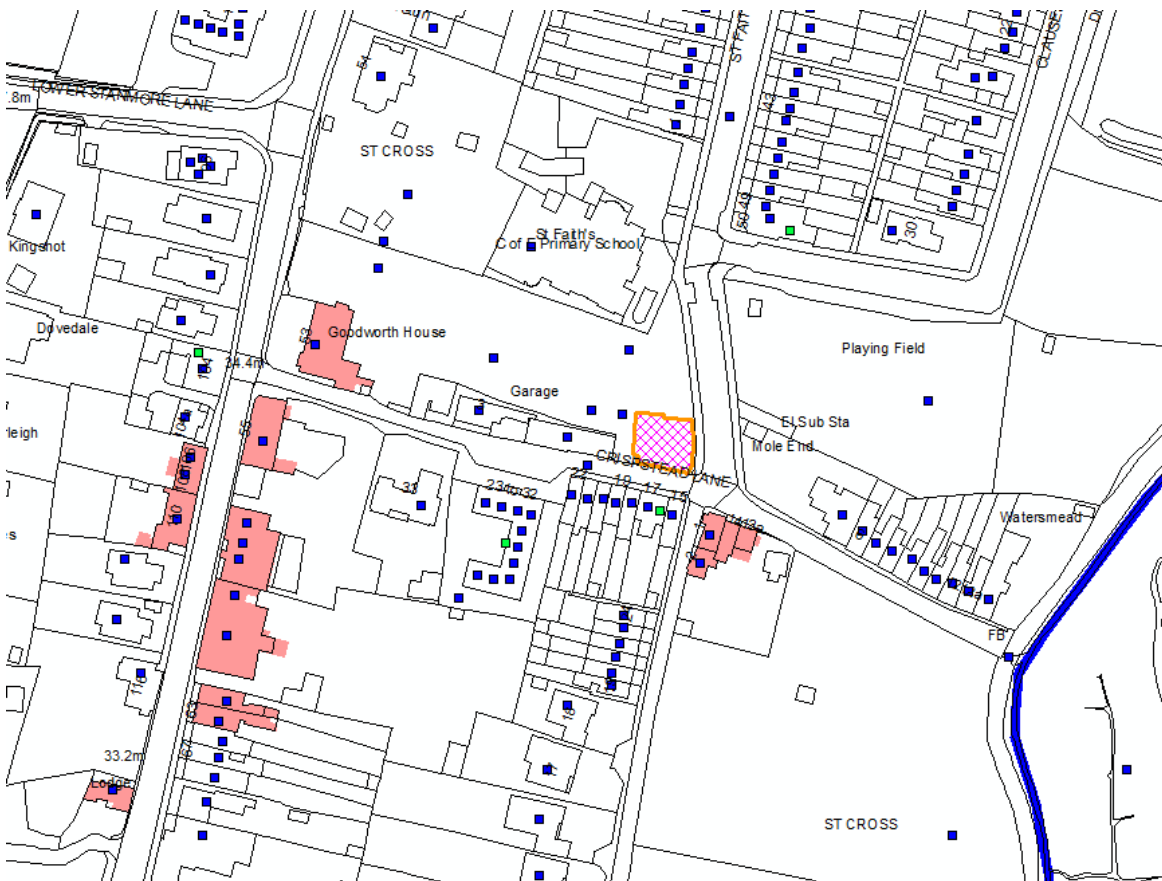


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/02256/FUL
Proposal Description: A Pedestrian Gate to be inserted between the outer brick wall of 5 Lockburn Place and St Cross Garage opening inwards providing access to the pavement behind the new recessed parking area on Cripstead Lane.
Address: Stowell 5 Lockburn Place St Cross Road Winchester Hampshire
Parish, or Ward if within Winchester City: St Michael
Applicants Name: Mrs Catherine Brill
Case Officer: Catherine Watson
Date Valid: 9 November 2022
Recommendation: Application Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 22/02256/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that it will have a not have a harmful impact on the character of the area and would not harm neighbouring residential amenity in accordance with policy CP20 of the WDLPP1 and policies DM15, DM16, DM17 and DM27 of the WDLPP2.

General Comments

The application is reported to Committee because of the number of objections received contrary to the Officer's recommendation.

Site Description

The site constitutes a residential unit within a wider scheme of seven dwellings, currently under construction, situated on Cripstead Lane. The wider residential development also borders St Cross Road and St Faith's Road. The site is within the St Cross suburban section of the Winchester Conservation Area and is situated approximately 22m from the Grade II listed Old Farmhouse.

Proposal

The proposal is for the installation of a timber pedestrian gate from 5 Lockburn Place onto Cripstead Lane. The existing metal sheet fencing is to be removed as part of the original consent for 7 dwellings, and will be replaced by a brick wall with a swan neck where it adjoins the St Cross Garage. The proposed gate will be positioned after the swan neck. In addition, the existing parking spaces on Cripstead Lane have permission to be enhanced with a layby set back partly within the red line of the larger site, to enable safer parking for local residents. The proposed gate will open out onto these spaces.

Relevant Planning History

20/02818/FUL - The erection of seven residential dwellings with associated access, landscaping and parking, including the alteration and demolition of existing walls and the erection of new boundary walls within the setting of the listed building (Goodworth House). Application Permitted 25.03.2021.

Consultations

Consultee:

Service Lead for Built Environment: Historic Environment

No Objection.

The site will undergo significant change in the near future due to the development currently under construction. The previous corrugated metal boundary fencing is of poor quality and its replacement with a traditionally detailed brick wall is an enhancement to the character and appearance of this part of the conservation area and the setting of the listed buildings. The proposed pedestrian gate will be a minor change to this situation and will have a

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neutral impact on the character and appearance of this part of the conservation area and setting of listed buildings.

Representations:

City of Winchester Trust

The issues of pedestrian access were discussed at length during the original planning application process and amendments were made responding to concerns.

The Trust agrees with the local objectors that there is no merit in the reasons suggested for this new pedestrian access.

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

- This creates a precedent for other similar gates;
- Cripstead Road is busy and narrow and there have been accidents relating to parked cars in the past. The new access onto the layby will make this situation worse;
- The applicant's argument that the gate would increase ventilation at the rear of their house is not a valid one.

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

- The gate will be hidden by parked cars and makes no visual difference;
- Exiting from this gate will be no more problematic than exiting from the St Cross Garage.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 4 Decision Making

Section 16 Conserving and enhancing the historic environment

National Planning Practice Guidance

Consultation and pre-decision matters

Design: process and tools

Use of planning conditions

Historic Environment

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

Policy DS1 – Development Strategy and Principles

Policy CP13 – High Quality Design

Policy CP20 – Heritage and Landscape Character

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

DM1 – Location of New Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM18- Access and Parking

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DM27 – Development in Conservation Areas
DM29 – Heritage Assets

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Winchester Conservation Area Appraisal

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

Historic England Guidance

Constructive Conservation in Practice 2008

Conservation Principals Policies and Guidance 2008

Historic Environment Good Practice Advice in Planning: 4

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal is for the insertion of a pedestrian gate within the approved boundary wall of a new development of seven houses. The proposed access opens onto Cripstead Lane and the occupant of the dwelling has requested this access for occasional use to access the utility room and to provide ventilation between the dwelling with utility room, and the boundary wall and access to Cripstead Lane. The site is residential in nature (although under construction, the land already had a residential use as garden associated with Goodworth House) and within the settlement boundary of Winchester therefore, the proposals comply with policies DS1 of LPP1 and DM1 of LPP2.

Assessment under 2017 EIA Regulations.

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

Impact on character and appearance of area

The site is within the suburban area of St Cross and falls within the Winchester Conservation Area. A key impact to be assessed is that of the impact of the development upon the character and appearance of the conservation area and the setting of any adjacent listed buildings. This will be discussed further in the relevant section below.

Immediately adjacent to the location of the proposed gate, on Cripstead Lane, a lay-by is to be created as part of the wider Goodworth House development. This area will be available for local residents to use as, given the narrowness of this road and the dense suburban character of the area, there is limited parking availability. Concerns have been

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raised with regards to the impact of the gate on the parking and traffic and pedestrians using Cripstead Lane. This is also discussed in the relevant section below.

Development affecting the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021.

The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The application site is located 119m from the South Downs National Park and therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

The works affect the setting of a statutory listed building and the character and appearance of the conservation area.

The development is approximately 36m away from a Grade II listed building (The Old Farmhouse) and approximately 48m away from Grade II listed Goodworth House. The impact upon the setting of these listed buildings is to be assessed. It is also located within the Winchester Conservation Area. The following legislation and policies are taken into account in the assessment and determination of this planning and listed building application.

Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) 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 (2021) 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/consultation response

As such due regard has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed

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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 199 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy CP20 of WDLPP1 and Policy DM29 of WDLPP2 ensure that development preserves and enhances heritage assets and their settings.

The listed buildings are representative of the Hampshire vernacular style of architecture, dating from a number of time periods. The impact of the proposed gate on the setting of these properties is considered to be minimal due to the minor nature of the gate and distance from the heritage assets.

St Cross falls within the Winchester Conservation Area, which includes the city centre and immediate suburbs. St Cross is identified as an individual character area within the conservation area appraisal and is linear in nature, largely as a result of the development from being a separate community in medieval times, to one where the gap between it and the city centre has been infilled in the 19th and 20th Century. St Cross Road is the main thoroughfare and moving south, the properties on the eastern side of the road transition from relatively large, detached and semi-detached dwellings which includes Goodworth House, to smaller, terraced properties. Cripstead Lane is a narrow side street bounded on its north by Goodworth House and its grounds, as well as the St Cross Garage. To the south are a block of 20th Century properties along with older terraced and individual dwellings. To the north runs St Faith’s Road, characterised by Victorian and Edwardian terraces and a primary school.

The impact of the proposed gate upon the character and appearance of this part of the conservation area is considered to be minor because it is into a new wall and will therefore have a neutral impact.

The proposals are therefore acceptable and complies with policies CP20 of LPP1, DM15, DM17, DM27 and DM29 of LPP2, as well as S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF Section 16.

It is considered that it 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 199 of the NPPF (2021), S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP20 of WDLPP1 and DM29 of WDLPP2 and the historic environment section of the Planning Practice Guidance.

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It is considered that the proposal will preserve the character or appearance of the conservation area in accordance (S.72 P (LBCA) Act 1990; and preserve or enhance the character and historic interest of the Conservation Area in accordance with Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

Neighbouring amenity

Concerns have been raised by local residents about the use of the gate to leave bins on Cripstead Lane and a compromise in security for the St Cross Garage and possibly also no 6 Lockburn Place. The dwelling will have its own bin store within the site and the layout of the residential scheme is such that it will be accessible by refuse lorries to collect the bins. In addition, it is not considered that a small pedestrian gate associated with a residential property would compromise the security of any neighbouring properties.

Therefore the proposal complies with policy DM17 of LPP2 as it does not have an adverse impact on the adjoining land, uses or property.

Sustainable Transport

Concerns have been raised about the potential impact the proposed gate will have on the use of the adjacent lay-by. It has been suggested that the applicant could park in this lay-by and use the gate for easier access to her property. Notwithstanding the fact that the applicant's property will have its own dedicated parking spaces within the site, the parking lay-by was proposed as an improvement by the developer, Alfred Homes and agreed with Hampshire County Council who require a S278 agreement to be entered into for the previous permission. It does not form part of the Goodworth House development site. There will be no restriction on who can make use of this lay-by.

Issues relating to highway safety have also been raised. It has been suggested that since Covid, the number of pedestrians using Cripstead Lane has increased as they walk to the water meadows and St Catherine's Hill. It is not considered that this is a significant risk, given that there is some pavement although it is acknowledged that it is likely that some people will walk on the road itself. The nature of any traffic will be relatively slow-moving. Improved permeability of a site even without public benefit is a material consideration.

It is therefore not considered that there would be a significant impact on the movement of traffic and use of parking on Cripstead Lane caused by the proposed gate and the proposal complies with policy DM16 and DM18 of LPP2.

The site is located within the Air Quality SPD 1km buffer area but an assessment or statement is not required as the proposal does not meet the threshold.

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) or is not overnight accommodation affecting Nitrates.

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Due to the nature of the development and the distance between the application site and the European Protected Site of the Solent SAC and SPA and the River Itchen SAC, an Appropriate Assessment under the Conservation of Habitats & Species (Amendment) Regulations 2011 is not required.

Therefore the proposal complies with policy CP16 of LPP1.

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

In conclusion, the proposed gate is a minor development which is not considered to cause harm either to the character and appearance of the conservation area or setting of listed buildings. It is not considered that it would cause significant disturbance to local residents or impede the use of the parking lay-by. The application therefore complies with policies DS1, CP13, CP16 and CP20 of LPP1, DM1, DM15, DM16, DM17, DM18, DM27 and DM29 of LPP2. It also complies with S.66 and S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF Section 16.

Recommendation

Approve subject to the following conditions:

Conditions

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

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

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

Location Plan received 09.11.2022

Site Plan showing gate received 09.11.2022

Wall Elevation received 09.11.2022

Door Details received 09.11.2022

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

3. A detailed specification of the proposed gate, including photographs of the specific product, shall be submitted to and approved in writing by the local planning authority prior

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to the installation of the gate hereby approved. The gate shall be installed in accordance with these approved details.

Reason: To protect the character and appearance of the conservation area.

Informatives:

1. In accordance with paragraph 38 of the NPPF (2021), Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

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

In this instance a site meeting was carried out with the applicant.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP13, CP20, MTRA1, MTRA2, MTRA3, MTRA4

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM3, DM15, DM16, DM17, DM18, DM23, DM27, DM28, DM29

High Quality Places SPD

Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Parking Standards SPD

NPPF Section 16

3. This permission is granted for the following reasons:

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

4. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays.

Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practice

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

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