

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/01294/FUL
Proposal Description: To site 112 chalets, 2 security chalets and a Nativity chalet within the grounds of Winchester Cathedral. Chalets will be located in the Inner Close, Outer Close, Paddock area around the Old Minster and war memorial, to form the annual Christmas Market but adjust to allow for broader distancing measures.
A temporary walkway will be provided through the paddock and around the east end of the Cathedral for visitor safety.
The market will operate between the hours of 1000 and 2000 from Thursday 19 November through to Tuesday 22 December.

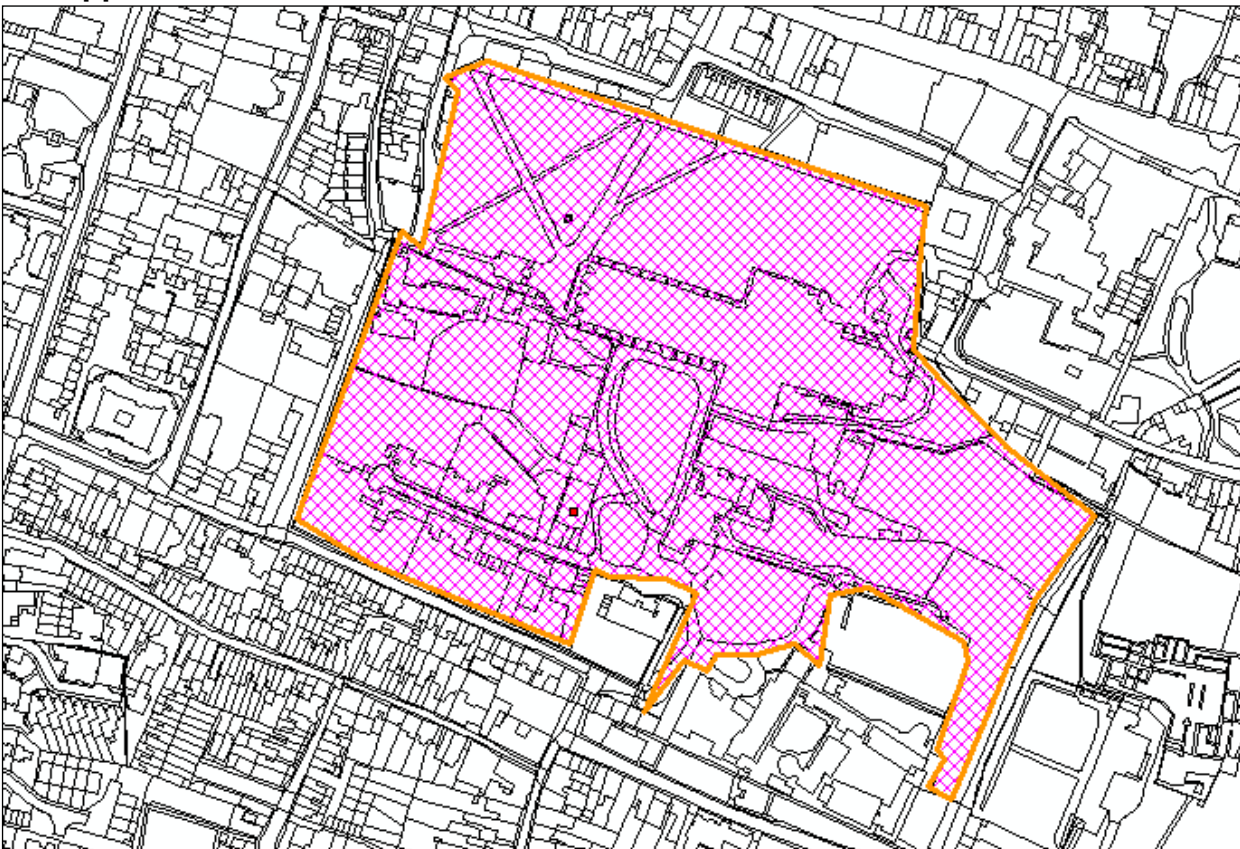
Address: Winchester Cathedral Offices 9 The Close Winchester SO23 9LS

Parish, or Ward if within Winchester City: St Michael

Applicants Name: Mr Phillip Holroyd Smith
Case Officer: Liz Marsden
Date Valid: 24 June 2020
Recommendation: Permission

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QCFSWQBPL6500>

Pre Application Advice: No



WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

General Comments

Application is reported to Committee due to the number of comments received contrary to the officer recommendation

Councillor Murphy request for application to be determined by Planning Committee, see Appendix 1

Site Description

The site relates to the area around and within the control of the Cathedral, including the Inner and Outer Closes and the paddock area along the northern side of the Cathedral. These are, with the exception of the Paddock, predominately level grassed areas which are publically accessible by means of a series of paths leading from the surrounding roads. The Paddock is usually fenced off and not accessible to the public, though there is vehicular access from Colebrook Street, via Paternoster Row leading to an area of hardstanding at the eastern end, which is used in connection with Cathedral operations. A track leads from this area around the eastern end of the building and links to an existing footpath that runs from Colebrook Street to the Inner Close along the southern side of the Cathedral.

The site is located in Winchester conservation area and there are a large number of listed buildings both on the site and adjacent to it, with the Cathedral and the land around it also designated as a Scheduled Monument. Additionally the outline of the Old Minster is visible in the Paddock area to the north of the Cathedral.

The area around the site is characterised by a variety of building types and uses, including commercial, educational and residential.

Proposal

The proposal is to extend the area covered by the Christmas Market, which has previously been confined to the Inner Close and the paved area to the front of the Cathedral, around the War Memorial. This would allow the same number of chalets as in previous years, but more widely spaced to enable social distancing measures to be put in place. As part of these measures, the ice rink, previously located on the central green area in the Inner Close is not to be installed this year and a 'one-way' system is to be used to take people around the market.

The primary difference to the more usual market format is the use of the Outer Close, with chalets placed along the south west side of the path leading from the Cathedral frontage to the museum and along both side of the path leading north to Market Street. A new, temporary, path is to be created across the Paddock area to the north of the Cathedral and the Old Minster. This would have a row of chalets along its northern side extending to roughly the end of the transept, with the path continuing to the eastern end of the cathedral to join the existing path, enabling a circular route to be created.

The relocation of the chalets will bring some of them in closer proximity to properties around the site, with the closest being in the north western corner, where the nearest stalls along the existing paths will be around 15m from the rear of 1, Great Minster Street and 40m from the rear of Bishop Morley's College. The stalls in the Paddock area will be

Case No: 20/01294/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

a minimum of 70m from the rear of Paternoster House, though the footpath used to create a circular route will pass close to the boundary wall of properties in that building.

Relevant Planning History

The Christmas market has been operating from the Cathedral site since 2006, though in the early years it was for a period of no longer than 2 weeks and benefitted from permitted development rights.

09/01794/FUL - Extension of operating period of Christmas market to 24 days between 27th November and 20th December and comprising of 93 stalls including Christmas grotto and nativity scene – Permitted 08.10.2009

Subsequent yearly applications were for the use of the same areas, but gradually increased the number of chalets to 101 in 2016.

17/01716/FUL - Temporary application for a 5 year period from 2017-2021 inclusive, to site 105 wooden chalets and a covered ice rink in the Inner Close and 8 chalets on the Outer Close, behind the War Memorial. The structures are to be on site between October and January, (precise dates to be agreed on a yearly basis). – Permitted 11.08.2017

Consultations

HCC Highways:

No objection.

Service Lead for the Environment - Environmental Protection:

No objection subject to appropriate conditions.

Service Lead for the Built Environment - Historic Environment:

Paragraph 193 requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the heritage assets. In this case, the impacts would be temporary and reversible in nature; there would be no direct, physical impacts on the listed buildings; whilst the impacts on both the buildings and conservation area can be mitigated through the use of appropriate conditions. It is also recognised that this annual event in Winchester makes an important, positive contribution to the financial viability of the cathedral, and the economic prosperity of the wider city.

In that context, and if the appropriate conditions are applied, then it is considered that the public benefits which would be unlocked by the proposals would outweigh the less-than-substantial harm caused to the relevant heritage assets.

Service Lead – Tourism and Economy

Support the application in principle as being in line with the aspirations of the Council's Covid-19 – recover, rebuild, reimagine plan. The Christmas market is a major annual event which contributes to a vibrant economy and is a significant factor in the wider success of the Christmas period across the city, providing local employment opportunities and having a positive impact on the high street.

It is expected that the Cathedral will provide a robust Event Management Plan which reflects the current situation and detail collaboration with all relevant agencies and officers in addition to addressing and mitigate issues relating to sustainability.

Case No: 20/01294/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Would encourage applicants to use local suppliers and encourage visitors to shop and eat locally. Visitors should also be encouraged to use the park and ride to minimise traffic in the city centre.

English Heritage:

On the basis of the information provided, do not consider it necessary to make any comments.

Representations:

Cllr Murphy:

The temporary walkway through the paddock and around the east end of the cathedral passes very close to Paternoster House and residents are concerned that the thousands of people who will use this walkway every day will lead to loss of amenity of their balconies and flats due to noise, loss of privacy and risk of disease transmission (in particular Covid-19).

City of Winchester Trust:

The Trust has previously objected to locating chalets in the outer close as they obstruct the view of the West Front and the War Memorial. This proposal will further obstruct the view of the Cathedral. However the Trust understands the desire to maintain the size of the Christmas market and the constraints imposed by the Covid-19 pandemic. As a one-off occurrence in response to the pandemic, we have no objection. However, this should not be used as a precedent for future years.

9 letters received, from 8 households objecting to the application for the following material planning reasons:

- Adverse impact on residents due to increased noise and disturbance from construction, traffic, lighting and pedestrians passing in close proximity to houses.
- Greater impact due to number of people now homeworking and would be affected all day.
- Loss of privacy
- Could set a precedent for future years
- Measures don't go far enough to reduce risk of infection to visitors and could increase risk to residents
- Alternative approaches, such as a reduced number of stalls should be considered.

Reasons aside not material to planning and therefore not addressed in this report

- The application is led by profit motives and the Cathedral should follow the lead of other cities which have cancelled markets this year.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
DS1, WT1, CP8, CP20

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM18, DM20, DM25, DM27, DM29

Case No: 20/01294/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Planning Considerations

Principle of development

The acceptability of a Christmas market in the Cathedral grounds has been established in principle by the previous consents that have been granted and the market is generally considered to be important to the vitality and economy of the city. The primary consideration is therefore whether the alterations to the layout and siting of the market chalets, which have been made as a response to the current Covid19 pandemic, would result in so adverse an impact on the setting of the listed buildings, Scheduled Monument, conservation area or the amenities of occupants of neighbouring properties as to outweigh the benefits derived from the market.

Design/layout

The alteration to the layout of the market has been made to ensure that it is possible to hold an event of the same size as in former years, whilst maintaining the social distancing requirements imposed as a result of Covid19. To this end, the stalls have been set further apart and a one way system introduced, resulting in the use of a greater area of the Cathedral grounds. Most of the additional area to be used in the outer close is already accessible by the public and formed part of the access routes to previous markets.

The Paddock area to the north of the Cathedral is currently fenced off and not open to the public, though the new temporary footpath will allow the siting of more chalets and also a closer view of the site of the Old Minster, the outline of which is to be lit. The chalets and path in this area are designed to have a minimum impact on the grass, with the buildings raised slightly off the ground and the path being constructed from plastic floor tiles on a protective sheet.

Impact on Historic assets and Conservation Area

The site is located within the Winchester conservation area where, under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area. Policies DM27 and 28 of the LPP2 require development to preserve or enhance the character, appearance or special architectural or historic interest of the area.

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have '*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*' in considering whether to grant listed building consent.

In this case there is no direct physical impact on any building and Listed Building Consent is not required. It is recognised, however, that the proposal will have a considerable impact for a limited period on the setting, particularly of the Cathedral frontage and the War Memorial, and this will be mitigated as far as possible by ensuring that chalets in these areas are the last to be erected (after the Memorial service in November) and the first to be removed as soon as the market closes and before Christmas.

Case No: 20/01294/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The additional areas to be used for chalets will increase the visibility of the market in the wider conservation area around the Cathedral grounds, though this will be for a short period and is completely reversible. Furthermore, the decorated chalets, together with the lighting of the historic structures will contribute to the festive season and it is not considered that the proposal will have a significantly adverse impact on the character and appearance of the surrounding area.

Impact on neighbour amenity

The large number of visitors and hours of operation, will cause additional noise and disturbance which could have an adverse impact on the occupants of properties in the vicinity of the market. Concern has been raised about the potential for considerable disturbance from noise and lighting resulting in loss of amenity to the residents of properties around the Outer Close, due to the closer proximity of chalets. With regard to those properties to the north and west, the chalets are located along the paths that have always been used as primary accesses to the Cathedral and market and it is not considered that the chalets would unduly increase the level of noise or disturbance in these areas and could potentially decrease the overall footfall in these areas due to the one way system that will be in place.

The proposed pedestrian route in the eastern sector, to the rear of residential units in Paternoster House will result in a greater impact on those properties than in previous years, when the Market was contained to the south and west of the Cathedral. Whilst the chalets in the paddock area are located a reasonable distance (around 55m) from the building the path does go close to the rear and corner of Paternoster House and there is potential for some additional noise from pedestrians as they walk past.

However, the hours of operation, similar to those of previous events, are reasonable and do not extend into the night, with the market opening at 10am and closing at 8pm. The market itself, when the majority of the footfall and potential disturbance would occur is for a period of just under 5 weeks. It is recognised that disturbance could also occur during the set up and breakdown periods, which in the Outer Close and Paddock areas would be from the beginning of November to the beginning of January, though this would not result in the volume of pedestrians that would be generated by the market and the hours of working would also be less. Given the relatively short period of time and the winter season, where windows are more likely to be closed with less activity outside the home, it is not considered that the impact of the market would be so significant as to justify a refusal on this basis.

The potential for loss of privacy due to views of the rear of Paternoster House has also been raised. It is acknowledged that there are at present no close public views of the rear elevation of this property, but the views of the ground floor and gardens are restricted by existing boundary treatment and those of the upper floors and balconies would be at an oblique angle and would not materially affect the privacy of their occupants. The applicants have suggested that a temporary fence could be erected to the rear of the chalets and along the path at a height that would provide additional screening.

Noise from delivery vehicles could have the potential to cause disturbance to nearby residents, however, as with previous events this will be mitigated through an Event Management Plan which will restrict the types of delivery vehicles and delivery times.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Highways/Parking

The location of the site in a pedestrian area of Winchester City centre ensures that the site will only be accessible to pedestrians. Winchester City Council's parking strategy includes public car parking land and buildings at the edge of Winchester City centre and park and ride car parks at the outer city edge. In addition to this there are a large number of bus and train services allowing an extremely high level of convenient access to the site without the need for the event to provide car parking nearby. Deliveries have the potential to be disruptive, however, as with previous years an Event Management Plan will be submitted, which will restrict the types of delivery vehicles and delivery times in order to ensure that the impact of deliveries can be reduced to a level where they would not be materially harmful.

Trees.

A tree protection plan has been previously approved as part of the 5 year temporary permission. However, given the alterations to the layout in the Inner Close as well as the extension to the area in which chalets are to be located, it is necessary for this to be revised to ensure that the development will not damage or have an adverse impact on the well-being of the trees around the Cathedral. A condition to this effect has been included.

Other Matters

Risk of infection. Concern has been raised the measures proposed do not go far enough to ensure the safety of visitors to the market and would increase the risk to residents. From the details provided it is evident that as much has been done as possible to ensure that social distancing can be maintained, though as with any public venue, there is also a level of responsibility of individuals to follow guidelines to minimise risk to themselves and others. From the start of the lockdown period, the emphasis on remaining safe has been based on staying at home and therefore it is not considered that a greater number of people passing the home would be likely to result in a greater risk of infection to occupants of nearby dwellings. It should be noted that the nearest point of the footpath to the garden area of 11, Paternoster House is 2m and there is a substantial wall along the boundary.

Conclusion

The acceptability of a Christmas market in the Cathedral grounds is established in principle. The current proposal has been put forward as a response to exceptional circumstances and it is considered that the benefits derived from the market, in terms of its contribution to the economy and vitality of the city over the Christmas period would outweigh the temporary detriment to the setting of listed buildings and potential impact on residential amenities that would result. The proposal would therefore be in accordance with the policies of the Development Plan.

Recommendation

Approve subject to the following condition(s):

Conditions

1. The temporary permission hereby granted shall be for a limited period only, with sales to the public commencing no sooner than 19th November 2020 and finishing no later than 22nd December 2020. The setting up of the market shall commence

Case No: 20/01294/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

no sooner than 12th October 2020 and the removal of the market and the restoration of the land to its former condition shall be undertaken by 18th January 2021 unless otherwise in accordance with a schedule to be approved in writing by the Local Planning Authority.

Reason: To accord with the terms of the planning application hereby permitted and to ensure the Close is restored to its open environment in a timely manner.

2. The temporary use hereby permitted shall not be open to customers outside the hours of 1000 hrs to 2000 hrs.

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

3. The installation of the eight chalets to the Outer Close, adjacent to the Hampshire & Isle of Wight War Memorial shall be undertaken in accordance with the block plan submitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To preserve the special architectural / historic interest of the listed buildings and the contribution of their settings, and the character and appearance of the conservation area in accordance with Policies DM27 and DM29 of the Winchester District Local Plan Part 2 (2017); Policy CP20 Winchester District Joint Core Strategy; and NPPF Section 16.

4. No works shall commence on the installation of the lighting to the Old Minster and cathedral, until the submission of plans and elevations to show the location of service routes and luminaires for each scheme, together with details of the light sources, their luminaire levels and colour rendering.

Reason: To preserve the special architectural / historic interest of the listed buildings and the contribution of their settings, and the character and appearance of the conservation area in accordance with Policies DM27 and DM29 of the Winchester District Local Plan Part 2 (2017); Policy CP20 Winchester District Joint Core Strategy; and NPPF Section 16.

5. Prior to the commencement of works on the site an Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. This shall set out measures for site preparation and tree protection, together with details of implementation and supervision by a person suitably qualified in arboriculture.

Reason: To ensure the protection of trees on the site which make an important contribution to the amenity of the locality in this sensitive location.

6. A proposal is submitted to the Council setting out the remedial landscaping works that will be carried out following the removal of the Christmas Market, to repair any damage caused by the installation of chalets, temporary pathways and other infrastructure.

Reason: To preserve the special architectural / historic interest of the listed buildings and the contribution of their settings, and the character and appearance of the conservation area in accordance with Policies DM27 and DM29 of the Winchester District Local Plan Part 2 (2017); Policy CP20 Winchester District Joint Core Strategy; and NPPF Section 16.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

7. No event shall take place unless a comprehensive Event Management Plan (EMP) has been submitted to the Local Planning Authority at least 60 days prior to the start of the event. The final version of the EMP shall be submitted at least 28 days prior to the proposed event.

Reason: To ensure satisfactory planning of events and safeguard the amenities of the area.

Informatives

1. In accordance with paragraphs 186 and 187 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
 - offer a pre-application advice service and,
 - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.
2. The Local Planning Authority has taken account of the following development plan policies and proposals:-
Winchester District Local Plan Part 1: DS1, WT1, CP8, CP20
Winchester District Local Plan Part 2 - Development Management and Site Allocations: DM18, DM20 DM25, DM27, DM29
3. This permission is granted for the following reasons:
The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
4. The Event Management Plan will need to incorporate suitable risk assessments and control measures/ arrangements to minimise the risk of transmission of Covid-19 in line with Government guidance during the Covid-19 pandemic. The Safety Advisory Group will continue to liaise with the applicant and review the plans in line with legal permissions, guidance and input from Public health colleagues.
Should you require further information please contact EH@winchester.gov.uk or 01962 848097.
5. No light fittings or services may be affixed to the cathedral without having previously secured approval under the Care of Cathedrals Measure (if needed).

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Appendix 1

City Councillor's request that a Planning Application be considered by the Planning Committee

Request from Councillor: Lynda Murphy
Case Number: 20/01294/FUL
Site Address: Winchester Cathedral Offices 9 The Close Winchester SO23 9LS
Proposal Description: To site 112 chalets, 2 security chalets and a Nativity chalet within the grounds of Winchester Cathedral. Chalets will be located in the Inner Close, Outer Close, Paddock area around the Old Minster and war memorial, to form the annual Christmas Market but adjust to allow for broader distancing measures. A temporary walkway will be provided through the paddock and around the east end of the Cathedral for visitor safety. The market will operate between the hours of 1000 and 2000 from Thursday 19 November through to Tuesday 22 December.
Requests that the item be considered by the Planning Committee for the following material planning reasons: The temporary walkway through the paddock and around the east end of the cathedral passes very close to Paternoster House. Residents there are concerned that the thousands of people who will use this walkway every day will lead to loss of amenity of their balconies and flats due to noise, loss of privacy and risk of disease transmission (in particular Covid-19). I would like the planning committee to consider this application from the point of view of Paternoster House residents and to see whether access to and from the site can be modified.