mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel 0330 303 0119) or www.southernwater.co.uk.

10 Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore should any sewer be found during construction works an investigation of the sewer will be required to ascertain its condition, the number of properties served and potential means of access before any further works commence on the site. The applicant is advised to discuss the matter further with Southern Water on the contact details above.

11 A formal application for connection to the public sewerage system may be required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

12 In order to prevent the disturbance of nesting birds all development needs to be completed outside the nesting season or where that is not feasible vegetation needs to be inspected by a suitably qualified ecologist and if there are active nests a buffer zone needs to be kept free of works until the young have fledged.