

**Appeal against an Enforcement Notice served by
Winchester City Council in respect of development at
Texas, Texas Drive, Oliver's Battery, Winchester.**

Town and Country Planning Act 1990 (as Amended)
Section 174

Statement of Appeal

February 2018

Our ref: 50024
LPA ref: 17/00018/BCOND

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1.0 Introduction

- 1.1 This Statement of Appeal relates to an Enforcement Notice that has been served by Winchester City Council in respect of development at land known as 'Texas', Texas Drive, Oliver's Battery, Winchester.
- 1.2 We are instructed in this matter by our client, the appellant, but were not involved at application stage. Pro Vision are chartered town planners and architects.
- 1.3 The appeal is made on the following grounds:
 - **Ground (a)** – that planning permission should be granted for the breach of planning control alleged in the notice;
 - **Ground (f)** – that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control that has occurred; and
 - **Ground (g)** – that the time period given to comply with the notice is unreasonably short.

2.0 The Appeal Site and Surroundings

The Site

- 2.1 The appeal site is located in the countryside for planning purposes to the south west of Winchester¹. It is the site of a former two storey dwelling known as 'Texas'. It was itself a replacement dwelling permitted in 2004 but has been recently demolished.
- 2.2 It is accessed via a privately owned track known as Texas Drive. The applicant has a right of access over the track. The site is also within a designated settlement 'gap', designed to prevent the visual and physical coalescence of the large urban area of Winchester and the rural hamlet of Compton to the south east.



View looking towards the appeal site along Texas Drive

- 2.3 The appeal site occupies an area of approximately 1.6 ha in total . There is a gentle slope across the appeal site. The north-west boundary is at approximately 95m AOD. The south-east boundary is at approximately 88m AOD. These heights are separated by approximately 40m on the ground.

- 2.4 The application site sits on a downslope forming part of a shallow col between two hilltops. To the north, the land rises towards the built-up area of Oliver's Battery which is the southern edge of Winchester. The centre of Oliver's Battery is at the top of this hill (approximately 125m AOD).
- 2.5 There are no other specific planning, environmental, archaeological, ecological or landscape designations which are known to apply to the appeal site.

The Surroundings

- 2.6 There are paddocks/pasture and associated outbuildings around the appeal site which are in the ownership of the appellant.
- 2.7 There are further mature trees and established hedgerows along the boundaries of other land owned next to and around the appeal site, also owned by the appellant. There are occasional gaps in these hedgerows.
- 2.8 Oliver's Battery is approximately 250m north of the application site. A public right of way runs along the southern edge of the built up area. Texas Drive connects to Priors Way, an Estate road within the built up area.
- 2.9 To the south-west of the appeal site, the land rises sharply to a steep escarpment which forms part of Yew Hill. The hilltop (approximately 121m AOD) comprises a covered water reservoir and a nature reserve. A public right of way connects Port Lane with the village of Compton and Shawford via Yew Hill.
- 2.10 Land falls away gently to the south of the appeal site towards the village of Compton, which sits in a valley at approximately 50-55m AOD.
- 2.11 A public right of way passes along the south-east boundary of the appeal site. To the south-east of the appeal site land immediately falls away but the rises again towards a tree lined ridge. A public right of way, linking Compton village with Oliver's Battery, is located within this tree belt. Land beyond once again falls towards the M3 and the River Itchen.



View looking north into appeal site from adjacent public right of way

- 2.12 Land to the west of the appeal site immediately rises to form the col and then falls away towards Port Lane beyond (75m AOD).

3.0 Relevant Planning History

3.1 Planning permission (ref 16/00320/FUL) was granted in October 2016 for the erection of a replacement dwelling on the appeal site. A copy of the plans of the approved scheme are attached as Appendix 1.

3.2 A planning application (ref 17/02190/FUL) was submitted in Autumn 2017 for a slightly altered siting of the replacement dwelling approved under 16/00320/FUL as well as consequential changes to some of the levels on the site. These amended works had already by then been commenced at the appeal site and the application sought retrospective planning permission. A copy of the plans for this scheme (which is the subject of this appeal) are attached as Appendix 2.

3.3 The retrospective application was supported by some members of the public and recommended for approval to the Council's Planning Committee by the planning case officer. Despite objections by Oliver's Battery Parish Council and some other members of the public, the case officer found in her report that:

"It is considered that whilst the levels across the site are different to the original levels, the sections demonstrate that any harm to the wider landscape will not be to a significant level. It is not considered that there are changes to the levels which would look intrusive or significantly at odds with the character of the area"

3.4 The case officer concluded that:

"The revised replacement dwelling and proposals across the site will have a marginally higher impact in the countryside than that approved ... however this additional impact is not considered to be unacceptable".

3.6 There were no objections from the Council's landscape officer to the application (see copy of case officer's committee report attached as Appendix 3).

3.7 However, the Council's Planning Committee members resolved to reject the case officer's recommendation to grant retrospective planning permission and instead

refused planning permission for the reason stated at section 4 of the Enforcement Notice.

3.8 A copy of the case officer's report is attached as Appendix 3.

4.0 The Appeal Proposals

- 4.1 The appellant wishes to erect a dwelling in accordance with the details contained in the refused appeal application (17/02190/FUL). The works carried out at the appeal site (as described in section 3 of the Enforcement Notice) are with that objective in mind.
- 4.2 The dwelling that the appellant has begun to construct, by virtue of the works described at section 3 of the Enforcement Notice, differs from the approved dwelling (16/00320/FUL) in the following ways:
- the siting of the dwelling it is located 4m further to the east within the appeal site when measured from the western boundary of the appeal site;
 - it includes ancillary internal accommodation for the appellant's mother as an alteration to the approved floorplans (the overall footprint, scale and massing of the dwelling has not changed);
 - the levels on the site have been altered so the dwelling would sit on a more level platform; and
 - parking for the dwelling would now all be provided externally.
- 4.3 The differences between the approved scheme and the revised scheme (subject of this appeal) are also detailed in the drawings attached as Appendix 2.

5.0 Relevant Planning Policies and Other Material Considerations

Development Plan

5.1 The adopted Development Plan for the area currently comprises the:

- Winchester District Local Plan Part 1 – Joint Core Strategy (JCS); and
- Winchester District Local Plan Part 2 – Development Management & Site Allocations (DMSA).

5.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3 The following policies are referred to in the decision notice for the scheme subject of this appeal:

5.4 JCS **Policy CP13** sets out the Councils requirements for new developments to have a high quality design.

5.5 JCS **Policy CP18** relates to the local gaps that have been designated in the District and states that development which does not physically or visually diminish the gap will be permitted.

5.9 JCS **Policy CP20** provides guidance on heritage and landscape character. It states that the Local Planning Authority "*will support new development which recognises, protects and enhances the District's distinctive landscape and heritage assets and their settings*".

5.10 DMSA **Policy DM15** relates to local distinctiveness and states that proposals (as long as they accord with the Development Plan) will be permitted where they conserve or enhance:

"(i) the landscape and townscape framework, including the 'key characteristics' identified in local Character Assessments and adopted Design Statements;
(ii) open areas and green spaces that contribute to the special qualities of the townscape or the setting of buildings, including heritage assets;
(iii) recognised public views, features or skylines;
(iv) the special qualities of Conservation Areas and historic landscapes;
(v) trees, hedgerows, water features and corridors which contribute to local distinctiveness".

5.11 **DMSA Policy DM16** provides a set of design criteria and states that development which accords with the Development Plan will be permitted provided it:

"(i) responds positively to the character, appearance and variety of the local environment, within and surrounding the site, in terms of its design, scale and layout;
(ii) maintains permeability and access throughout the site and improves connections within the public realm;
(iii) designs any service areas, including parking provision, cycle storage and bins, as an integral part of the scheme, ensuring it does not dominate the site or the surrounding area;
(iv) provides boundary treatments that respond positively to the local context around the site and between different elements within the site of larger schemes;
(v) uses an appropriate ratio between hard and soft landscaping, having regard to the character of the area;
(vi) uses high quality materials that are attractive and durable and appropriate to the context and the proposed design;
(vii) utilises the principles of energy efficient design, by means of layout, orientation, passive solar gain, and the design of buildings and spaces, as far as is compatible with the character of the area".

5.12 **DMSA Policy DM17** refers to Site Development Principles and states that development which accords with the Development Plan will be permitted where it:

(i) provides a safe and secure environment, accessible by all;
(ii) does not have unacceptable effects on ecosystems services, key townscape or landscape characteristics, or on heritage assets;

- (iii) includes adequate provision for surface water drainage and sewage disposal;*
- (iv) makes adequate provision for refuse and recycling;*
- (v) facilitates and does not constrain the future development of adjacent sites, where appropriate;*
- (vi) provides sufficient amenity and recreational space for users;*
- (vii) does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing;*
- (viii) does not cause unacceptable levels of pollution to neighbours by means of noise, smell, dust or other pollution;*
- (ix) provides only for lighting that is not visually intrusive on the surrounding area.*

- 5.13 **DMSA Policy DM23** relates to rural character and states that development proposals which accord with the development outside of settlement boundaries will be permitted where they do not have an unacceptable impact on the rural character of the area by means of visual intrusion, the introduction of incongruous features etc

National Planning Policy Framework

- 5.14 **Paragraph 6** of the NPPF identifies that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 5.15 **Paragraph 7** explains that there are three dimensions to sustainable development; economic, social and environmental, and that therefore the planning system needs to perform three roles.
- 5.16 **Paragraph 14** explains that at the heart of the NPPF is a presumption in favour of sustainable development. For decision taking, this means approving proposals that accord with the development plan without delay and where the development plan is absent, silent or out of date, granting permission unless:
- Any adverse impacts of doing so would significantly or demonstrably outweigh the benefits; or
 - Specific policies in the framework indicate development should be restricted.

5.17 **Paragraph 17** sets out the 12 core planning principles that should underpin both plan making and decision taking. Of these, the planning principles considered most relevant to this appeal are:

- Seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Encouraging the effective use of land by re-using land that has been previously developed; and
- recognising the intrinsic character and beauty of the countryside’.

5.18 It is considered that the guidance contained in sections 6 (Delivering a wide choice of quality homes), 7 (Requiring good design) and 11 (Conserving and enhancing the natural environment) of the NPPF is also relevant.

6.0 The Case for the Appellant

- 6.1 Following the granting of planning permission for the replacement dwelling in 2016, the appellant's personal and family circumstances changed due to unforeseen reasons. The appellant now wishes to reconfigure the internal living accommodation to provide an ancillary annex for his elderly mother.
- 6.2 The approved 2016 dwelling had a split level internal floor design with several interconnecting stairs and a sloping driveway. This was not well suited to his mother's reduced mobility and physical frailty. The appellant decided to re-site the foundations of the approved dwelling so that the majority of the internal accommodation provided could be provided on a single continuous level and with less stairs, and to make accessing the dwelling from outside easier.
- 6.3 This resulted in the changes to the proposed development explained in section 4 above. The appellant considered these changes to be inconsequential and not realising that planning permission would be required.
- 6.4 This is a material consideration which should attract some weight; but nonetheless, the proposed development anyway accords with the Development Plan and NPPF.
- 6.5 The appeals under grounds (f) and (g) are without prejudice to the appeal under ground (a) and are in the event that the appeal under ground (a) is dismissed.
- 6.6 If the appeal under ground (a) is allowed, then it follows that the appeals under grounds (f) and (g) no longer need to be considered; sections 5 and 6 (respectively) of the Enforcement Notice would be entirely incompatible with the grant of planning permission. It would not be expedient to seek to enforce compliance with these requirements in those circumstances.

Ground (a)

- 6.7 It is evident from the Council's reasons for issuing the enforcement notice that there is no objection in principle to the erection of a new (replacement) dwelling on the appeal site.

6.8 In section 4.0 above we explain the four substantive differences between the extant dwelling planning permission (16/00320/FUL) and this proposed appeal dwelling (17/02190/FUL). This 'fall back' position is a significant material consideration and should have substantial weight, including because in all other respects, such as high quality detailed design/external materials and intrinsic scale and massing of the dwelling itself, the appeal proposal remains essentially the same as that already permitted by the Council.

6.9 Of these four differences it is also expected to remain common ground with the Council (given the original case officer recommendation for approval and the stated reasons for issuing the Enforcement Notice) that there is no objection to the second (changes to the internal floor plans that affect only the inside of the dwelling) and fourth (parking spaces instead of a garage) of these differences.

6.10 The main issue therefore appears to be:

- Alleged visual intrusion in a sensitive rural landscape in a designated gap between Winchester and Compton.

arising from:

- siting of the dwelling located 4m further to the east within the appeal site
- changed raised levels on the site so the dwelling would sit on a more level platform;

6.11 The plans attached at Appendices 1 and 2 clearly demonstrate these differences, limited and such as they are.

6.12 This is essentially a matter of planning judgement and suffice to clarify that the appeal site is only in a 'sensitive' rural landscape by virtue of its location within the 'gap' – it is otherwise in the countryside and no more sensitive than other countryside in the gap in planning terms. Furthermore, the Council alleges unacceptable visual intrusion in very narrow terms including in only "long important views" from public rights of way.

- 6.13 Considering the above, the change in siting of the dwelling by 4 metres and the change to the elevation is not itself significant judged in relation to the overall size (scale and massing) and footprint of the proposed dwelling. But even if it were significant in those terms it would not have any adverse visual impact, certainly no significant adverse visual impact that warranted the reasons for issuing the Enforcement Notice to prevent the proposed development.
- 6.14 The visual relationship and juxtaposition of the dwelling to its general position on the appeal site, within its immediate extensive residential curtilage and wider rural setting would remain the prevailing observable characteristic of the locality. Nor would it, for these same reasons, materially let alone significantly adversely reduce the overall openness of the 'gap' to the detriment of the intended 'local' function of the gap; this would continue to be perceived across the full breadth of the gap insofar as the gap is already contained and interrupted by other existing buildings within it as well as topography and landscape features such as hedgerow and trees.
- 6.15 The actual empirical differences on plan (and as perhaps how the majority of the public and the Council's members perceived this would have an unacceptable impact) would not therefore actually be appreciated in reality and be all but imperceptible to casual (or even attentive, purposeful) visual scrutiny in the long distance views relied on by the Council.
- 6.17 No matter if taken separately or in combination, the change of siting and elevation of the proposed dwelling does not tip the planning balance from acceptable to unacceptable development.
- 6.18 Without prejudice, the appellant would accept suitably worded planning conditions to implement an appropriate landscaping scheme to help assimilate the dwelling on the appeal site and in its wider rural setting. Suggested conditions are attached as Appendix 5
- 6.19 As Ground (a) is being pleaded, it is considered helpful to provide a brief explanation of how the scheme subject of this appeal would comply with the development plan policies cited in the single reason for refusal.

- 6.20 Regarding compliance with Policy CP13, it is clear from both the Design & Access Statement that was prepared in support of the applications for both the original and retrospective applications, that the scheme subject of this appeal would be a high quality design.
- 6.21 In terms of compliance with Policy CP18, it is clearly evident from both the landscape consultation response and the case officers report that the scheme subject of this appeal would not physically or visually diminish the Local Gap in which it is situated and hence comply with the requirements of the policy.
- 6.22 Regarding compliance with Policy CP20, it is clear from reviewing both the case officers committee report that the scheme subject of this appeal protects and enhances the District's distinctive landscape and heritage assets and their settings". When considering Heritage matters, it is relevant to note that an archaeological investigation has been undertaken and this has revealed that development of the site would not have an adverse impact on any heritage assets. A copy of the archaeological investigation report is attached as Appendix 6.
- 6.23 In terms of compliance with Policy DM15, the case officers committee report clearly demonstrates that the scheme subject of this appeal would comply with the requirements of Policy DM15.
- 6.24 Regarding compliance with Policy DM16, the plans for the scheme subject of this appeal clearly demonstrate that:
- the scheme responds positively to the character, appearance and variety of the local environment, within and surrounding the site, in terms of its design, scale and layout;
 - parking provision is an integral part of the scheme which does not dominate the site or the surrounding area;
 - it provides boundary treatments that respond positively to the local context around the site and between different elements within the site of larger schemes;
 - uses an appropriate ratio between hard and soft landscaping, having regard to the character of the area;
 - uses high quality materials that are attractive and durable and appropriate to the context and the proposed design; and

- utilises the principles of energy efficient design, by means of layout, orientation, passive solar gain, and the design of buildings and spaces, as far as is compatible with the character of the area”.

6.25 In terms of compliance with Policy DM17, the scheme subject of this appeal would comply with this policy because it:

- provides a safe and secure environment, accessible by all;
- does not have unacceptable effects on ecosystems services, key townscape or landscape characteristics, or on heritage assets;
- includes adequate provision for surface water drainage and sewage disposal;
- makes adequate provision for refuse and recycling;
- facilitates and does not constrain the future development of adjacent sites, where appropriate;
- provides sufficient amenity and recreational space for users;
- does not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing;
- does not cause unacceptable levels of pollution to neighbours by means of noise, smell, dust or other pollution;
- provides only for lighting that is not visually intrusive on the surrounding area.

6.26 Finally concerning the ability of the scheme subject of this appeal to comply with the requirements of Policy DM23, it is clear from the case officers committee report and the landscape officers consultation response, that the scheme would not have an unacceptable impact on the rural character of the area by means of visual intrusion, the introduction of incongruous features etc

Ground (f)

6.27 The steps required by section 5 of the Enforcement Notice, i.e.

- (i) Remove the footings and foundations of the partially built dwelling house and remove the rubble from the land;
- (ii) Fill in with soil and level the area from which the foundations have been removed; and
- (iii) Return the site levels to those that existed before the unauthorised changes were implemented

(iv) Finish the surface with a minimum 150mm depth of topsoil and apply grass seed.

exceed what is necessary to remedy the breach of planning control that has occurred.

6.28 There is considerable overlap between the siting and extent of the building footprint and external works of the extant approved dwelling (16/00320/FUL) and the appeal dwelling (17/02190/FUL) - as shown in the plans attached as Appendix 2.

6.29 If the ground (a) appeal is dismissed, the appellant could nonetheless revert to and implement the extant planning permission for the approved dwelling. Where these works do overlap, the partially constructed footings and foundations can be retained in situ to facilitate this. Otherwise, the appellant would have to meet the punitive cost and time incurred in completely removing these works and reinstating the ground but upon so doing would be entitled to reinstate these same works at further cost and time for no material planning difference to the resulting outcome and works that the Council has already otherwise approved and found to be acceptable. That would be unreasonable.

6.30 The Council would retain existing normal controls to if necessary either require the appeal development to be completed or discontinued, and/or as well as to improve the visual amenity of the area.

6.31 The requirements of section 5 of the Enforcement Notice should be varied as follows:

(i) Insert the following words after the word "...Land":

"; only to the limited extent that these works and materials are inconsistent with the footings and foundations required for the dwelling granted permission under reference 16/00320/FUL."

(ii) Insert the following words between "...the foundations" and "have been...":

"required under (i) above"

- (iv) Though it is not entirely clear what 'surface' this requirement is meant to refer to (probably likely intended to mean the surface which results from requirement (iii), or possibly (i) (though (ii) appears to be the 'remedy' to (i) and so (iv) the intended remedy to (iii)?), the following would apply either way – insert the following word between "Finish the..." and "surface...":

"resulting"

There is no need to alter the wording of (iii). That requirement would remain consistent with the above amendments to (i), (ii) and (iv).

- 6.32 The requirement to remove all of the footings and foundations of the partially built dwelling house is therefore excessive and unreasonable.

Ground (g)

- 6.33 The timescales given in section 6 of the Enforcement Notice to complete the works required in section 5 are too short and/or inflexible.
- 6.34 The appellant will need sufficient time from receipt of the Inspector's appeal decision letter to seek tenders from suitable contractors for this work and thereafter appoint a preferred contractor.
- 6.35 As the Inspector will also clearly appreciate from the site visit, the required works are at ground level but extensive and substantial in nature comprising a large area of heavy concrete and block foundations/footings, surrounding hardcore, associated excavations and land levelling. Specialist equipment and machinery will be required.
- 6.36 The availability of a suitable contractor is beyond the control of the appellant. Furthermore, the vehicular access to the site is a single track unsurfaced (grass and dirt) private drive. This limits the capacity and number of vehicles coming to and from the site to undertake the required works and inclement weather may at times be prohibitive of access at all by such equipment and machinery (and/or even work on the appeal site).

6.37 The date of the Inspector's appeal decision letter (and thus the date on which the Enforcement Notice would come into effect) is unknown, but it could conceivably be towards the end of this summer 2018. Even the current timescales could therefore extend into early to mid-Autumn. Should these works coincide with winter months then as there is no artificial lighting at the appeal site (or street lights) this may (in addition to the weather) also reduce the available working day (subject to site health and safety considerations). It is also relevant to consider that the planting season for successful grass seeding is generally accepted to end around mid-October (and start again around late March next year). It would add unreasonably to the appellants costs if grass seed died and had to be re-sown again.

6.38 Considering the above, and in our experience, the time frame for step (i) should be extended to "6 months...". There should also be greater allowance for potential delay in subsequently executing steps (ii) and (iii) and so the time frame for these extended to "9 months...". The timeframe for step (iv) should also increase to 9 months but with added flexibility as follows:

"9 months after this notice takes effect or within 2 months of the start of the following planting season."

6.39 If the appeal on ground (f) is successful in whole or in part then that would likely reduce the extent of works that were required to comply with the Enforcement Notice, but it would not necessarily alleviate the concerns outlined above. The suggested extensions of time would still be appropriate and remain reasonable.

6.40 It is appreciated that the Council could simply decide that it was not expediate to seek to enforce the existing timescales in the Enforcement Notice if any or all the above factors were engaged. However, that would leave the appellant unfairly in a position of some considerable uncertainty and anxiety. It would also leave it somewhat unknown or not be in the interests of managing the expectations of the members of the public and the Parish Council who objected to the appeal application. There may be undue (and unreasonable) pressure on the Council to act.

7.0 Summary and Conclusions

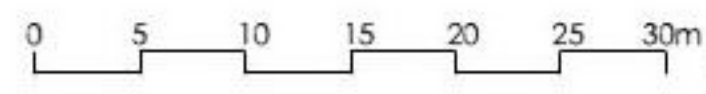
- 7.1 There is an extant planning permission for the erection of a replacement dwelling on the appeal site.
- 7.2 The development that has been commenced is different but the development, including the dwelling itself, is substantively the same. The changes to siting and elevation on the appeal site have already been assessed by the Council's planning officers to be acceptable and who recommended that retrospective planning permission be granted.
- 7.3 For the reasons explained in this Appeal Statement, the appellant concurs with the planning officer's assessment and respectfully requests that the appeal on ground (a) is allowed and planning permission granted for the development (Council's reference 17/02190/FUL).
- 7.4 In the event that the ground (a) appeal is dismissed, the appellant respectfully requests that the appeals under ground (f) and (g) are allowed and the Enforcement Notice is varied in the terms described in this Appel Statement.

Appendix 1

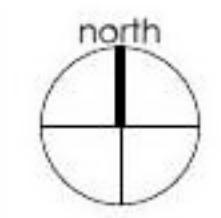
Copy of plans of approved replacement dwelling



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revisions
P2 • 13.07.16 Design amended



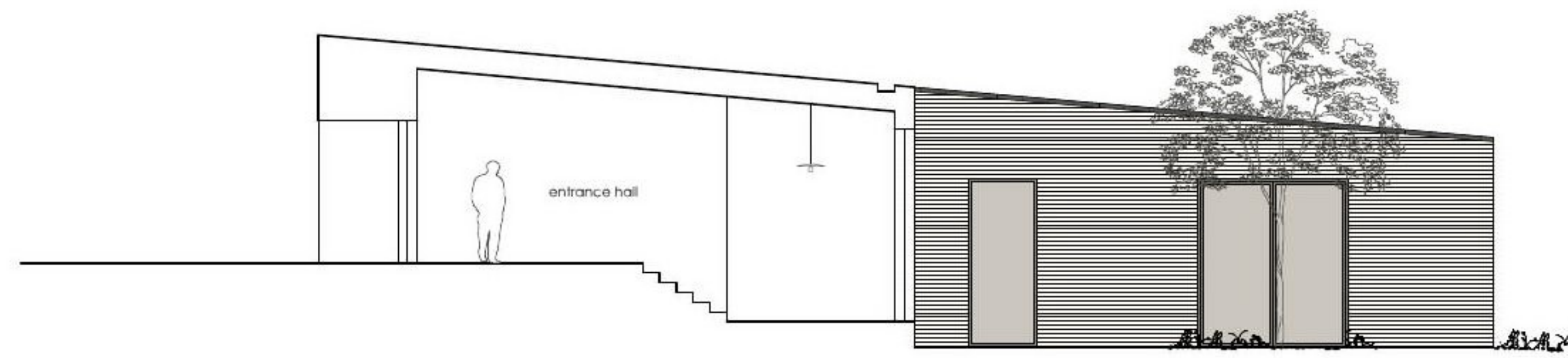
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notes

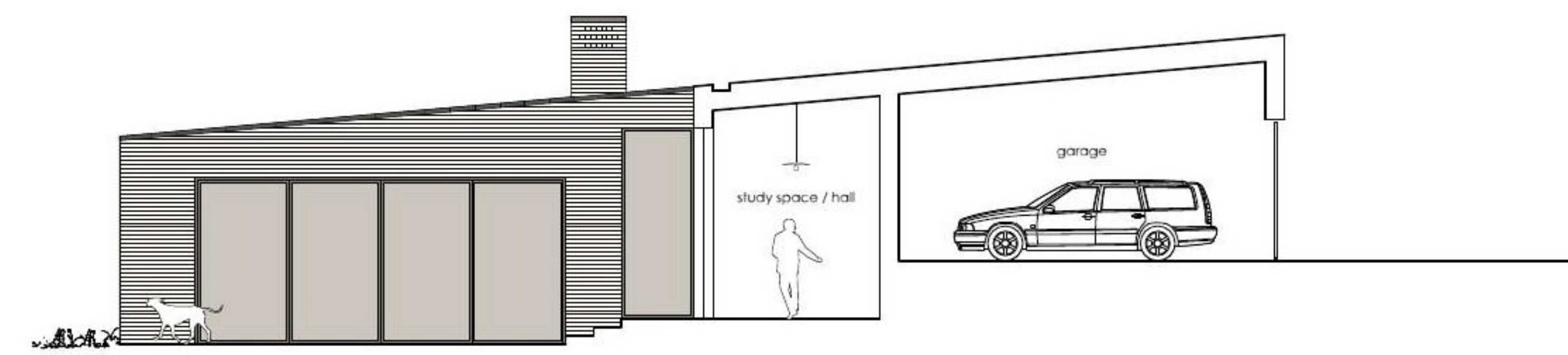
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client Oakley	scale 1:500 @ A1
date July 2016	date July 2016
job no. / drawing no. / revision 1501_02_P2	job no. / drawing no. / revision 1501_02_P2
drawing Block Plan PROPOSED	



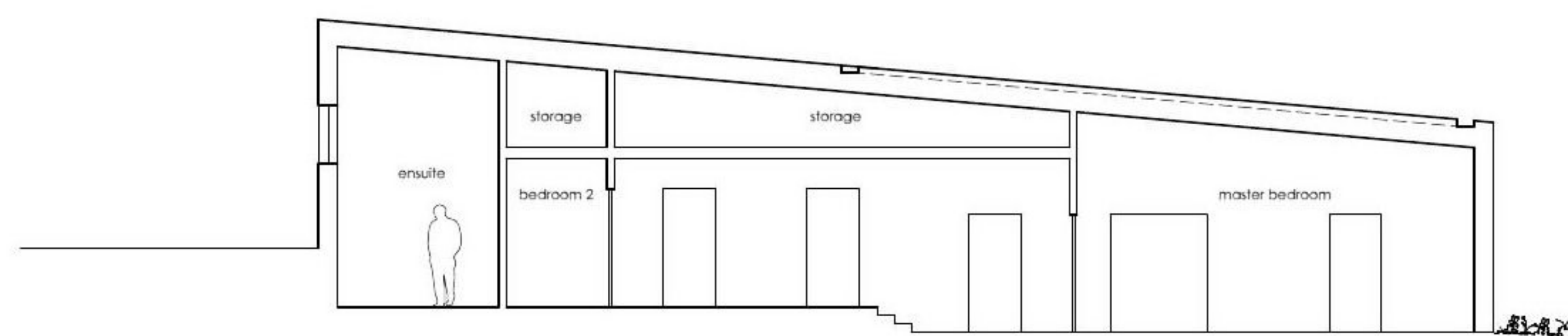
3rd Floor
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 E info@T2architects.com
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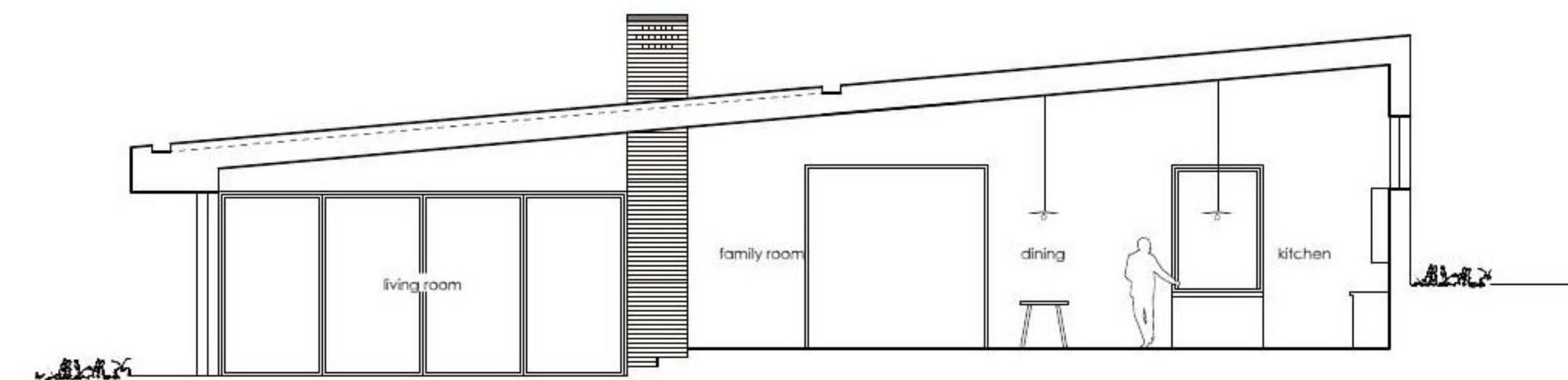
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section B-B



section C-C



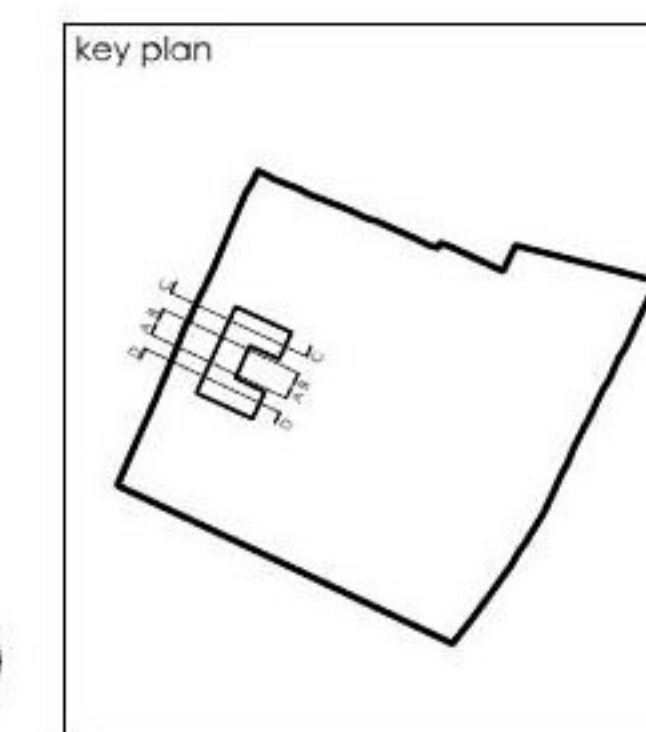
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revisions
P2 • 13.07.16
Design Amended

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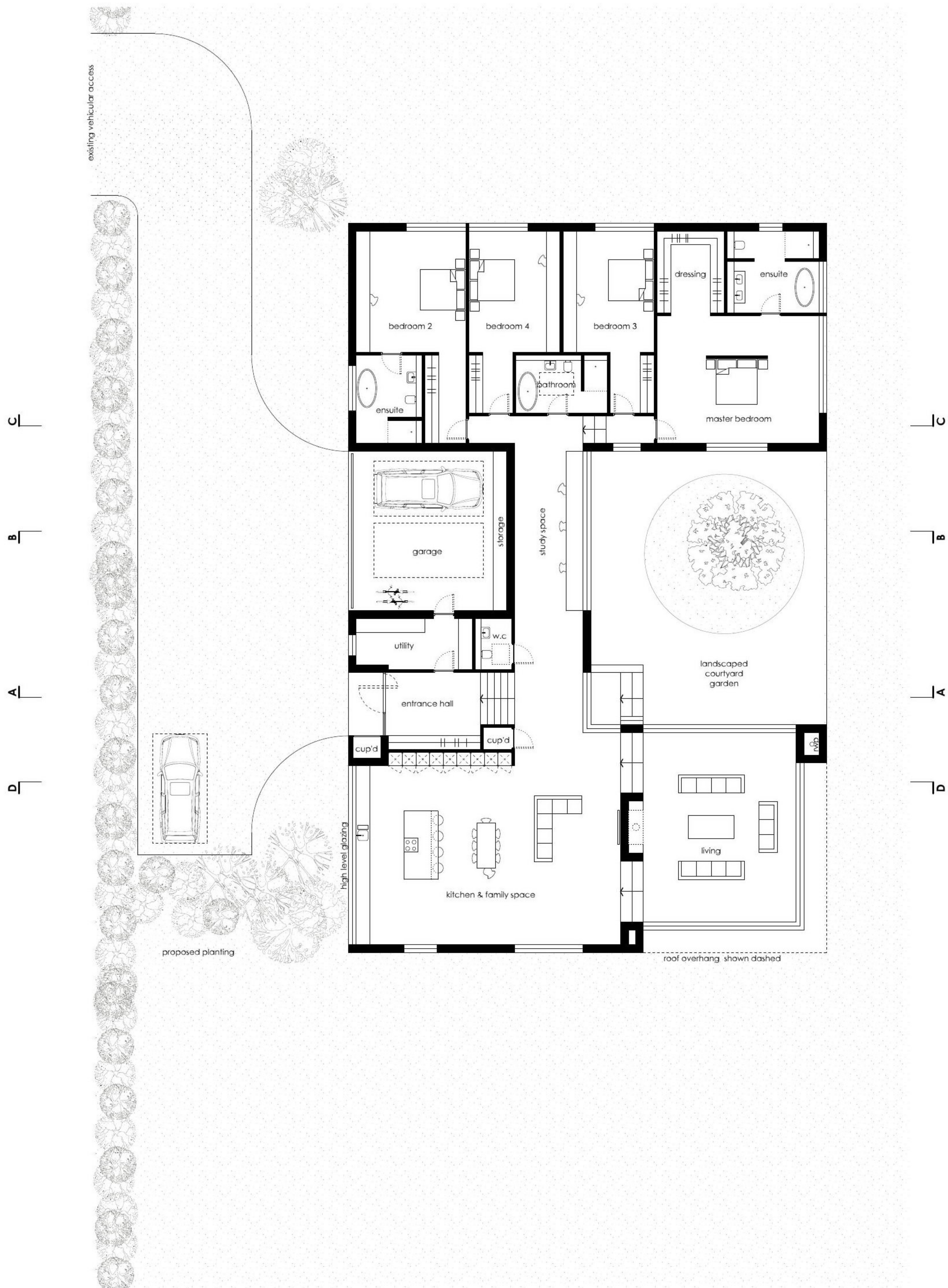
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project	stage
Texas Drive Olivers Battery Winchester SO22 4HT	Planning Application
client	scale
Oakley	1:100 @ A1
drawing	date
Sections / Elevations PROPOSED	July 2016
	job no. / drwg no. / revision
	1501_06_P2

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0 1 2 3 4 5 6m

revisions
P2 • 13.07.16 Design Amended



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notes

project
**Texas Drive
Olivers Battery
Winchester
SO22 4HT**

client
Oakley

drawing
**Ground Floor Plan
PROPOSED**

stage
Planning Application

scale
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date
July 2016

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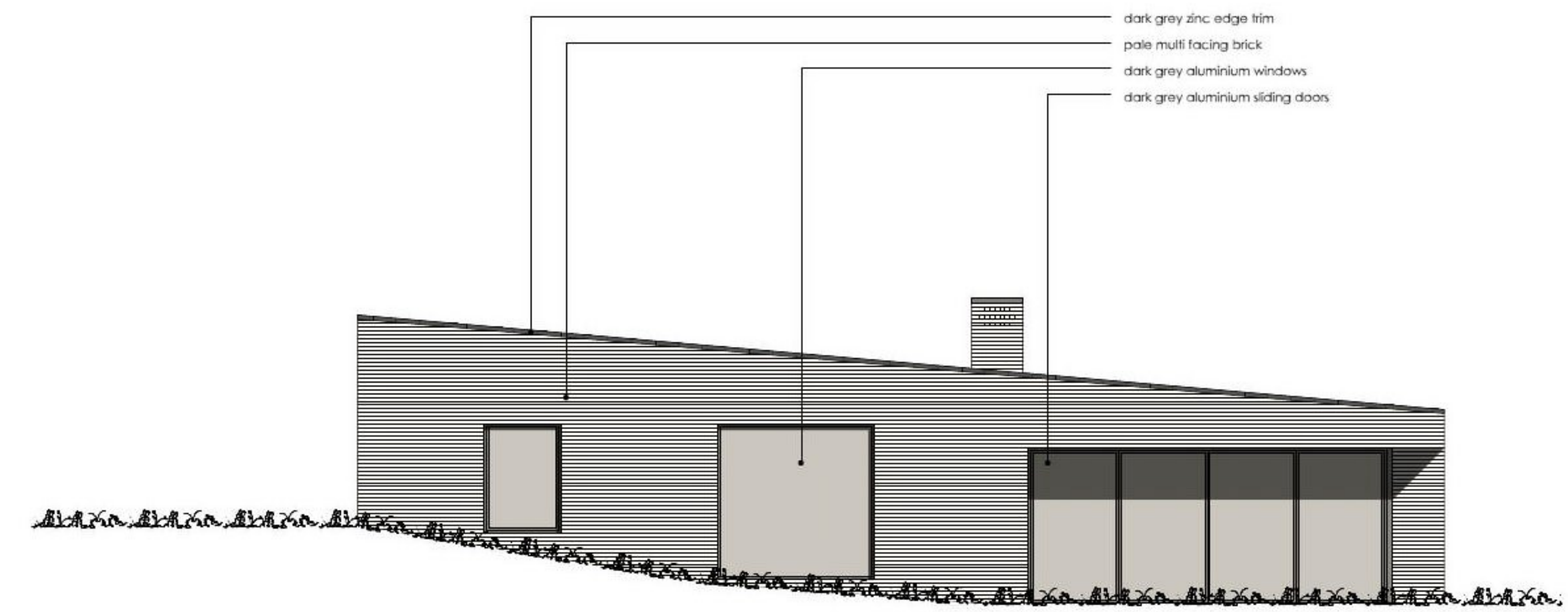
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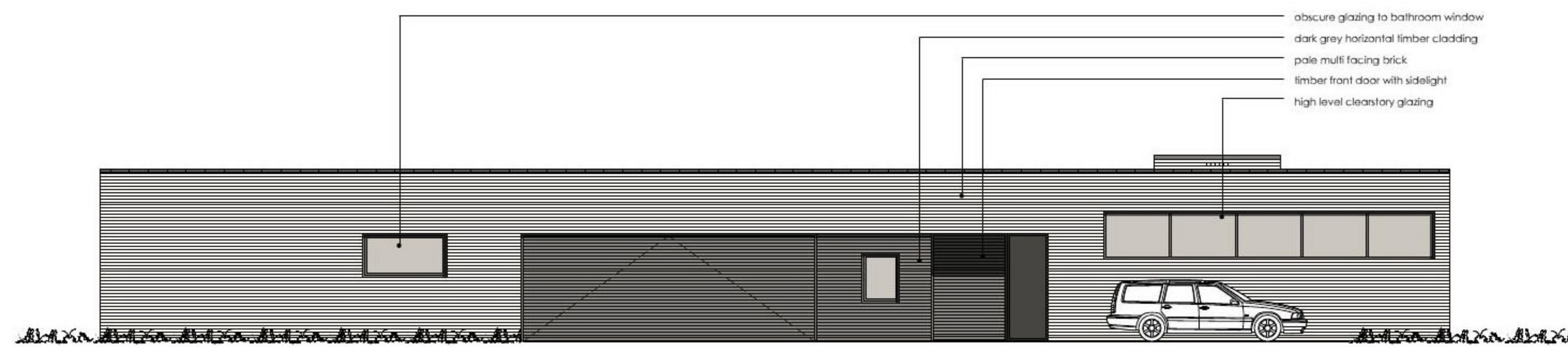
east (rear) elevation



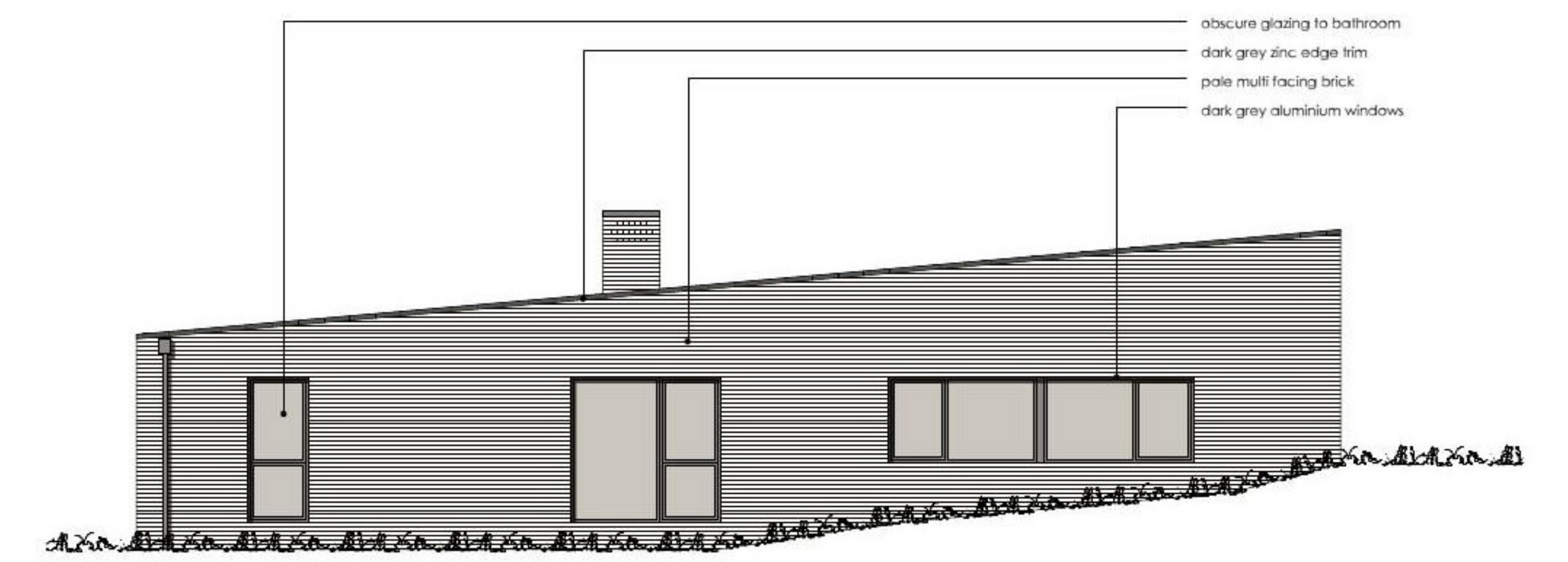
south (side) elevation



west (front) elevation



side (north) elevation

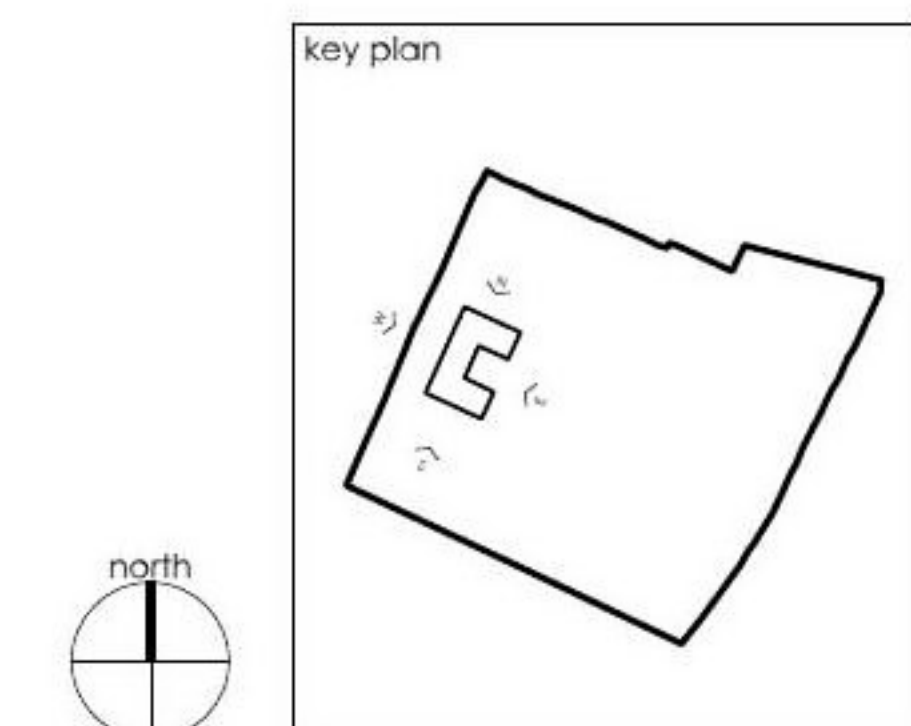


0 1 2 3 4 5 6m

revisions
P2 • 13.07.16
 Design Amended

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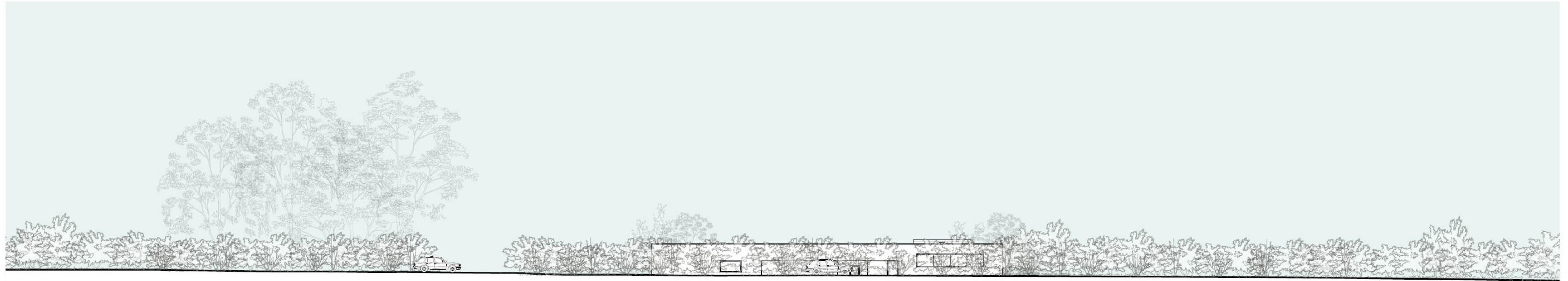
notes



project Texas Drive Olivers Battery Winchester SO22 4HT	stage Planning Application
client Oakley	scale 1:100 @ A1
drawing Elevations PROPOSED	date July 2016
	job no._drwg no._revision 1501_05_P2

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1. context elevation from east (front elevation) - viewed from Texas Drive proposed

← proposed dwelling →



2. context elevation from west (rear elevation) - viewed from public footpath proposed

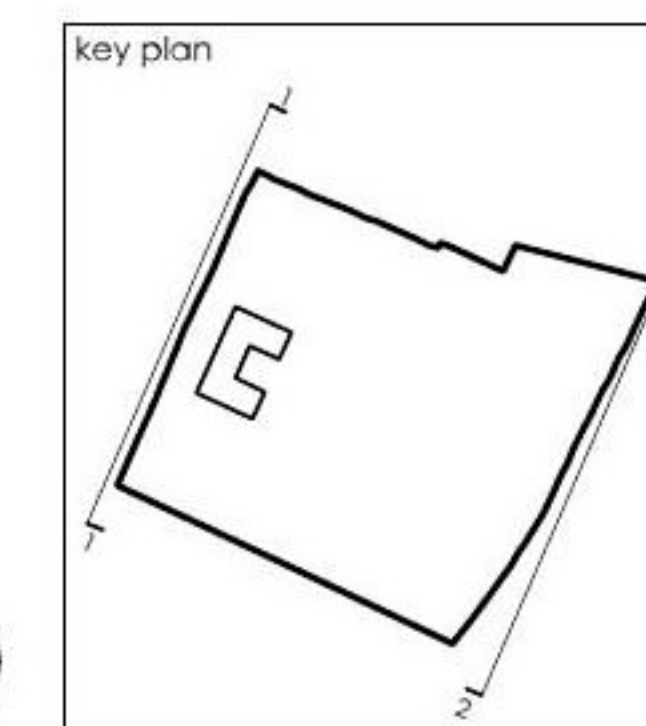
← proposed dwelling →

0 2 4 6 8 10 12m

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notes

revisions
P2 • 13.07.16 Design Amended



project
**Texas Drive
Winchester
SO22 4HT**

client
Oakley

drawing
**Conext Elevations - East
& West : PROPOSED**

stage
Planning Application

scale
1:200 @ A1

date
July 2016

job no./dwg no./revision
1501_07_P2

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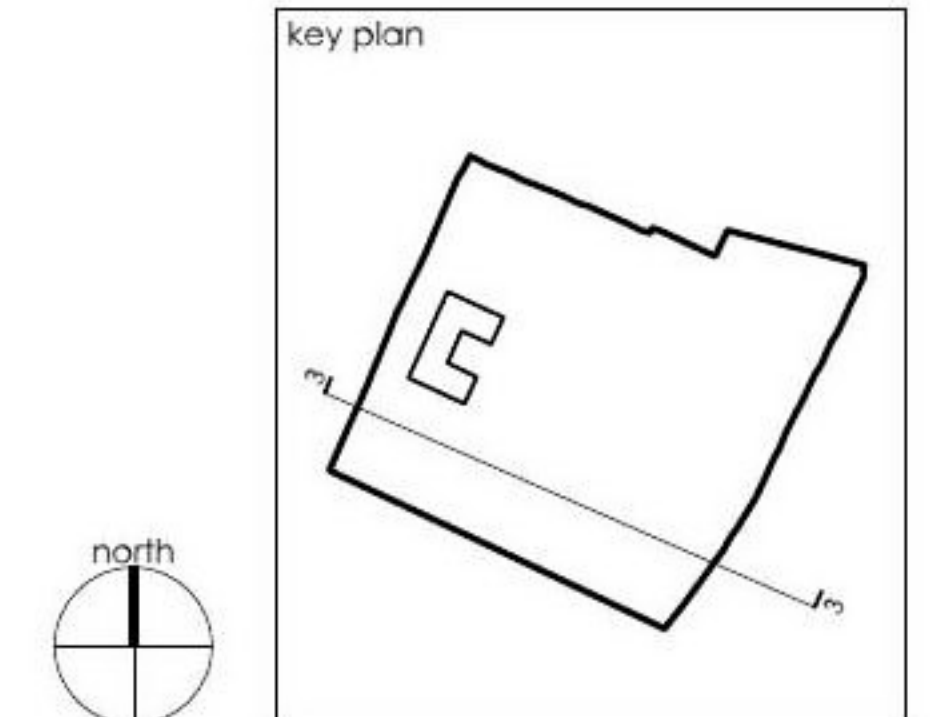
3. context elevation - viewed from south
proposed

0 2 4 6 8 10 12m

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notes

revisions
P2 • 13.07.16 Design Amended



project	Texas Texas Drive Winchester SO22 4HT
client	Oakley
drawing	Conext Elevation South : PROPOSED

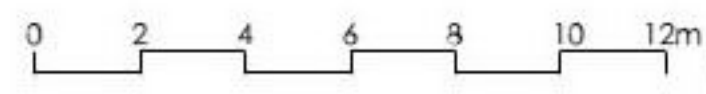
stage	Planning Application
scale	1:200 @ A1
date	July 2016
job no._drwg no._revision	1501_08_P2

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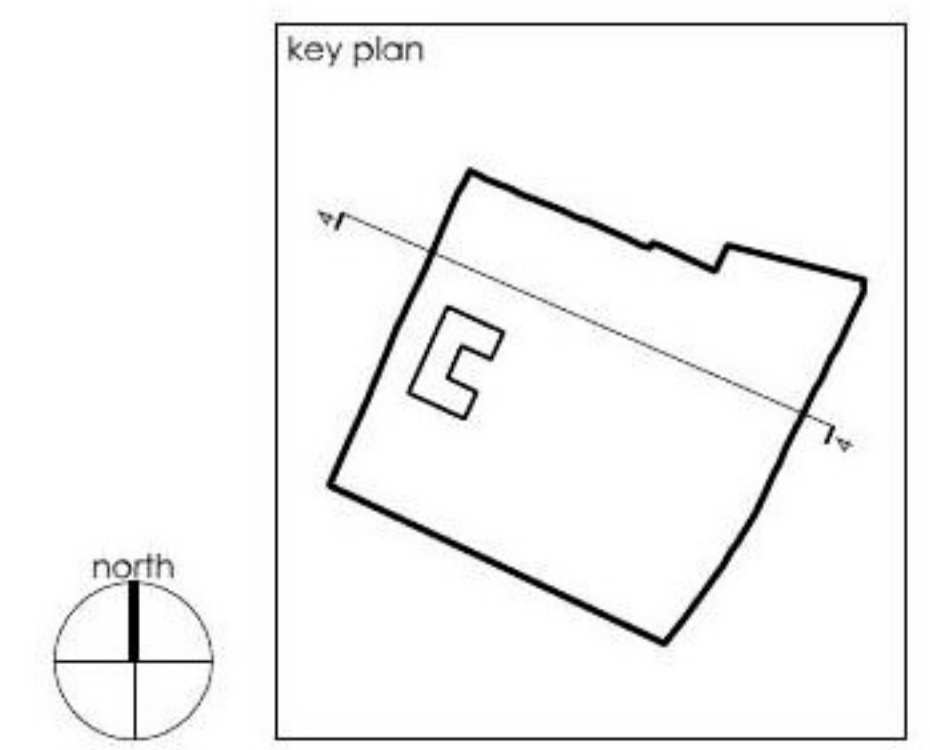
4. context elevation - viewed from north
proposed



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notes

revisions
P2 • 13.07.16 Design Amended



project
Texas Drive Winchester SO22 4HT

client
Oakley

drawing
Conext Elevation North : PROPOSED

stage
Planning Application

scale
1:200 @ A1

date
July 2016

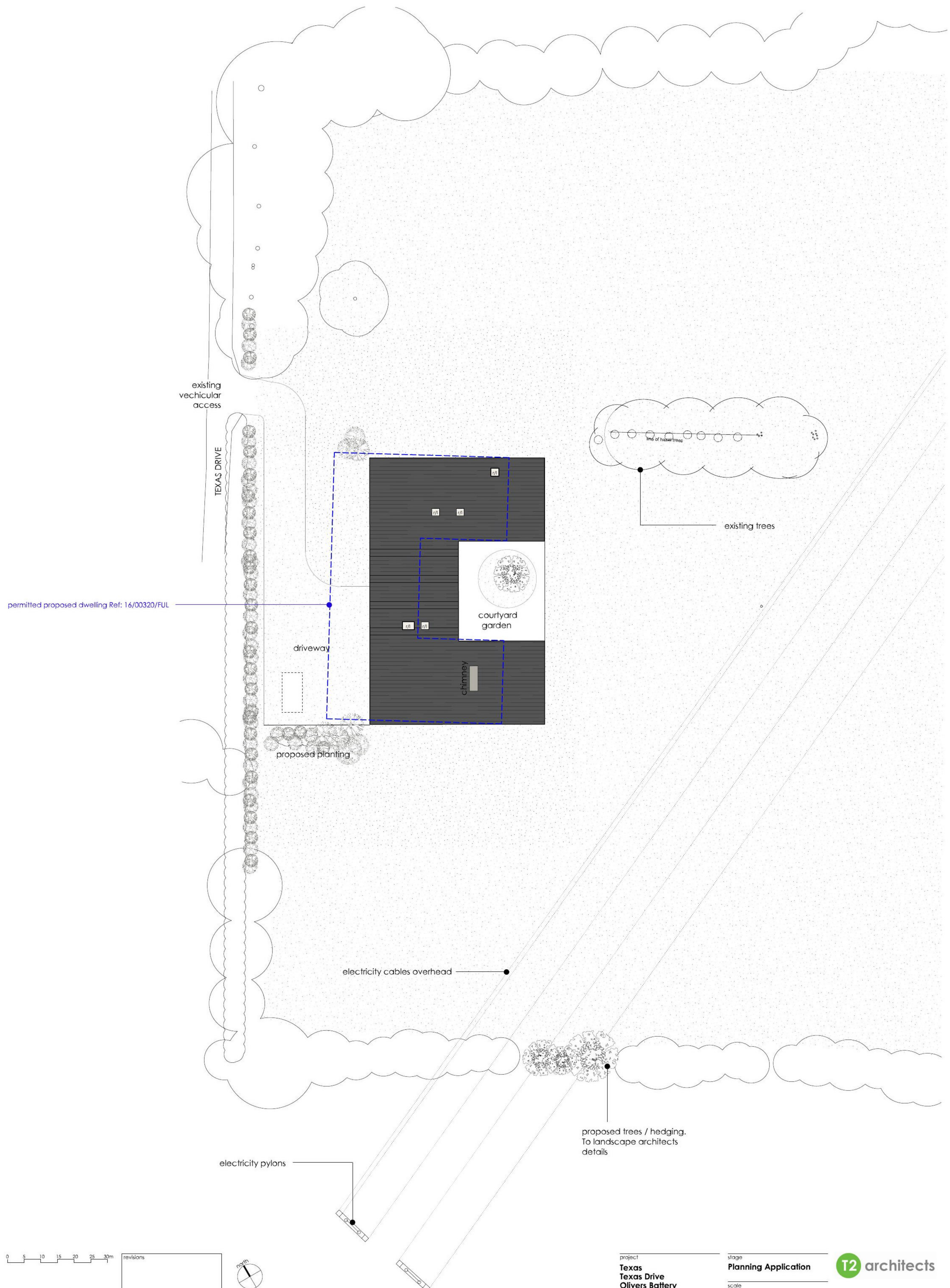
job no./dwg no./revision
1501_09_P2

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Appendix 2

Copy of plans of revised replacement dwelling



permitted proposed dwelling Ref: 16/00320/FUL

0 5 10 15 20 25 30m

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notes

revisions



project
**Texas Drive
Olivers Battery
Winchester
SO22 4HT**

client
Oakley

drawing
**Site Plan
PROPOSED**

stage
Planning Application

scale
1:200 @ A1

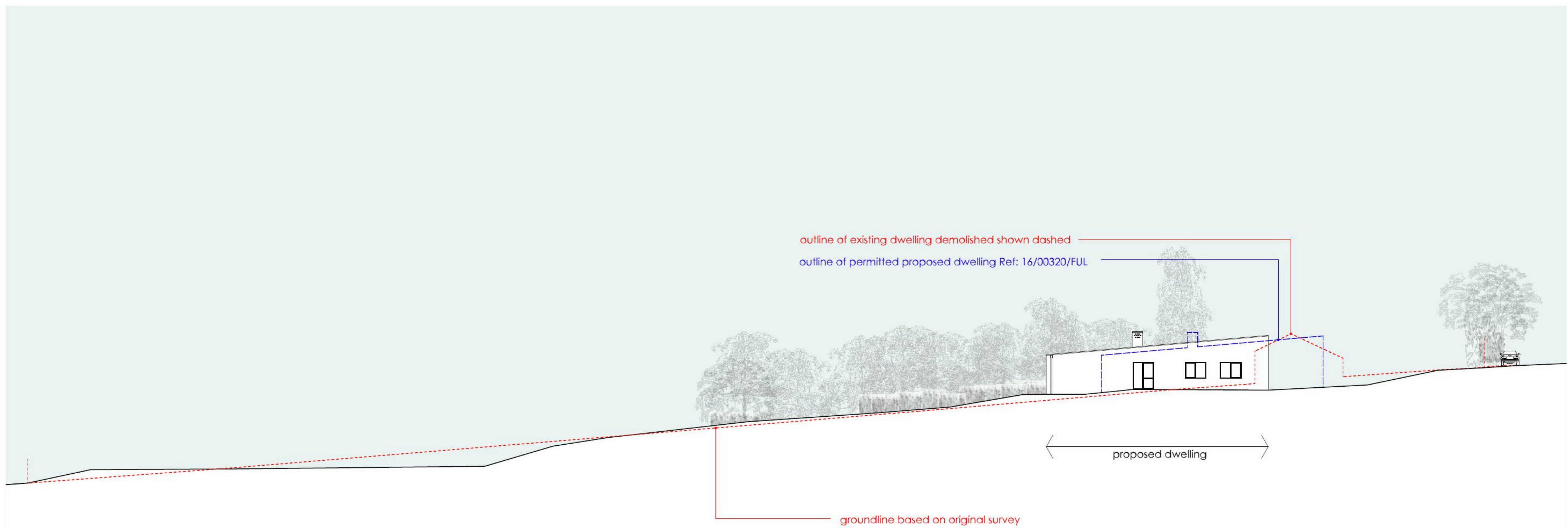
date
July 2016

job no./dwg no./revision
1501b_03_P1



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outline of existing dwelling demolished shown dashed
 outline of permitted proposed dwelling Ref: 16/00320/FUL



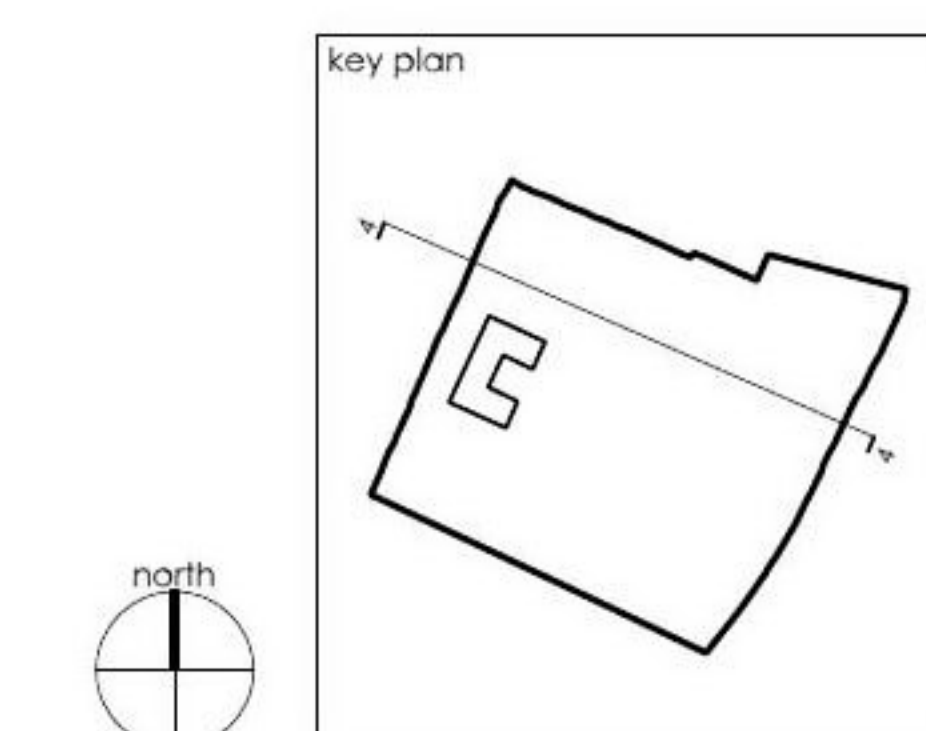
4. context elevation - viewed from north
 proposed

0 2 4 6 8 10 12m

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notes

revisions



project Texas Drive Winchester SO22 4HT	stage Planning Application	
client Oakley	date Aug 2017	
drawing Context Elevations North: PROPOSED	scale 1:200 @ A1	drawn by
	checked by	3rd Floor, Cromwell House 15 Andover Road Winchester SO23 7BT
	job no./dwg no./revision 1501b_09_P1	T 01962 856255 E info@T2architects.com www.T2architects.com

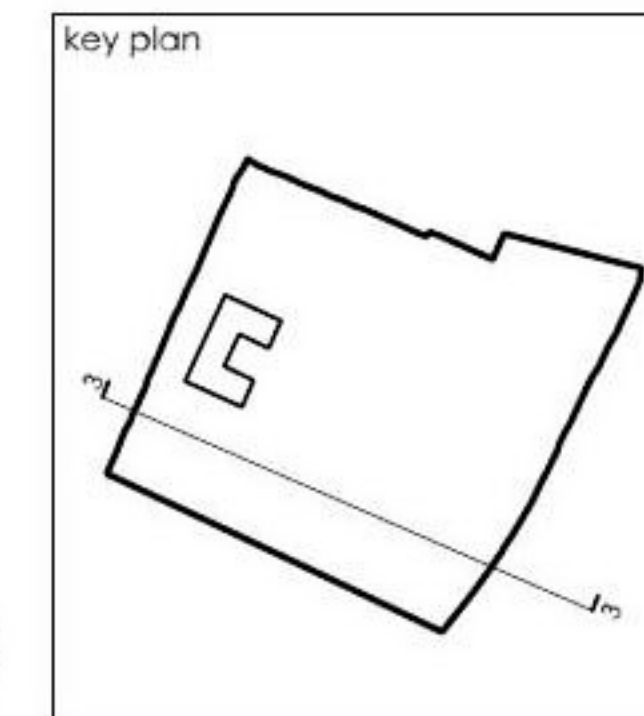


3. context elevation - viewed from south
proposed

0 2 4 6 8 10 12m

revisions

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notes



project
Texas Drive Winchester SO22 4HT

stage
Planning Application

scale
1:200 @ A1

date
Aug 2017

job no./dwg no./revision
1501b_08_P1

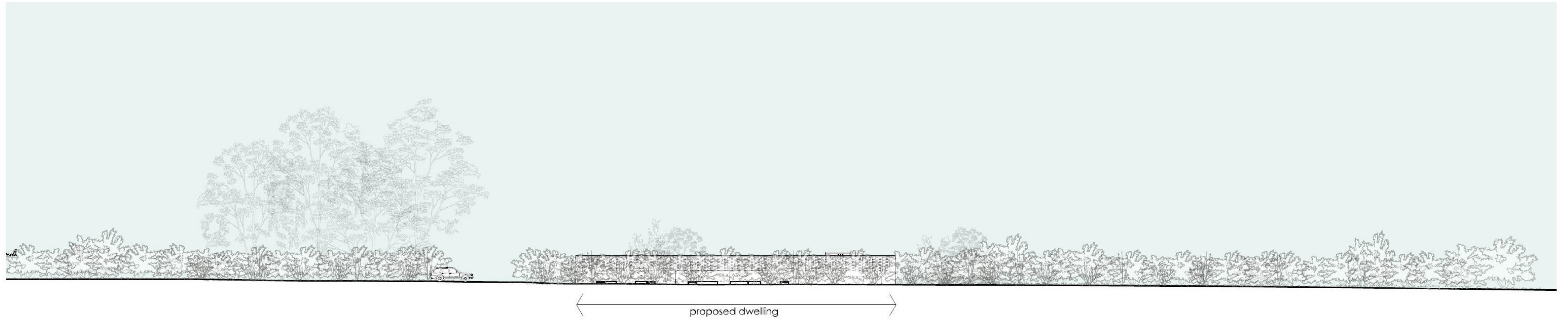
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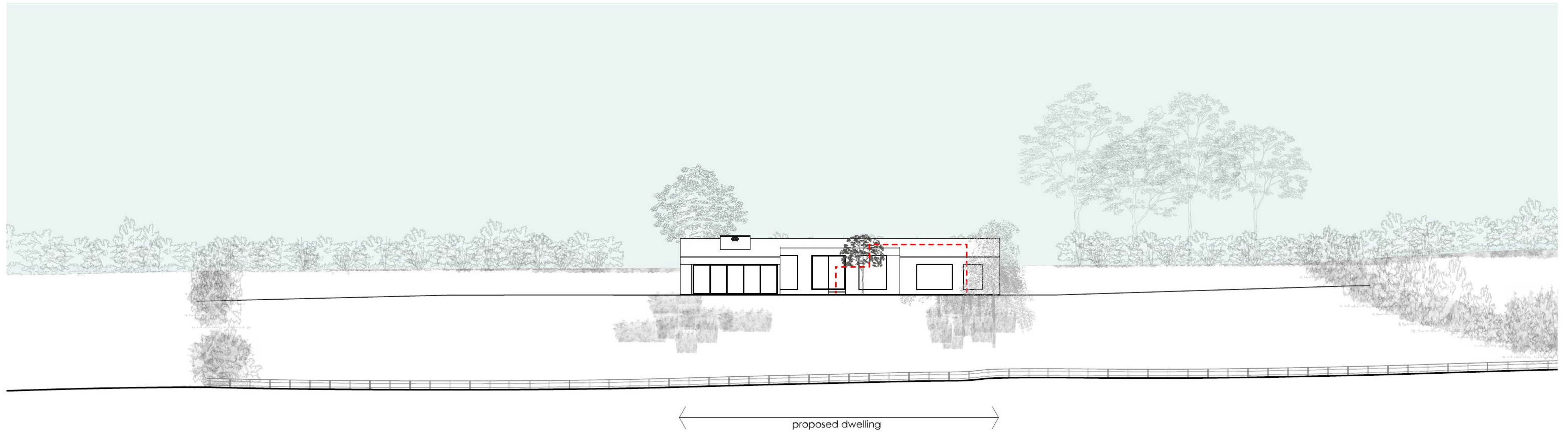
client
Oakley

drawing
Context Elevations South: PROPOSED

drawn by
checked by



1. context elevation from east (front elevation) - viewed from Texas Drive
proposed



2. context elevation from west (rear elevation) - viewed from public footpath
proposed

0 2 4 6 8 10 12m

revisions

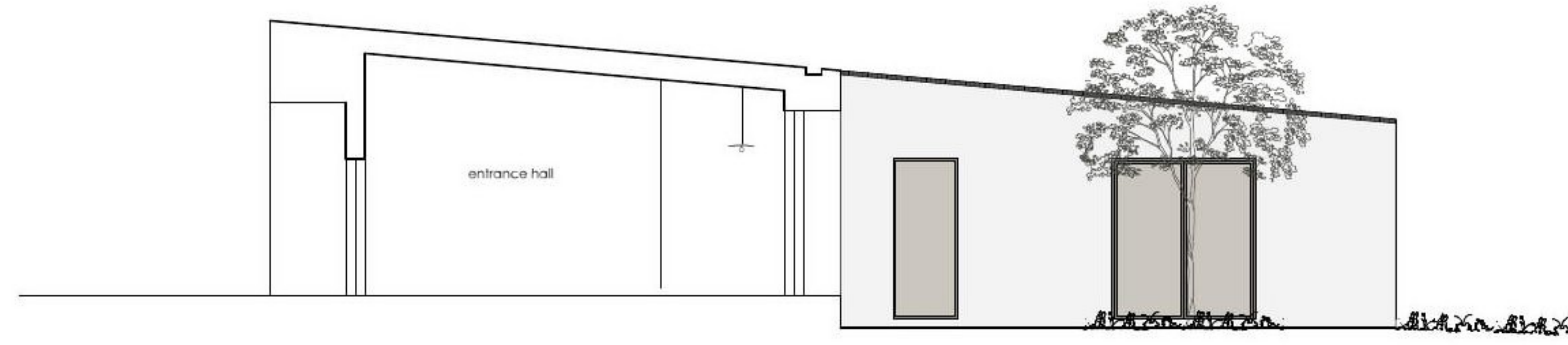
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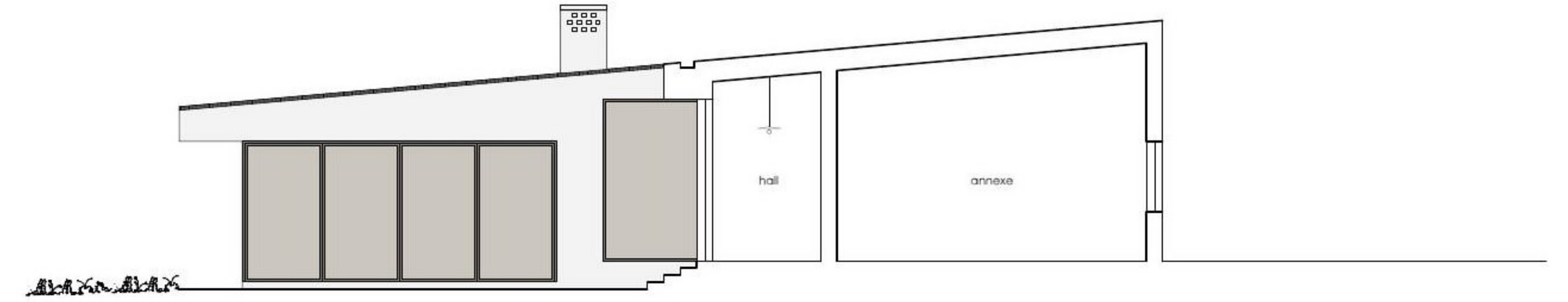
key plan

north

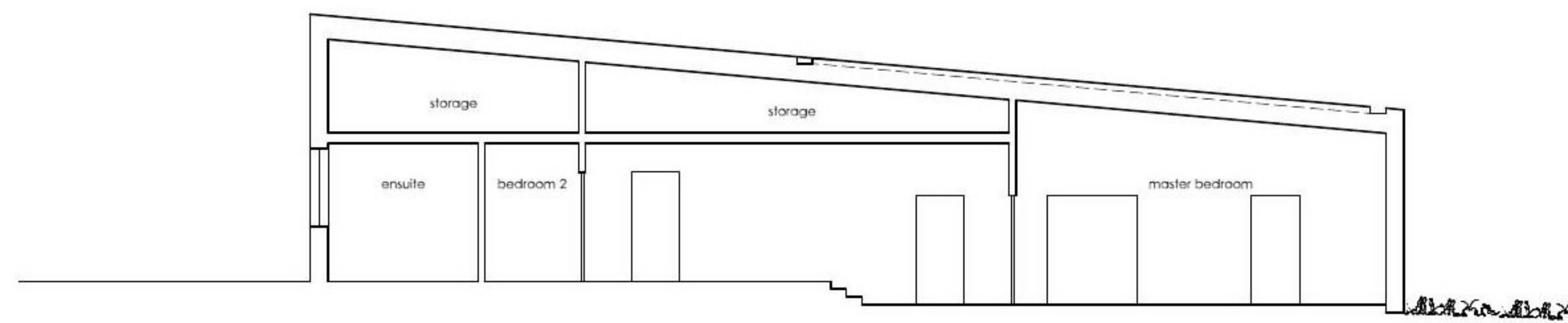
project Texas Drive Winchester SO22 4HT	stage Planning Application	
client Oakley	date Aug 2017	
drawing Context Elevations East & West: PROPOSED	scale 1:200 @ A1	drawn by
	checked by	3rd Floor, Cromwell House 15 Andover Road Winchester SO23 7BT
	job no./dwg no./revision 1501b_07_P1	T 01962 856255 E info@T2architects.com www.T2architects.com



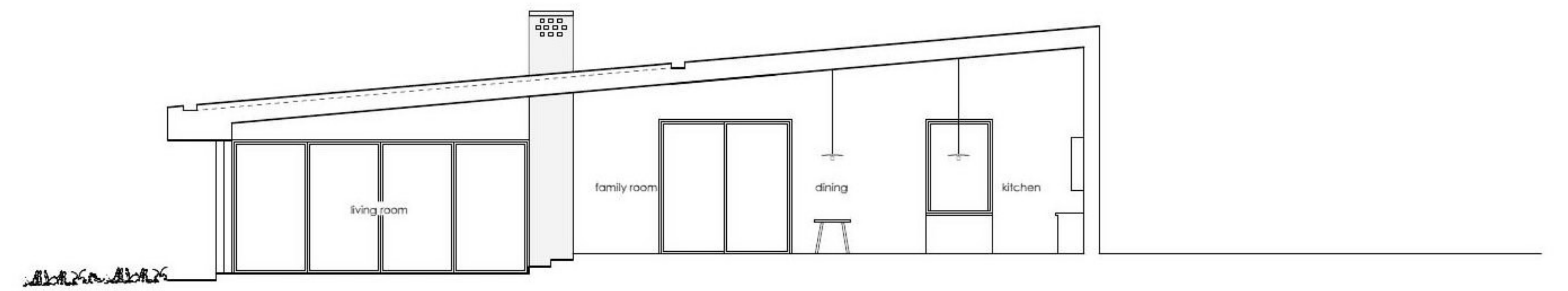
section A-A



section B-B



section C-C



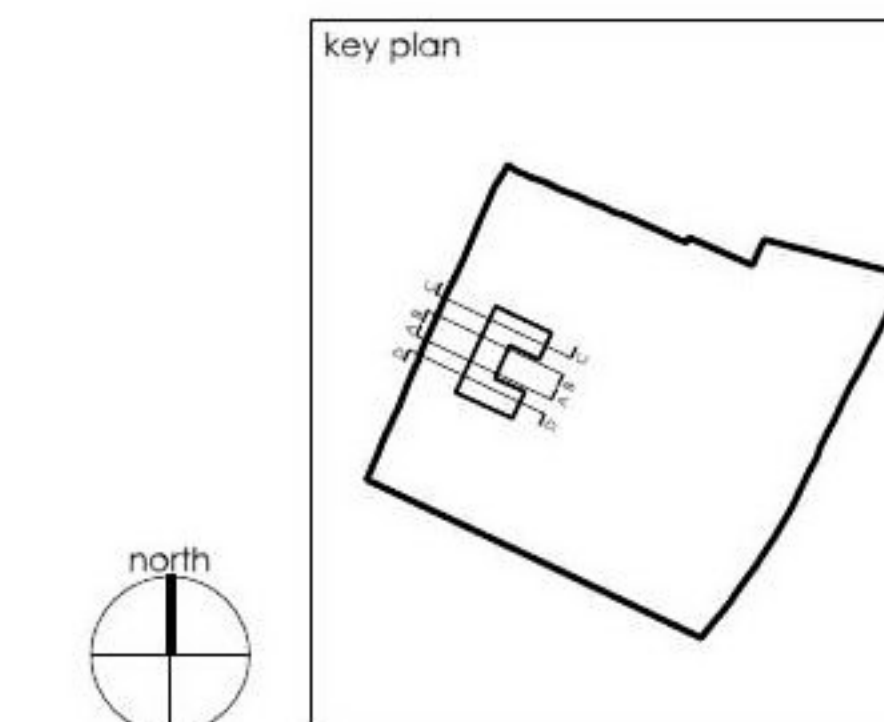
section D-D

0 1 2 3 4 5 6m

revisions

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notes



project
Texas Drive Winchester SO22 4HT

client
Oakley

drawing
Sections PROPOSED

stage
Planning Application

scale
1:100 @ A1

date
Aug 2017

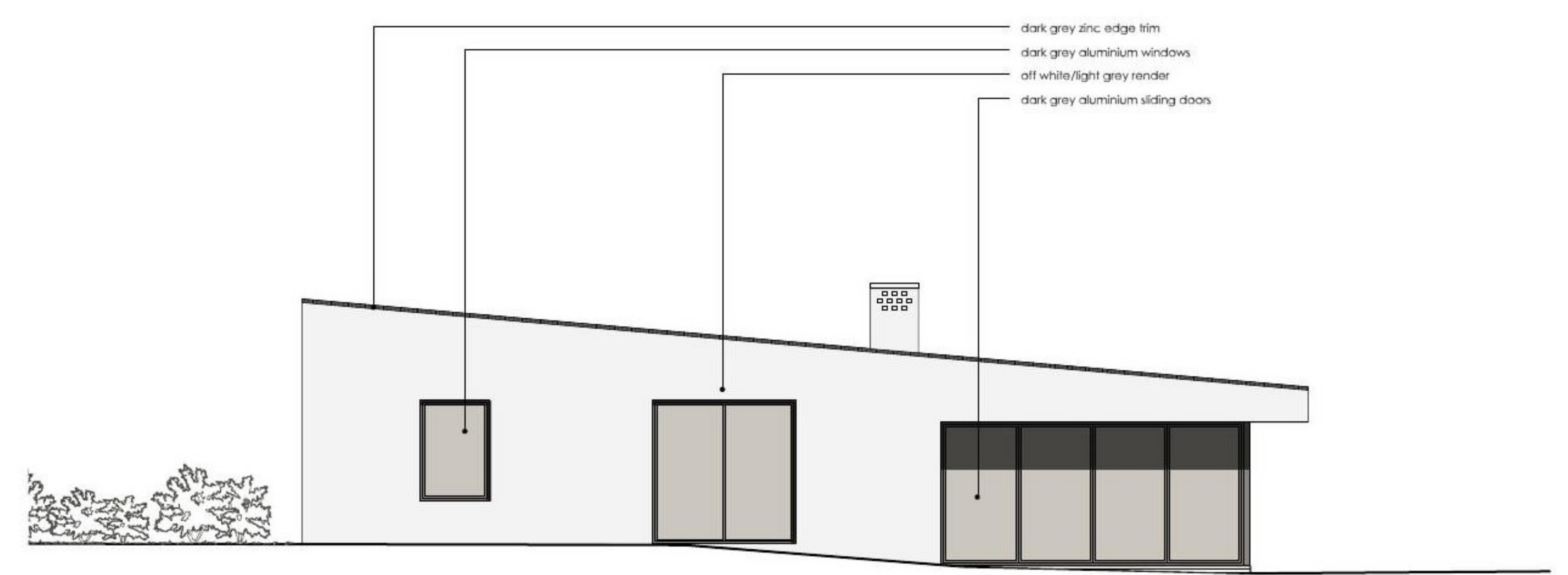
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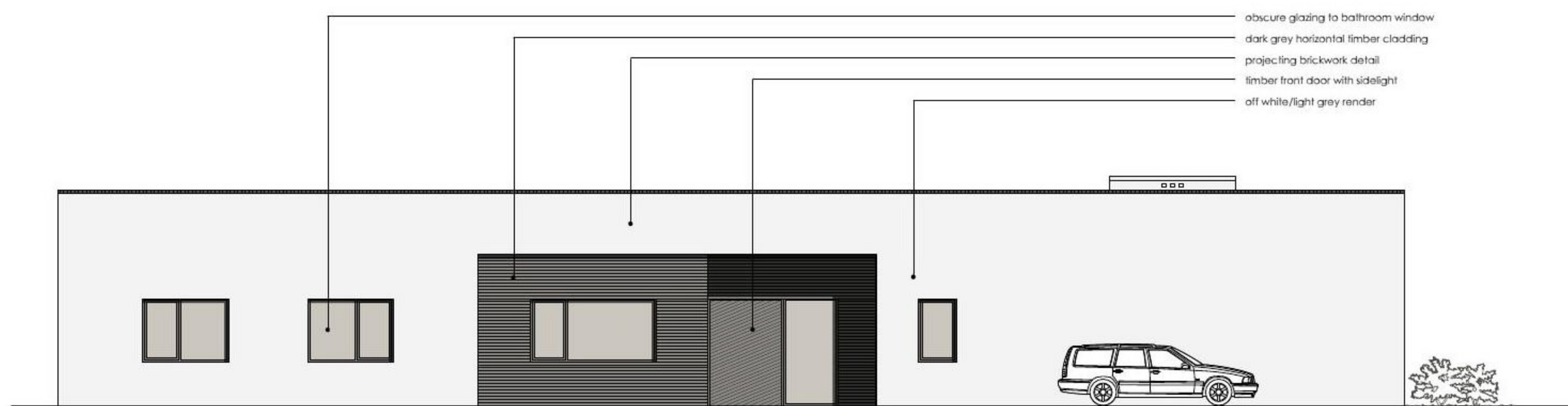
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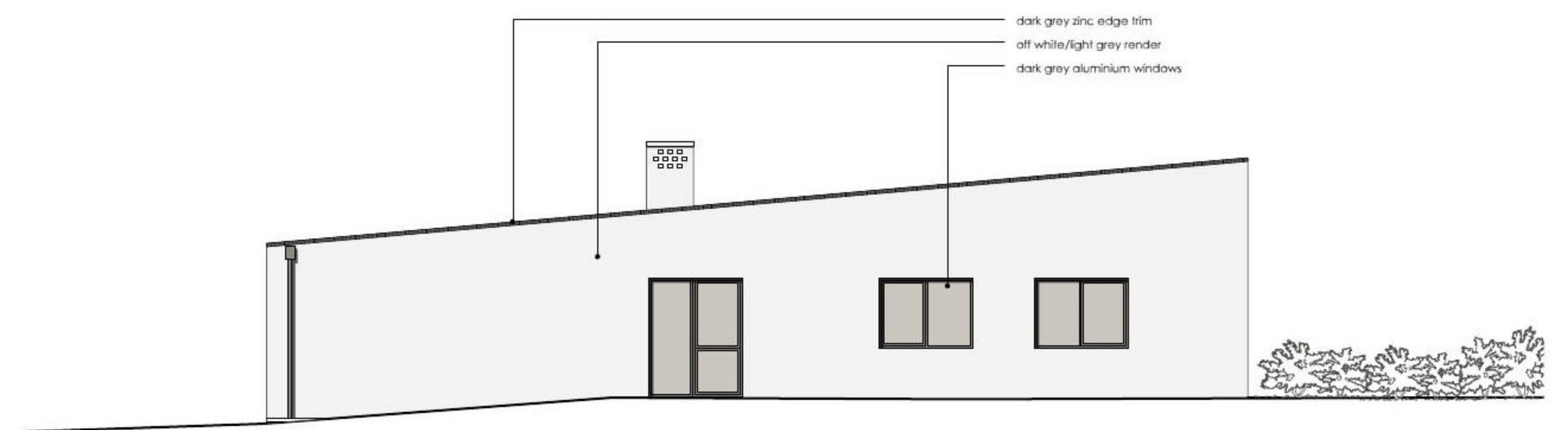
east (rear) elevation



south (side) elevation



west (front) elevation



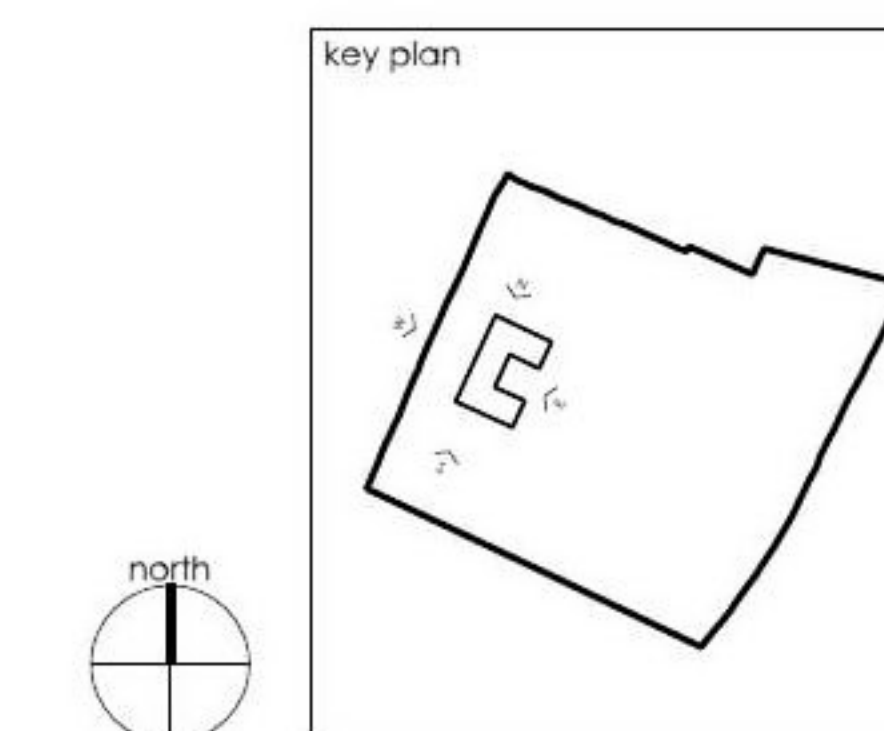
side (north) elevation

0 1 2 3 4 5 6m

revisions

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project
Texas Drive Winchester SO22 4HT

client
Oakley

drawing
Elevations PROPOSED

stage
Planning Application

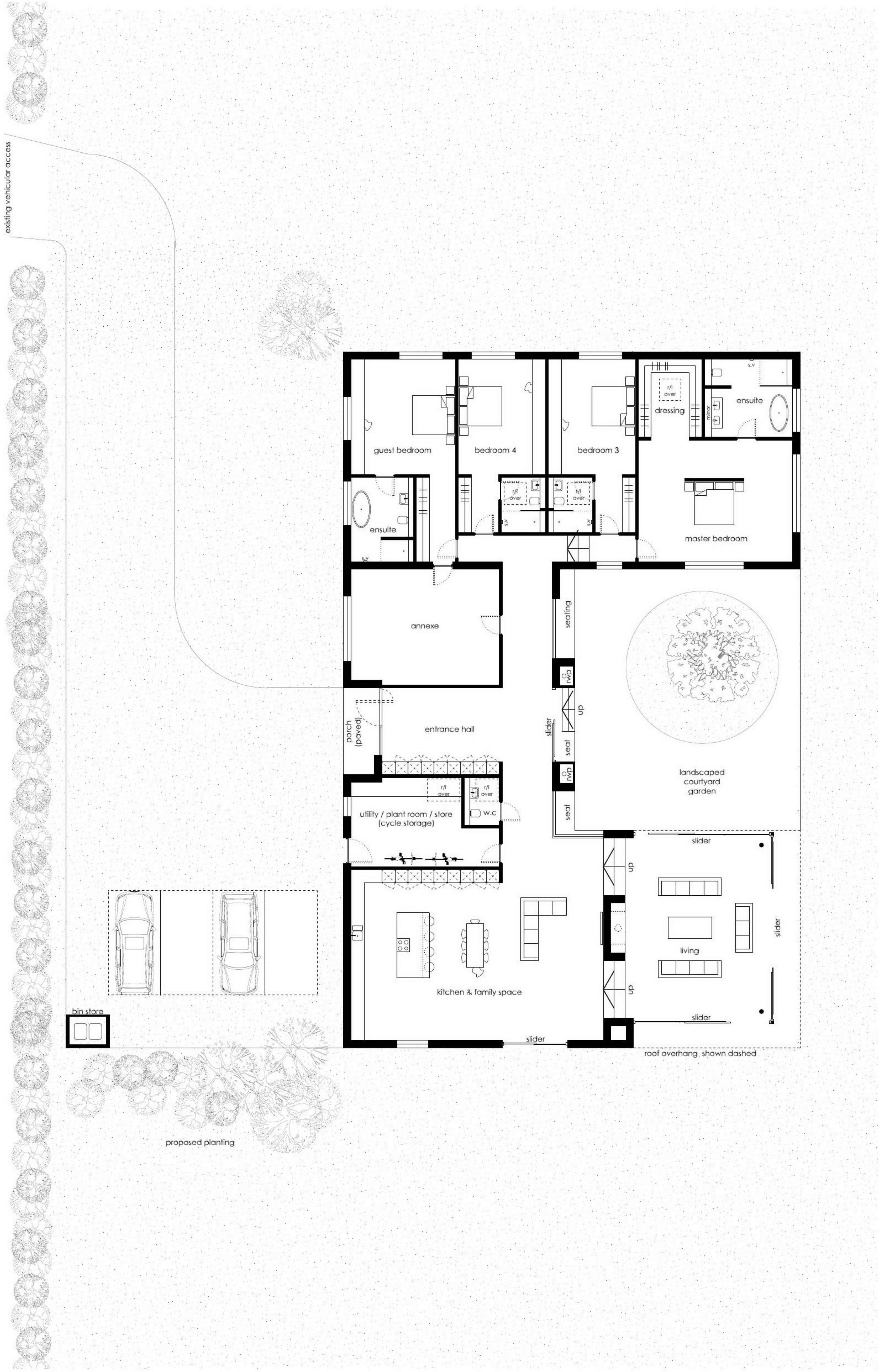
scale
1:100 @ A1

date
Aug 2017

job no./dwg no./revision
1501b_05_P1

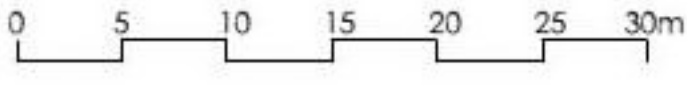
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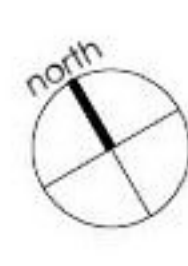


C
B
A
D

C
B
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D



revisions



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notes

project
**Texas Drive
Olivers Battery
Winchester
SO22 4HT**

client
Oakley

drawing
**Ground Floor Plan
PROPOSED**

stage
Planning Application

scale
1:200 @ A1

date
July 2016

job no./dwg no./revision
1501b_04_P1



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Appendix 3

Copy of Case Officers Committee Report on revised replacement dwelling

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Item No:
Case No:
Proposal Description:

05
17/02190/FUL

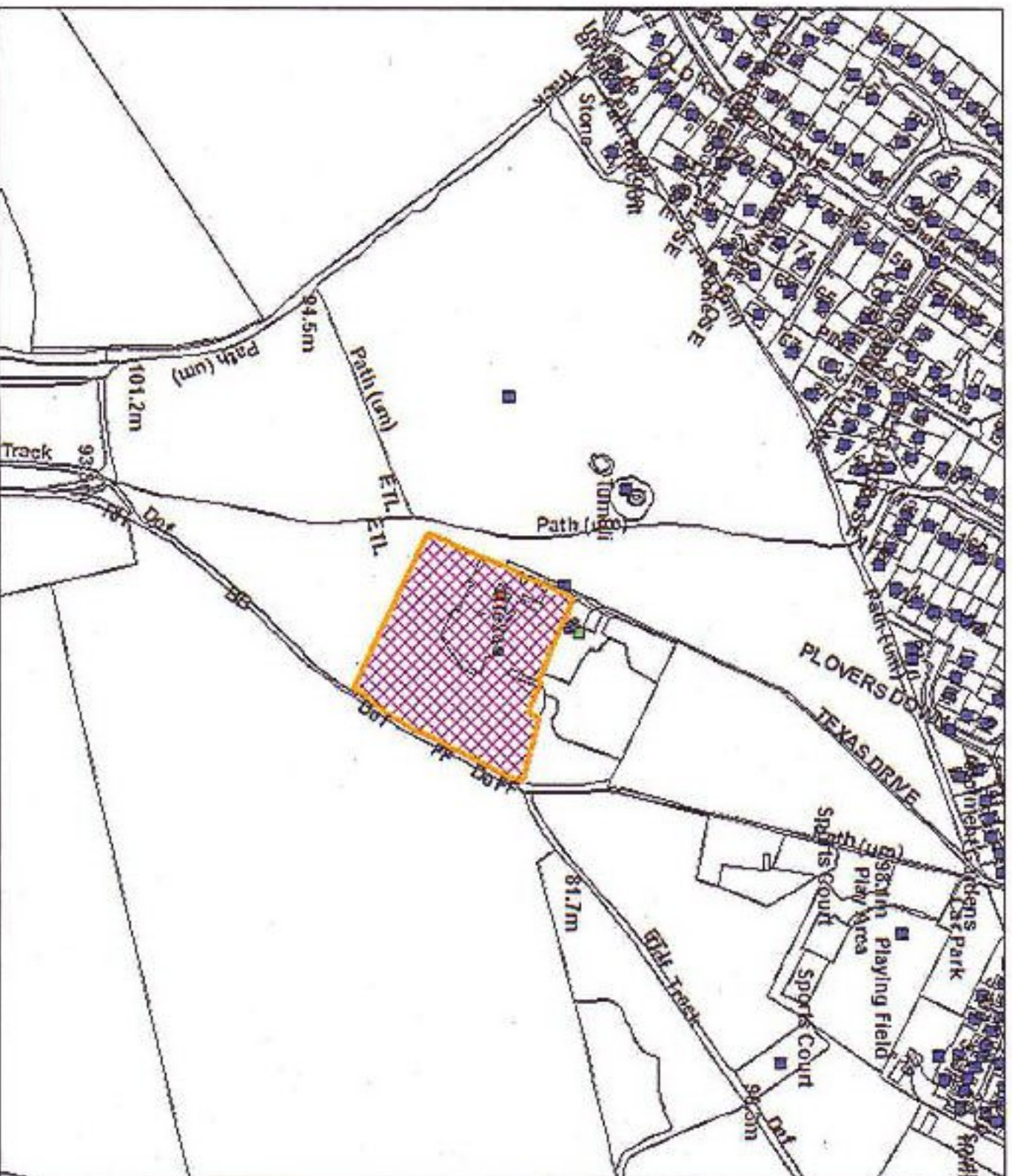
(Nov 2017 Revised Drawings View Perspectives and Landscape Plan) Alterations to extant planning permission ref: 16/00320/FUL : Repositioning of dwelling, alterations to site levels and exterior materials, amendments to landscaping and boundary treatment

Address:
Parish, or Ward if within
Winchester City:
Applicants Name:
Case Officer:
Date Valid:
Site Factors:

Olivers Battery
Texas, Texas Drive Olivers Battery SO22 4HT
Mr Mark Oakley
Lorna Hutchings
24.08.2017
Overhead Power Line

Recommendation:

Application Permitted



WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

General Comments

This application is reported to Committee because of the number of letters of objection received, contrary to the officer's recommendation and an objection and request for the application to be considered at Planning Committee by Oliver's Battery Parish Council.

The application has been re-advertised to give the local community the opportunity to consider the landscape plan and visuals. No amendments were therefore made to the built form or external areas although the landscaping has been adjusted to include more planting within the site and on the boundaries.

Site Description

The application site is located on the eastern side of Texas Drive outside and to the south west of the settlement boundary of Winchester. The site is within the designated countryside and within the Local Gap. The site is accessed via a single track which also serves one additional dwelling which has been extended. The site previously contained a single storey dwelling with outbuildings which have been demolished.

There are mature trees in the northern corner and along the north western boundary but the south eastern boundary is more open. These boundaries are important in wider views from the Rights of Way.

Open land separates two Texas Drive properties from the housing (at a higher level to the north-west) along the southerly edge of Oliver's Battery, such that they form an isolated pocket of development. The original dwelling had a very low impact but visible in varying degrees from several viewpoints, including from higher levels on Yew Tree Hill; the public footpath along the south-east boundary of the appellant's land, the public footpath along the edge of Oliver's Battery. Views from that edge are identified in the VDS as ones which should not be restricted by changes in land use, such as dense tree planting, in effect to maintain the landscape's open character.

In terms of landscape assessment, the site is within the Hursley Scarplands Landscape Character Area, as defined in the Winchester District Landscape Character Assessment (2003).

Proposal

The proposal is for a detached 4 bed dwelling with integral annex and external parking. The application is also for the repositioning of dwelling as the footings of it have been sited approx. 4m to the southeast from the approved position. The original site levels have also been materially altered (considered an engineering operation) and proposals for landscaping and boundary treatment are also included as they are integral to the site.

Relevant Planning History

13/01367/FUL Demolition of existing dwelling and erection of replacement five bedroom dwelling, landscaping and associated works. Refused 28 August 2013.

Refusal reason:

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

The proposed development would be contrary to policy CP18 of the Winchester District Local Plan Part 1 - Joint Core Strategy and saved policies CE2 and CE23 of the Winchester District Local Plan 2006 Review because it represents a replacement dwelling in the countryside which would result in increased visual intrusion and harm by reason of its considerable size and design, particularly when compared to the existing single storey dwelling which is modest in scale and has a limited landscape impact, and would also reduce the stock of more affordable dwellings in the countryside. The proposal would also result in development that would physically and visually diminish the Local Gap and thus undermine its function which would be detrimental to the visual amenities and character of the area.

14/008668/FUL Demolition of existing dwelling and erection of replacement 1 no. four bedroom dwelling, landscaping and associated works (RESUBMISSION)
Refused 16 July 2014.

Refusal reason:

1 The proposed development would be contrary to policy CP18 of the Winchester District Local Plan Part 1 - Joint Core Strategy and saved policies CE2 and CE23 of the Winchester District Local Plan 2006 Review because it represents a replacement dwelling in the countryside which would result in increased visual intrusion and harm by reason of its considerable size and design, particularly when compared to the existing single storey dwelling which is modest in scale and has a limited landscape impact, and would also reduce the stock of more affordable dwellings in the countryside. The proposal would also result in development that would physically and visually diminish the Local Gap and thus undermine its function which would be detrimental to the visual amenities and character of the area.

2 The proposed development is contrary to saved policy CE23 of the Winchester District Local Plan 2006 Review as it represents a replacement dwelling in the countryside which would result in increased visual intrusion and harm by reason of its considerable size and design, particularly when compared to the existing single storey dwelling which is modest in scale and has a limited landscape impact, and would also reduce the stock of more affordable dwellings in the countryside.

APP/L1765/A/14/2223749 dismissed due to the significant harm it would cause in terms of character and appearance, and some additional harm in terms of diminishing a local gap, the proposal would conflict with the third, environmental, dimension. 15 December 2014.

16/00320/FUL Demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage. Permitted 28th October 2016

17/00126/FUL Alterations to extant permission under planning application ref: 16/00320/FUL: Demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage. Withdrawn 26.03.2017

Consultations

Engineers: Drainage: No objections; this amendment doesn't contain any significant alterations to the proposed drainage and the proposed drainage solutions are still the

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

most sustainable.

Engineers: Highways: No objections – the proposal does not contain any significant highway issues.

Southern Water: No objection on previous application. Site plan of sewer included.

Landscape: No objection.

Representations:

Olivers Battery Parish Council – Objects. Grounds appended in full.

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

- Building too big, larger footprint.
- Design out of keeping.
- Impact on ecology.
- Scale of major earthworks, not following topography.
- Overbearing bund.
- Land should be fully restored and development carried out in accordance with approved plans.
- Mitigation not implemented when undertaking approved development.
- Impact on the local gap
- Landscape features removed.
- Impact on landscape and views
- Erosion of urban edge.
- Out of character
- Ad hoc parking.
- Narrow access.
- Out buildings not removed.
- No permission in place to resurface Texas Drive.
- Undermines the balanced decision to approve the application originally.

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

- Lack of enforcement, non compliance with approved plans and conditions.
- Future development (possible manage)
- Conditions on the previous consent have not been complied with.
- Has not implemented the permission in accordance with the plans.

11 letters of support received.

- Annex is needed and important to allow care, independence and quality of life for applicants family.

Further representations from re-advertised plans

At time of writing 2 no. additional comments have been received and the Parish Council will provide a further comment for the update sheet. Any further comments will also be considered in an update.

Relevant Planning Policy:

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Winchester Local Plan Part 1 – Joint Core Strategy
CP13, CP18, CP20.

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM3, DM15, DM16, DM17, DM18, DM23, DM26.

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
Olivers Battery Village Design Statement 2008
High Quality Places

Planning Considerations

Principle of development

The site is located within the countryside outside the defined settlement boundary of Winchester and within the Local Gap. The replacement dwelling was originally allowed in principle under Policy CE23 and emerging policy DM3. Permission 16/00320/FUL is extant, the policies of the adopted Local Plan now apply and the principle of the replacement is not re-examined in this application. The approved permission has not been implemented in accordance with the approved drawings and the landscaping and levels conditions were not discharged. This application therefore seeks to regularise the works that have been undertaken on the site (siting and levels) and also amend the internal layout of the proposed replacement dwelling to include the additional accommodation of the annex within the overall footprint which has not increased in area.

The principle consideration is therefore whether these amendments will have any significant additional harm within the landscape to the detriment of the character of the area contrary to DM23 and CP20 as the site is in a sensitive landscape location.

Policy CP18 of the Winchester District Local Plan Part 1 – Joint Core Strategy is also applicable as it considers development within Local Gaps. Policy CP18 seeks to retain the generally open and undeveloped nature of the defined settlement gap. The policy seeks to restrict development to that which does not physically or visually diminish the defined gaps. Development which would threaten the open and undeveloped character of this area will be resisted and the land should be managed to ensure the long-term retention of its rural character.

Design/layout

The proposal is for the approved dwelling to be moved further into the site. In the original consent the proposed dwelling was positioned approximately 12 metres from the front boundary with the footings now positioned approximately 16 metres from it.

Significant alterations to the original site levels have been made on site which has been surveyed from August 2017 and is proposed to be regularised through this planning application.

The floor layout has also been revised to include additional accommodation in the form of an annex. This therefore displaced two no. integral parking spaces from the dwelling to the exterior with four parking spaces now shown externally instead of one. The re-siting to the southeast also therefore allows the space for this. Amendments are also

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

made to the fenestration to the northeast, southeast and front elevations.

It has been explained that the annex is intended to provide a home for the applicant's elderly mother which is preferable to be in the central location (formerly the garage) as it is nearer the other living rooms to provide assistance in close proximity. It is also contended that the applicants will benefit from the dwelling being moved down the site to make the driveway less steep which will allow for improved accessibility.

Materials were previously approved (dark grey aluminium windows, pale multi facing brick, dark grey standing seam zinc roof) and no changes are proposed to this. Off white / light grey render has been omitted from the rear elevation.

The dwelling in design terms is considered to accord with planning policy DM16 and High Quality Places.

Impact on character of area

The expected views from the surrounding public rights of way have been established through the previous applications and comparison drawings provided with this planning application. The footings and foundations that have already been laid set the house further away from the front boundary than approved in the previous consent. Significant cutting into the site has also been undertaken behind and down from the hedge comprising the front boundary. At the south end (rear of the house) the site has been built up to create a flat level across the plot. The dwelling is now set further into the site (towards the southeast) towards the open countryside and sensitive viewpoints thus there is potential for the amendments to have a greater impact on the character of the area in the very sensitive and flowing landscape.

Historically the previously refused proposals at the site were shown to be cut into the slopes of the site and also had a large spread of development across it which contributed to the harm identified by the Local Planning Authority supported by the Planning Inspector. The approved scheme was designed in order to address the specific comments of the Inspector in respect to this impact resulting in a squarer C-shaped footprint enabling the building to sit behind the existing vegetation on the site. This has not been altered and therefore the impact has not increased to any significant extent. The vegetation has been removed but the landscape plan proposes some large new trees.

The agreed viewpoints, original indicative sections and landscape impact assessment demonstrated that the approved scheme could work contextually with the levels on the site and would be respectful to the sensitive views from the south so that the significant harm previously identified with the earlier schemes would then be reduced to an acceptable level. The mitigating effects of the high quality of design, use of natural materials, minimised form and height and significant new landscaping, form and siting was considered acceptable. The design of the house remains high quality although the re-siting of the house does to some extent not work as well contextually, whilst new land levels have been formed.

No additional built form is proposed although it is acknowledged that the external parking means the domestication of the site in the countryside would be more apparent with increasing hardstanding and parking to the front of the site. It is considered that whilst the levels across the site are different to the original levels, the sections adequately

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

demonstrate that any harm to the wider landscape will not be to a significant level. It is not considered that there are changes to the levels which would look intrusive or significantly at odds with the character of the area.

The reasons given for increasing the accommodation within the proposed dwelling are a material consideration although are not considered an overriding factor given the already very large footprint of the property which has the potential to contain the annex, bedrooms and living space for the applicants and two integral parking spaces. However there is no additional built form proposed (contrasting to the previously withdrawn garage proposal) and therefore the parking and hardstanding proposed is not considered to be overly intrusive within the countryside and Gap or the wider public enjoyment of the countryside. The visuals and sections demonstrate that the proposal will not increase significantly the impacts of the dwelling in the countryside which will continue to be mitigated by the planting proposed in accordance with the Development Plan.

Impact on neighbouring property

The proposals are not considered to have an impact on any neighbouring properties due to the isolated location of the dwelling and distance from its closest neighbour.

Conclusion

It is concluded that the revised replacement dwelling and proposals across the site will have a marginally higher impact in the countryside than that approved with less regard for the original natural topography of the site and countryside however this additional impact is not considered to be unacceptable and will lessen overtime as the planting proposed establishes. The proposal is therefore considered to accord with the Development Plan.

Recommendation

Application Approved with 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 shall take place until details and samples of the roof materials to be used in the construction of the external surfaces of the replacement dwelling 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.

The development shall be carried out in accordance with approved material details as follows unless otherwise agreed in writing:

Brick - Wienerberger Forum Smoked Branco Brick with white coloured mortar finished with a bucket handle mortar joint as per sample;
Wall cladding - Stained or Charred Black Timber Cladding Used to soffits and to front Elevation surrounding the porch.
External Windows and doors - Aluminium Framed windows & External doors in RAL

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7016 Matt finish.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 No development/demolition or site preparation shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological mitigation work in accordance with:

-Written Scheme of Investigation For Archaeological Works November 2016.

-An Archaeological Strip, Map and Record Report No. R12757 December 2016.

No demolition/development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the LPA.

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 HE.1 of the Winchester District Local Plan Review.

04 Following completion of archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available, in compliance with policy HE.1 of the Winchester District Local Plan Review.

05 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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

06 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, E, F, G and H of Schedule 2, Part 1 of the Order; and Part Two Minor Operations Class A of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: Any works to the scheme need to be carefully controlled given sensitive landscape location.

07 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or enclosures to be formed. Development shall be carried out in accordance with the approved details.

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Reason: In the interests of the visual amenities of the area.

08 No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of public and landscape significance.

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

plans:

1501B_01_P1
1501B_02_P1
1501B_03_P1
1501B_04_P1
1501B_05_P1
1501B_06_P1
1501B_07_P1
1501B_08_P1
1501B_09_P1
1501B_10_P1
1501B_11_P1
1501B_12_P1
1501B_15-17_P1; VIEW/2
1501B_18-20_P1; VIEW/3
1501B_21-23_P1; VIEW/4
1501B_26_P2
1501B_29_P2
1501B_30-32_P1; VIEW/7 & KEY PLAN
1501B_34_P1-BUND SECTION
BOUNDARY PLANTING PLAN SEPT 2017 REV A
1501B_27-29_P1 VIEW/6 SUPERSEDED
1501B_24-26_P1 VIEW/5 SUPERSEDED
Revised Landscaping Plan 1516-0103 Rev 3

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 paragraphs 186 and 187 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,

WINCHESTER CITY COUNCIL
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- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.
In this instance the applicant was updated of any issues during the course of the application.

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

Winchester Local Plan Part 1 - Joint Core Strategy
CP13, CP18, CP20.

Winchester Local Plan Part 2 - Development Management and Site Allocations
DM3, DM15, DM16, DM17, DM18, DM23, DM26.

03 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.

04 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.

05 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 site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne.

06 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-ld/what-is-the-ccs/code-of-considerate-practice>

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PLANNING COMMITTEE AGENDA

Appendix One

E Billingham - Clerk to Oliver's Battery Parish Council

From: E Billingham - Clerk to Oliver's Battery Parish Council

Sent: 10 Oct 2017 22:08:17 +0100

To: Lorna Hutchings; Planning Mailbox Account

Subject: Oliver's Battery PC comment (objection) on 17/02190/FUL Texas - Texas Drive

Oliver's Battery PC comment (objection) on 17/02190/FUL Texas, Texas Drive

The PC discussed the application at its meeting on 3 October and received comments from parish residents; the PC has also reviewed its own comments and objections to previous applications by the same applicant for the same site. The PC resolved to object to the current application for the reasons given below.

The PC requests the application is considered by the Planning Committee and recommends that committee members visit the site before they consider it.

The PC notes that an application for the same site in January 2017, which although withdrawn, had been recommended for refusal for several reasons, none of which have changed.

The PC is also very concerned that the applicant has already shown complete disregard for planning control and the environment. It's been well recorded and acknowledged by WCC Planning Department that the applicant has carried out significant building and landscaping works on the site contrary to a previous consent and has ignored its conditions, and it is apparent the current application now seeks to regularise these unconsented works and incorporate them into a revised scheme. On this basis the PC sees no justification for the Planning Department to support the current application.

The Oliver's Battery Village Design Statement (OBVDS)

The OBVDS Design Guidelines for Texas Drive state:

Further development of this site should be resisted since it is contrary to countryside policies and located within the Winchester – Compton Gap (LT1).

The OBVDS Settlement Design Guidelines state that outward views, especially those listed above and shown on Map 3, are important features of the Parish, and should not be restricted by over-large building profiles or raised rooflines (S3).

The effect of the proposal on the character and appearance of its surroundings
The proposed dwelling would be substantially larger than the bungalow demolished by the applicant in 2016 and despite a re-design and its contemporary design it cannot be considered to be in sympathy with the local environment. This intensification of built form on the site would have a significant and harmful urbanising effect upon this unspoilt open countryside, and an adverse impact on the rural character of the area.

The proposed development significantly changes the character of the previous dwelling, noting that character should not be narrowly defined as materials and construction type but also include nature, style and context.

The development would be visible to varying degrees, depending on the time of year and density of foliage, in closer range views, most notably from the nearby public footpath to the south-east, from other informal but well-used footpath routes to the north-west and from existing housing on the edge of Oliver's Battery. As it is a much larger and more bulky building than previous one, such an intensification of development on the site would have a significant and harmful urbanising effect on the open, countryside setting and

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unacceptably harm the character and appearance of its surroundings, contrary to the objectives of development plan and national policy.

The PC is concerned to note the application fails to include detailed landscape proposals, particularly given that earlier this year landscape works have been carried out by the applicant without the benefit of planning consent.

The effect of the proposal on the Compton Street 'Local Gap'

The countryside surrounding Oliver's Battery and in particular the gap between Oliver's Battery and Compton is considered by many residents as a valued landscape. Local Gap policy seeks to restrict development to that which does not physically or visually diminish the gap and to protect the urban edge. Comments regarding the physical size and extent of the proposed development and its visual impact are noted above. Consequently, it follows that the proposal would have an adverse impact in diminishing the gap and diminish the urban edge.

In conclusion, the PC urges WCC to reject this application.

Elizabeth Billingham

Clerk to Oliver's Battery

07443622513

Appendix 4

Copy of photographic survey sheet of appeal site

Photographic survey sheet of appeal site – January 2018



View of the top of the appeal site showing the revised siting



View of works undertaken looking north



View of works undertaken looking south



View of appeal site from public footpath to the east of the site

Appendix 5

List of suggested planning conditions

Suggested Planning Conditions

1. The development shall be carried out in accordance with approved material details as follows unless otherwise agreed in writing:

Brick – Wienerberger Forum Smoked Branco Brick with white coloured mortar finished with a bucket handle mortar joint as per sample;

Wall cladding – Stained or Charred Black Timber Cladding Used to soffits and to front Elevation surrounding the porch.

External Windows and doors – Aluminium Framed windows & External doors in RAL 7016 Matt finish.

Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

2. 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.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes A, B, C, E, F, G and H of Schedule 2, Part 1 of the Order; and Part Two Minor Operations Class A of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: Any works to the scheme need to be carefully controlled given sensitive landscape location.

4. No further development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected or enclosures to be formed. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area.

5. No further development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of public and landscape significance.

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

1501B_01_P1

1501B_02_P1

1501B_03_P1

1501B_04_P1

1501B_05_P1

1501B_06_P1

1501B_07_P1

1501B_08_P1

1501B_09_P1

1501B_10_P1

1501B_11_P1

1501B_12_P1

1501B_15-17_P1; VIEW 2

1501B_18-20_P1; VIEW 3

1501B_21-23_P1; VIEW 4

1501B_26_P2

1501B_29_P2

1501B_30-32_P1; VIEW 7 & KEY PLAN

1501B_34_P1-BUND SECTION

BOUNDARY PLANTING PLAN SEPT 2017 REV A

1501B_27-29_P1; VIEW 6 SUPERSEDED

1501B_24-26_P1; VIEW 5 SUPERSEDED

Revised Landscaping Plan 1516-0103 Rev 3

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.

Appendix 6

Copy of Archaeological Investigation Report

**TEXAS, TEXAS DRIVE,
OLIVERS BATTERY,
WINCHESTER, HAMPSHIRE**

**AN ARCHAEOLOGICAL
STRIP, MAP AND RECORD
REPORT**

REPORT NO: R12757

DECEMBER 2016



PRE-CONSTRUCT ARCHAEOLOGY

TEXAS, TEXAS DRIVE, OLIVERS BATTERY, WINCHESTER, HAMPSHIRE AN ARCHAEOLOGICAL STRIP, MAP AND RECORD REPORT

Issue 1: Issued for Approval

Central NGR: SU 45670 26910

Local Planning Authority: Winchester City Council

Planning Reference: 16/00320/FUL

Commissioning Client: Mark Oakley

Written/Researched by: Katherine Marshall

Project Manager: Paul McCulloch (MifA)

Contractor: Pre-Construct Archaeology Ltd (West)
Block 4 Chilcomb House
Chilcomb lane
Winchester
Hampshire SO23 8RB

Tel: 01962 849 549
E-mail: pmcculloch@pre-construct.com
Web: www.pre-construct.com

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December 2016

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DOCUMENT VERIFICATION

Site Name: Texas, Texas Drive, Olivers Battery, Winchester, Hampshire

Type of project: Strip Map Record

Report:

Quality Control

Pre-Construct Archaeology Limited Project Code			K3864
	Name & Title	Signature	Date
Text Prepared by:	K Marshall		20/12/2016
Graphics Prepared by:	Charlotte Faiers		14/12/2016
Graphics Checked by:	J Brown		14/12/2016
Project Manager Sign-off:	P McCulloch		22/12/2016

Revision No.	Date	Checked	Approved

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Figure 1: Site Location

Figure 2: Trench Location

1 NON – TECHNICAL SUMMERY

Pre-Construct Archaeology Ltd (PCA) was been appointed by Mark Oakley, to carry out an archaeological strip, map and record, at Texas, Texas Drive, Olivers Battery, Winchester Hampshire, SO22 4HT. The site was the subject of the demolition of the existing dwelling and outbuildings, and the development of a proposed replacement single storey dwelling with attached garage. The investigation was carried out on the 29th and 30th November 2016.

The strip, map and record investigation on the proposed development footprint was carried out in accordance with the Written Scheme of Investigation. The deposition sequence across the site was consistent with a chalk geology seen at an proximate depth of 0.45m

Modern features were seen during the strip, map, record thought to relate to planting and it is concluded that the excavation has demonstrated that the striped area of Site retains no significant archaeology.

2 INTRODUCTION

2.1 Project Background

2.1.1 Pre-Construct Archaeology Ltd (PCA) was been appointed by Mark Oakley, to carry out an archaeological strip, map and record, at Texas, Texas Drive, Olivers Battery, Winchester Hampshire, SO22 4HT, hereafter 'the site' (**Figure 1**). The site was the subject of the demolition of the existing dwelling and outbuildings, and the development of a proposed replacement single storey dwelling with attached garage. The investigation was carried out on the 29th and 30th November 2016.

2.1.2 The archaeological strip, map and record, and this report are required as conditions 3 and 4 of planning permission for the development of the site granted by the Local Planning Authority (LPA) Winchester City Council (planning ref. 16/00320/FUL). The conditions are based on the advice of the Council's Historic Environment Team Archaeologist (HETA) and reflect the potential of the site to contain archaeological resources that may be put at risk by the development.

2.1.3 Planning condition 3 states:

'No development/demolition or site preparation shall take place until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological mitigation work in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No demolition/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: 1. The programme and methodology of site investigation and recording 2. Provision for post investigation assessment, reporting and dissemination 3. Provision to be made for deposition of the analysis and records of the site investigation (archive) 4. 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 HE.1 of the Winchester District Local Plan Review.'

2.1.4 Planning condition 4 states:

'Following completion of all archaeological fieldwork a report will be produced in accordance with an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available, in compliance with policy HE.1 of the Winchester District Local Plan Review.'

2.1.5 This document has been prepared in accordance with the Chartered Institute for Archaeologists standard and guidance for archaeological excavation (CIfA 2014) and Management of Research Projects in the Historic Environment (Historic England 2015). PCA is a CIfA Registered Archaeological Organisation and is bound by its code of conduct.

2.2 Location, Topography and Geology

- 2.2.1 The site, SU 45670 26910 (**Figure 1**), lies immediately to the south of the Olivers battery suburb of Winchester, to the south of the City. The site is located at the southern end of Texas drive and is bounded to the south, west and east by open fields and to the north by another residential property.
- 2.2.2 The site is located in a prominent position on chalk downland, falling in height from 100m aOD in the north-west of the Site to 85m aOD in the south-east of the Site.
- 2.2.3 The geology is mapped as two separate chalk formations; Newhaven Chalk Formation in the western corner of the Site and Seaford Chalk Formation in the remainder of the site. No superficial deposits are mapped as being present on Site, however it is possible nearby Head deposits may also be present.

2.3 Archaeological and Historical Background

- 2.3.1 The site lies in an area of known archaeological sites and monuments of prehistoric and later periods. Two Bronze Age bowl barrows (National Monument no. 12145) lie 130m north-west of the site and two more (National Monument no. 12121) lie 1130m east of the site north of Attwoods Drove Farm. Previous archaeological discoveries nearby made in the 19th century and in the 1960's include evidence of a cemetery thought to be of prehistoric date. Taken with the barrow, the area of the site would appear to have been used for funerary purposes in the prehistoric period, with other evidence suggesting some prehistoric settlement activity.
- 2.3.2 The written scheme of investigation for this archaeological investigation (PCA 2016) contained a detailed search of all archaeological and built heritage entries in the Winchester Historic Environment Record (HER), within a 750m radius of the Site. The following is the conclusion of the HER results:

'The HER enquiry demonstrates that the Site lies within an area rich with archaeological site and monuments. In particular, there appears to be a density of prehistoric sites and monuments immediately surrounding the Site, including significant funerary remains and possible evidence of settlement/occupation in the form of enclosures. Furthermore, the potential WW1 practice trenches, identified in aerial photography in the field adjacent to the Site, represents potentially significant archaeological resources'

3 AIM

3.1 Archaeological Strip Map Record

3.1.1 The aim of the archaeological work was to investigate an area of the site around the proposed development for any evidence of archaeological resources and to determine the date, nature and extent of those resources, taking account of their potential to contain biological and palaeo-environmental remains.

3.1.2 The following report on the results of the investigation will aim to provide an assessment of the results of the investigation and recommendations, as appropriate, for further analysis and publication, in keeping with the methods, archiving and reporting requirements set out in this document and the requirements of planning permission for the proposed development.

3.2 Research Questions

3.2.1 The following research questions underpinned and were addressed by the archaeological work carried out on site:

- To what extent are the below ground archaeological resources preserved?
- Is there any evidence of prehistoric funerary activity, relating to the nearby scheduled barrow monuments?
- Is there any evidence for prehistoric settlement activity, reflecting the monuments identified in the HER?
- Does any evidence relating to the possible WW1 training trenches, in the adjacent field, extend into the study site?
- How does the evidence contribute to local and regional research frameworks (Hey & Hinds et al 2014)?

4 RESULTS

4.1 Introduction

4.1.1 The following presents a summary of the Strip, Map Record, results based upon the Site archive. A summary of recorded contexts is provided in a Trench Index in **Appendix 1** and photographs of the trenches and trench sections in **Appendix 2**. The archive is held at PCA's Winchester office and will in due course be deposited with Hampshire Cultural Trust.

4.2 Methodology

4.2.1 The archaeological work was undertaken following the methodology that was detailed in the Written Scheme of Investigation (PCA 2016), which was approved on behalf of the Local Planning Authority in advance of the commencement of works.

4.3 Summary of Deposition Sequence

4.3.1 The deposition sequence seen during the archaeological works was consistent over the stripped area. Both a topsoil and subsoil were seen above the natural chalk geology, which was at a depth of approximately 0.45m. No Head deposits were seen.

4.3.2 Areas to the north of the site and in the west of the striped area have been previously disturbed by previous buildings

4.3.3 Two modern trenches were seen dug across the site, both containing modern pipes.

4.4 Archaeological Features

4.4.1 A number of features were identified during the strip, map, record.

4.4.2 A series of roughly circular pits, approximately 110 in total, were uncovered in the east of the stripped area, and carried on into the bulk. A small sample of pits were excavated and recorded and contained no finds or dating evidence. The pits were arranged in roughly straight lines and are between 0.35m and 0.20m in width and between 0.07m and 0.17m in depth. The pits are thought to be modern in date and possibly relate to previous planting activity on the site.

4.4.3 Four large circles were uncovered to the east of the stripped area, forming a square. Approximately 1.20m wide and 0.20m deep, due to their shape and very dark peaty fill, they are thought to relate to modern planting/horticultural activity.

4.5 Conclusion

4.5.1 The deposition sequence across the site was consistent, with a chalk geology seen at approximately 0.45m

4.5.2 No archaeological features were seen during the strip, map, record and, therefore, It is concluded that the excavation has demonstrated that the Site retains no significant archaeological resources.

4.5.3 The research questions (section 3.2) can be addressed as such:

To what extent are the below ground archaeological resources preserved?

No archaeological resources were uncovered during the course of the excavation; therefore, it is not possible to comment upon the levels of preservation. However, the site did not appear to have been truncated or disturbed in any way.

Is there any evidence of prehistoric funerary activity, relating to the nearby scheduled barrow monuments? / Is there any evidence for prehistoric settlement activity, reflecting the monuments identified in the HER? / Does any evidence relating to the possible WW1 training trenches, in the adjacent field, extend into the study site?

No evidence for any archaeological activity, of any period was identified during the course of the excavation.

How does the evidence contribute to local and regional research frameworks (Hey & Hinds et al 2014)?

The lack of archaeological resources means the site does not directly contribute to the local and regional research frameworks.

5 ARCHIVE PRERARATION AND DEPOSITION

5.1 The Site Archive

5.1.1 The Site archive, to include all project records and cultural material produced by the project, will be prepared in accordance with 'Guidelines for the Preparation of Excavation Archives for Long-term Storage' (UKIC 1990) and the Institute for Archaeologists 'Standard and Guidance for the creation, compilation, transfer and deposition of archaeological archives' (CIFA 2014). On completion of the project PCA will arrange for the archive to be deposited with the Hampshire Cultural Trust on behalf of Winchester City Council.

5.2 Copyright

5.2.1 The full copyright of the written/illustrative archive relating to the site will be retained by Pre-Construct Archaeology Ltd under the Copyright, Designs and Patents Act 1988 with all rights reserved. Winchester City Council, however, will be granted an exclusive licence for the use of the archive for educational purposes, including academic research, providing that such use shall be non-profitmaking, and conforms to the Copyright and Related Rights regulations 2003. Further distribution and uses of the report either in its entirety or part thereof in paper or electronic form is prohibited without the prior consent of Pre-Construct Archaeology Ltd.

5.2.2 The licence extends to the use of all documents arising from this project in all matters relating directly to the project, as well as for bona fide research purposes (which includes the Winchester Historic Environment Record).

5.2.3 Pre-Construct Archaeology Ltd has made every effort to ensure the accuracy of the content of this report. However, Pre-Construct Archaeology Ltd cannot accept any liability in respect of, or resulting from, errors, inaccuracies or omissions this report contains.

6 ACKNOWLEDGEMENTS

Pre-Construct Archaeology is grateful to Mark Oakley for commissioning the archaeological work. The site work and reporting was carried out by Katherine Marshall, with Illustrations prepared by Charlotte Faiers. The project was managed for PCA by Paul McCulloch.

7 REFERENCES

PCA, 2016, Texas, Texas Drive, Olivers Battery, Winchester, Hampshire: Written Scheme of Investigation for Archaeological Strip, Map and Record, unpublished client document.

Appendix 1: Context Index

Context	Type	Description
101	Cut	Cut of Pit
102	Fill	Fill of Pit [101]
103	Cut	Cut of Pit
104	Fill	Fill of Pit [103]
105	Cut	Cut of Pit
106	Fill	Fill of Pit [105]
107	Cut	Cut of Pit
108	Fill	Fill of Pit [107]
109	Cut	Cut of Pit
110	Fill	Fill of Pit [109]

Appendix 2: Photographs (Plates 1 – 4)



Plate 1 - Site overview, looking north-west



Plate 2 – Regular circular pits, looking north



Plate 3 – South facing section of pit [105], looking north



Plate 4 – Large regular circles, looking north

Appendix 3: OASIS Record

OASIS ID: preconst1-271116

Project details

Project name	Texas, Texas Drive
Short description of the project	Pre-Construct Archaeology Ltd (PCA) was been appointed by Mark Oakley, to carry out an archaeological strip, map and record, at Texas, Texas Drive, Olivers Battery, Winchester Hampshire, SO22 4HT. The site was the subject of the demolition of the existing dwelling and outbuildings, and the development of a proposed replacement single storey dwelling with attached garage. The investigation was carried out on the 29th and 30th November 2016. The strip, map and record investigation on the proposed development footprint was carried out in accordance with the Written Scheme of Investigation. The deposition sequence across the site was consistent with a chalk geology seen at an approximate depth of 0.45m. Modern features were seen during the strip, map, record thought to relate to planting and it is concluded that the excavation has demonstrated that the striped area of Site retains no significant archaeology.
Project dates	Start: 29-11-2016 End: 30-11-2016
Previous/future work	No / No
Any associated project reference codes	AY--- - Sitecode
Type of project	Recording project
Current Land use	Residential 1 - General Residential
Monument type	NONE None
Significant Finds	NONE None
Investigation type	"Watching Brief"
Prompt	National Planning Policy Framework - NPPF

Project location

Country	England
Site location	HAMPSHIRE WINCHESTER OLIVERS BATTERY Texas, Texas Drive
Postcode	SO22 4HQ
Study area	100 Square metres
Site coordinates	SU 45670 26910 51.039192921436 -1.348533970996 51 02 21 N 001 20 54 W Point

Project creators

Name of Organisation	Pre-Construct Archaeology Limited
Project brief originator	Winchester City Council

Project design originator	Paul McCulloch
Project director/manager	Paul McCulloch
Project supervisor	Katherine Marshall
Type of sponsor/funding body	Private Developer

Project archives

Physical Archive Exists?	No
Digital Archive recipient	Hampshire Cultural Trust
Digital Archive ID	AY---
Digital Contents	"Stratigraphic"
Digital Media available	"Images raster / digital photography", "Text"
Paper Archive recipient	Hampshire Cultural Trust
Paper Archive ID	AY---
Paper Contents	"Stratigraphic"
Paper Media available	"Drawing", "Report"

Project bibliography 1

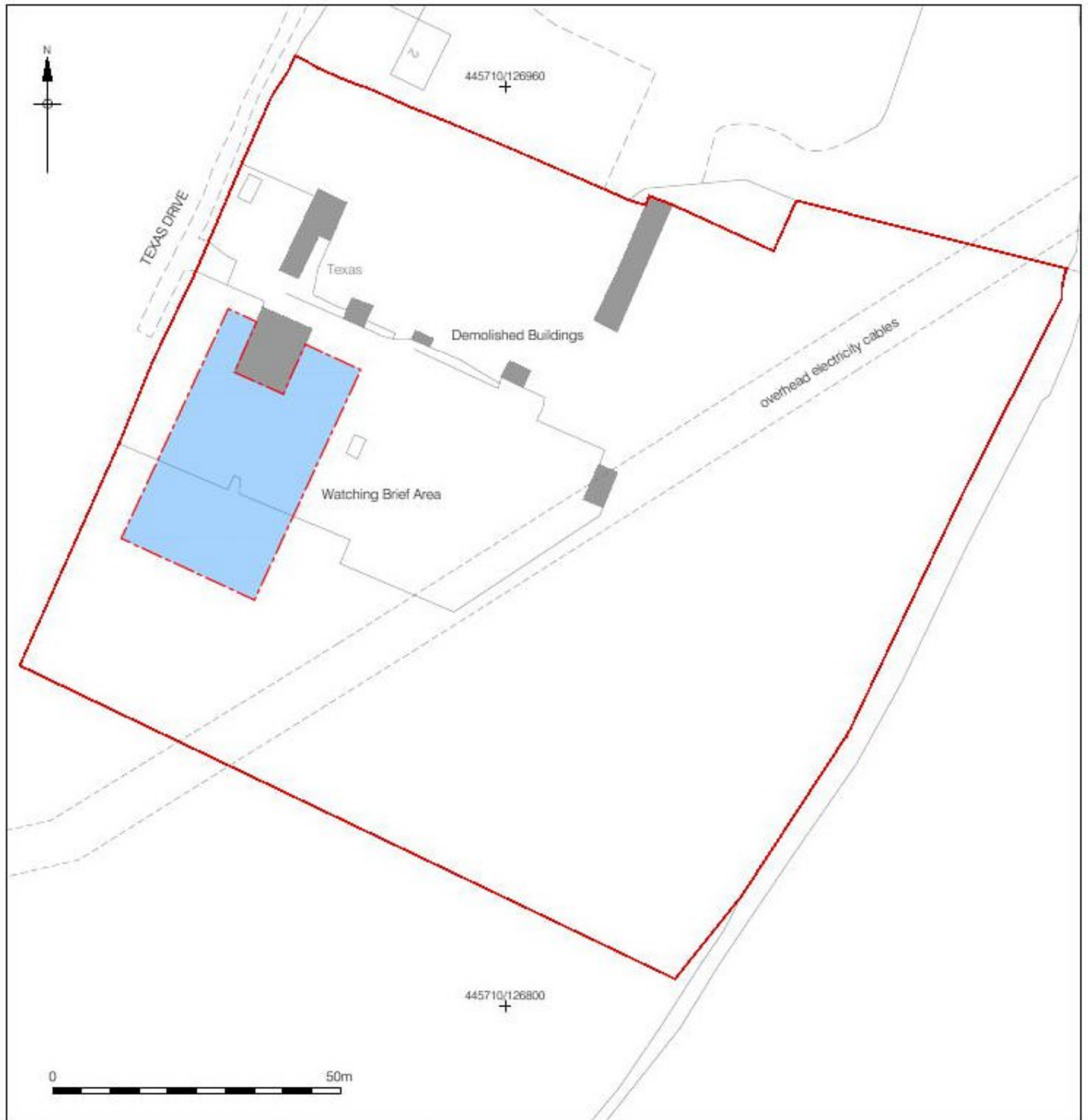
Publication type	Grey literature (unpublished document/manuscript)
Title	An Archaeological Strip, Map Record for Texas, Texas Drive, Olivers Battery, Winchester, Hampshire
Author(s)/Editor(s)	Marshall, K.
Date	2016
Issuer or publisher	Pre-Construct Archaeology
Place of issue or publication	Winchester
Description	A4 ring bound report. 4 plates and 2 figures. Unpublished client document

Entered by	Katherine Marshall (kmarshall@pre-construct.com)
Entered on	13 December 2016



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Figure 1
 Site Location
 1:2,000,000 and 1:25,000 at A4



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Figure 2
Trench Location
1:1,000 at A4

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