

Oliver's Battery Parish Council (OBPC) has considered the 2 current appeals relating to development at Texas, Texas Drive, Oliver's Battery and submits the following comments.

OBPC requests the Planning Inspectorate to dismiss both appeals.

The 2 appeals are:

1. Notification letter 12 October 2018

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 174

Site Address:	Texas, Texas Drive, Oliver's Battery, Winchester, Hampshire SO22 4HT
Alleged breach:	Without planning permission: i) the partial construction of a dwelling house on the Land, and ii) the carrying out of engineering operations consisting of alterations to the site levels on the Land.
Appellant's name:	Mr M Oakley
Appeal reference:	APP/L1765/C/18/3195411
Appeal start date:	28.09.2018

2. Notification letter 5 November 2018

TOWN AND COUNTRY PLANNING ACT 1990 APPEAL UNDER SECTION 78

Site Address:	Texas, Texas Drive, Oliver's Battery SO22 4HT
Description of Development:	(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 PLEASE NOTE this appeal is being linked to Enforcement Appeal APP/L1765/C/18/3195411 and both appeals will follow the timetable for this planning appeal.
Application reference:	17/02190/FUL
Appellant's name:	Mr Mark Oakley
Appeal reference:	APP/L1765/W/18/3197434
Appeal start date:	30 October 2018

Relevant planning applications for the proposed development at Texas are:

17/02190/FUL – Application Refused 21/12/17

Details as noted above

- OBPC objection submitted 8/12/17 (copy attached)

17/00126/FUL - Application Withdrawn 29/7/17

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.

- OBPC objection submitted 15/3/17 (copy attached)

16/00320/FUL - Application Permitted 28/10/16

(AMENDED PLANS RECEIVED 18.07.2016) Demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage
- OBPC objection submitted 7/9/16 and concerns 13/2/17 (copies attached)

We draw the Planning Inspector's attention to the details of the OBPC's previous objections which are all still valid and request both appeals are dismissed.

In addition regarding the breaches, the OBPC is seriously concerned to note the applicant, who is an experienced developer, has ignored many important principles of the planning process, failing to discharge conditions, disregarding submitted landscaping proposals, commencing constructing the main building out of position and with an enlarged footprint compared to the approved plans, and carrying out significant earth moving and leveling over the whole of the site, including facilitating a *ménage*, without planning consent.

In September 2018, Winchester City Council confirmed that the adjacent large open field and Yew Hill Butterfly Reserve has been successfully accepted on to the List of Assets of Community Value (ACV), accepting both areas have significant community use and consequently views of the proposed development are not restricted to from perimeter of large open field and other viewpoints.

The very large increase in floor area from the approx. 200m² original dwelling will also have an adverse impact on dark skies policy.

Planning Enforcement is pointless unless it can robustly deal with clear and willful breaches of planning permission.

The application site is outside of the settlement boundary in a settlement gap and the whole site has been remodelled from the original natural topography and is visually intrusive in a sensitive landscape setting, clearly visible from public views from 3 sides into the site, including adjacent public rights of way (in the form of bridleways and footpaths), the new ACV and the nearby Site of Importance for Nature Conservation and tumuli.

The OBPC's objections are summarised as follows:

1. The application is contrary to Winchester Local Plan Part 1 Policies CP18 (Settlement Gaps) and CP20 (Heritage and Landscape Character)
2. The application is contrary to Winchester Local Plan Part 2 Policies DM15 (Local Distinctiveness), DM16 (Site Design Criteria), DM17 (Site Development Principles) and DM23 (Rural Character)
3. The Village Design Statement design guidelines note that 'Further development of this site should be resisted since it is contrary to countryside policies and located within the Winchester-Compton Gap'.

Oliver's Battery PC comments on Appeal references APP/L1765/C/18/3195411 and APP/L1765/W/18/3197434

For these reasons OBPC trusts the Planning Inspector will agree that both appeals should be dismissed and the applicant be required to reinstate the site to fully accord with the permission granted in accordance with application 16/00320/FUL.

END

Olivers Battery Parish
Council

From:Olivers Battery Parish Council
Sent:Fri, 8 Dec 2017 08:31:14 +0000
To:Lorna Hutchings
Subject:17/02190/FUL Texas, Texas Drive, Olivers Battery SO224 4HT

**Case no. 17/02190/FUL Texas, Texas Drive, Olivers Battery SO224 4HT
Oliver's Battery PC Comments on amended plans posted on 24 November 2017**

The PC considered the amended plans at its meeting on 5 December 2017; the meeting heard from a number of concerned local residents who expressed objections to the proposed scheme as well as the amended plans.

The PC refers the Planning Committee to the its previous objections to the proposed scheme submitted on 10 October 2017 and notes the amended plans do not address the PC's key points (objections).

The PC's previous objections are therefore still valid and the PC encourages the Committee to give them full attention and to reject the application.

The PC urges the Planning Committee to avoid being side tracked by a discussion on the amended plans, and to focus on the important and serious objections previously submitted by the PC and many others.

The PC's previous objections are:

"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 it is apparent the current application now seeks to regularise these un-consented 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 PC's objection is based on the following planning issues:

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 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.”

The PC comments on the amended plans:

1. We question the validity of some of the existing and proposed views - some of the positions and elevations are not typical of routes normally taken by walkers in this area and therefore do not give a correct interpretation of the impact on the views enjoyed by parishioners and others in the countryside gap. For example: View 6 appears to be taken from private farmland not normally accessible by walkers.
2. We question the size of the photo shopped image of the proposed house on some of the views; the scale looks incorrect. For example: Views 1, 2, 3 Proposed.
3. The amended plans show a small number of mature trees planted as part of the proposed development. We are concerned the specimens would not reach maturity for at least 5 or 6 years and therefore the images do not accurately illustrate the views in the short or even mid term. For example: Views 2 and 5 Proposed.
4. Mature trees are shown at very regular spacing (View 5 Proposed) which cannot be described as natural or in keeping with the surrounding landscape.
5. The boundary planting plan states maintenance for 36 months for all planting; the PC is concerned about the long term impact of the proposals and therefore 36 months is completely inadequate.
6. The bund section drawing shows 'levels stated as built surveyed August 2017'. The PC questions if this drawing accurately shows the present levels of the bund - certainly further to the north the bund appears to be steeper than shown on the section.
7. Recent experience causes us to question if serious enforcement would be brought to bear on the applicant in the event the proposed planting fails to comply with a consented scheme, to the serious detriment of the views and local gap as noted above.

In conclusion the PC again urges the Planning Committee to avoid being side tracked by a discussion on the amended plans and to reject this application.

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Elizabeth Billingham
Clerk to Olivers Battery

Please note that I work part time but I will aim to get back to you within 48 hours. If the matter is urgent please call the above [number.My](#) main office hours are Monday, Tuesday and Thursday.

E Billingham - Clerk to Oliver's Battery Parish Council

From: E Billingham - Clerk to Oliver's Battery Parish Council
Sent: Wed, 15 Mar 2017 09:10:51 +0000
To: Planning Mailbox Account; Katie Nethersole; Cllr Brian Laming
Subject: Planning application for Texas Drive 17/00126/FUL-

'Planning application for Texas Drive 17/00126/FUL

Oliver's Battery Parish Council considered this application at its meeting on 7 March and received a presentation from the scheme's architect Mr. Tyrrell of T2 Architects; the PC also heard comments from the applicant, parish residents and District Councillors.

The PC noted the application's significant points which seek to amend the current scheme which received approval in October 2016: to convert the internal double garage (approx 50m²) into a habitable room, build a new double garage (approx 80m²) attached to the north west side of the house, and to shift the position of the house across and down the site by several metres. Also new roof lights and amended fenestration.

The PC was advised that Planning Conditions 6 (approval of full details of hard and soft landscape works), 7 (all hard and soft landscape to be carried out in accordance with approved drawings) and 9 (removal of Permitted Rights) to the permission granted for 16/00320/FUL have not been complied with and that construction on site to date is also not compliant with the extant permission such that the built foundations are significantly out of position and that foundations for an attached garage have been built at the north west side of the house without the benefit of planning permission.

Also that landscaping work, earth moving and levelling to form a menage has taken place on the site without the benefit of planning permission.

The PC resolved to object to the proposals in this application for the following reasons:

1. the PC had previously objected to the current scheme due to serious concerns about over development of the site and its sensitive position in the local gap; the proposals would increase over development of the site and therefore the PC's concerns and objection are still valid.
2. the Village Design Statement design guidelines note that 'Further development of this site should be resisted since it is contrary to countryside policies and located within the Winchester-Compton Gap'.

It is suggested that this application is withdrawn and all proposed changes are included in a new application so that all the implications can be properly assessed at one time rather than having to deal with a series of drip-fed retrospective applications.

If this application is refused it is recommended that the abortive works are removed, the original landscaping reinstated (subject to the changes included in the approved

drawings) and the works closely monitored to ensure that there are no further non-compliances.

The PC therefore urges WCC to reject this application.'

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Elizabeth Billingham
Clerk to Olivers Battery
07443622513

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Oliver's Battery Parish Council Planning Comments following the Parish Council Meeting on 6 September 2016

[Texas, Texas Drive \(16/00320/FUL\)](#)

Introduction

The proposals are described by WCC Planners as demolition of existing bungalow and outbuildings, proposed replacement single storey dwelling with attached garage (amended Plans received 18.07.2016). **The closing date for comments is 22 August 2016. However, the Case Officer (Lorna Hutchings) has agreed that the PC can submit any comments after the meeting on 6 September 2016.**

These comments supplement those previously submitted by the Parish Council in connection with this application.

The site for the proposed development is in the countryside which is not only designated as a 'Local Gap', which is defined in the 2006 Local Plan and the 2013 Core Strategy, but is also within a landscape of high scenic quality.

The countryside surrounding the site provides popular recreational activities and viewpoints including Yew Hill, which is a Site of Interest for Nature Conservation. The recent Oliver's Battery Community Plan identified Countryside as the single most important positive about living in Oliver's Battery.

There is an existing but unoccupied dwelling on the site and, to the north-east of the site, there is another small dwelling on a large plot. Both sit amongst trees and other vegetation and are accessed via Texas Drive, which is a long unmade track with no passing places across an open field. These two dwellings are described in the Oliver's Battery Village Design Statement (OBVDS) as the Texas Drive character area.

The Oliver's Battery Village Design Statement (OBVDS)

The OBVDS Design Guidelines for this area 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 AMD Design and Access Statement Rev A

The AMD Design and Access Statement Rev A Part 1 of 2 confirms that Pre-Application advice was sought. However, the Pre-Application enquiry relates to a significantly different plan layout, ie three staggered blocks.

The Planning History section of The AMD Design and Access Statement Rev A Part 1 of 2 confirms the refusal of the previous application (14/00868/FUL) was the subject of an appeal which was dismissed on the 15 December 2014. The first two reasons given by the Inspector when dismissing the appeal remain valid, ie the effect of the proposal on the character and appearance of its surroundings (increased visual intrusion, by increased size and/or unsympathetic design) and the effect of the proposal on the Compton 'Local Gap' (retain the generally open and undeveloped nature of the defined settlement gap by restricting development to that which does not physically or visually diminish the defined gap).

Based on the AMD Design and Access Statement Rev A Part 2 of 2, the new dwelling area (excluding garage) appears to be very similar to the previous dwelling area (excluding garages).

The effect of the proposal on the character and appearance of its surroundings

Replacement dwellings can have a major impact on the character of the rural environment and consequently the second element of Policy CE.23(i) seeks to ensure replacement dwellings do not result in increased visual intrusion, by increased size and/or unsympathetic design.

Seeking to protect the character of the largely undeveloped countryside is a long-established objective of national and local planning policy. A replacement dwelling significantly larger than the one it replaces, or of a design inappropriate to its rural context, would have adverse visual and urbanising impacts that would seriously detract from the countryside's character.

The timber clad 3 bedroom chalet bungalow on the adjacent plot has a floor area of 84m². Both existing dwellings and assorted outbuildings are low key in size and materials, and the surrounding trees and other vegetation are the more dominant feature in some views. However, the existing dwelling on the site is visible to varying degrees, from several viewpoints, including from higher levels on Yew Tree Hill; the public footpath along the south-east boundary of the site; the public footpath along the edge of Oliver's Battery. Views from that edge are identified in the OBVDS as ones which should not be restricted by changes in land use to maintain the landscape's open character.

The Case Officer has confirmed that the gross external floor area of the amended dwelling is 496m² not including the garage, which is 48m².

The proposed dwelling would be substantially larger than the existing bungalow of around 115m², 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.

The recently submitted visualisations reveal that the new dwelling would be clearly visible from the public footpaths and bridleways around the site.

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

Due to its mass and spread, the dwelling and associated development would result in a significantly larger and more visually intrusive development than the existing low key bungalow.

Improvements in perimeter planting are proposed. However, the likely seasonal variations in leaf cover and the extent to which the effectiveness of such landscaping would depend on future retention and maintenance, and consequently such screening cannot be relied upon to permanently negate adverse visual impact of the significantly increased amount and spread of the proposal.

In relation to the longer range views, the proposal's impact on the wider landscape may not be as significant if darker-coloured building materials were to be used but pale multi brickwork is proposed, which are visually much more intrusive.

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 the existing one, such an intensification of development on the site would have a significant and harmful urbanising effect on the open, countryside setting and unacceptably harm the character and appearance of its surroundings, contrary to the objectives of development plan and national policy.

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

Local Gap policy seeks to restrict development to that which does not physically or visually diminish the gap. 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, thereby conflicting with Policies CP18 and CE.2.

The effect of the proposal in relation to the stock of small or more affordable dwellings in the countryside

In relation to a replacement dwelling, LP Policy CE.23(ii) requires that a proposal should not reduce the stock of small (1 or 2 bedroom) **or** more affordable dwellings in the countryside. Where the floor area of the existing dwelling is less than 120m², the explanatory text indicates that a replacement dwelling should not normally exceed the existing floor area by more than 25%, **whatever** the number of bedrooms.

Although the existing floor area is only 5m² short of the 120m² threshold, it is nevertheless below the threshold. The floor area of the replacement dwelling would be between four and a half and five times that of the existing dwelling. Even if affordability is not defined solely in terms of price this scale of increase is contrary to the principle of the policy.

Other matters and overall conclusion

The PC does not object to a replacement of the existing dwelling but the scale and mass should be proportionate to the existing dwelling and the only dwelling nearby, ie 2 Texas Drive. Indeed, there would be some benefit in replacing a dwelling in poor condition with one built to modern, energy efficient standards. In this respect, and through the construction process, the proposal would contribute in a very modest way to the social and economic dimensions of sustainable development. This would also be the case for a much more modest sized proposal.

However, due to the significant harm it would cause in terms of character and appearance and in terms of diminishing a local gap, the proposal would conflict with the third, environmental, dimension. Overall the proposal would not amount to the sustainable development that national and local plan policy seeks to achieve.

Significant safety issues will be generated at the single lane bottleneck at the end of Priors Way which is the vehicular, pedestrian and cyclist access to the popular Oliver's Battery Recreation Space and children's playground, as well as the two dwellings on Texas Drive.

Many Oliver's Battery residents as well as adults and children from beyond the Parish boundary will be adversely affected by the safety risks noted above

Despite the large number of public objections to the previous applications, there has been no attempt at consultation with public or Parish Council on the current proposal. As a consequence, many local residents will not be aware of the amended proposals and their potential impact.

In conclusion, the PC objects to this application for the reasons set out above.

E Billingham - Clerk to Oliver's Battery Parish Council

From: E Billingham - Clerk to Oliver's Battery Parish Council
Sent: Mon, 13 Feb 2017 13:17:19 +0000
To: Planning Mailbox Account; John Furlong; Jan Warwick; Cllr Brian Laming; Eleanor Bell
Subject: Re: Planning Application 16/00320/FUL Texas Drive

To: planning@winchester.gov.uk

Re: Planning Application 16/00320/FUL Texas Drive

I am writing on behalf of Oliver's Battery Parish Council to express serious concerns raised by local residents at the PC's meeting on 7th February and in recent emails, regarding the development being carried out at this site and to request urgent attention by the Planning Enforcement Officer to confirm that development activities on site are in compliance with the approved application.

The PC noted concern about the following points:

1. Conditions attached to the planning approval require discharge before development can commence; please can you confirm the status of each of the conditions, and payment of the CIL.
2. The approved landscape drawing refers to a low bund along the site boundary at the bottom of the site; the developer has formed a bund about 4m high, possibly higher, which cannot be considered low. It is also encroaching through the boundary fence onto the public footpath.
3. The developer has formed a bund on the south side of the site; this is not shown on the approved landscape drawing.
4. The developer has carried out significant earth moving and levelling on lower part of the site, apparently to form a menage for exercising his horses; this large feature is not shown on the approved landscape drawing.
5. We understand that an application for change of land use may be required for a menage on this site.

The PC therefore requests, and strongly recommends, the Planning Enforcement Officer visits the site as soon as possible to see for himself the development in progress and to confirm compliance or otherwise with the approved application.

I would be very grateful if you could let the PC know when the visit will take place, and let the PC know the outcomes and what steps are being taken by the Planning Department to ensure the development complies with its approved details.

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Elizabeth Billingham
Clerk to Olivers Battery



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