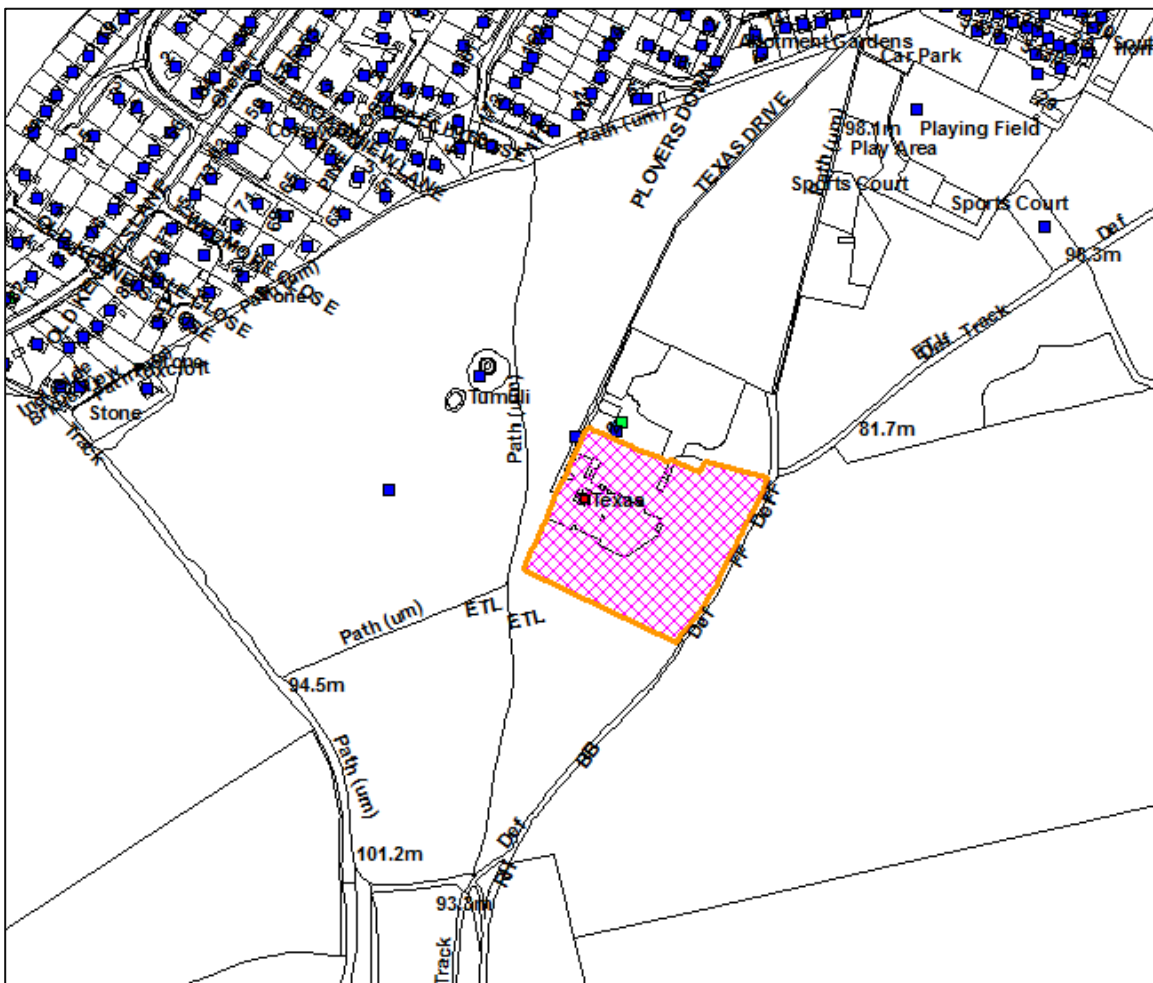


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE AGENDA

Item No: 05
Case No: 17/02190/FUL
Proposal Description: (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: Texas, Texas Drive Olivers Battery SO22 4HT
Parish, or Ward if within Winchester City: Olivers Battery
Applicants Name: Mr Mark Oakley
Case Officer: Lorna Hutchings
Date Valid: 24.08.2017
Site Factors: Overhead Power Line
Recommendation: Application Permitted



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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 Olivers 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:

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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.

14/00868/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

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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 manege)
- 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:

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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

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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

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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,

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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-ltd/what-is-the-ccs/code-of-considerate-practice>

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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.

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Elizabeth Billingham

Clerk to Oliver's Battery

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