

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 22/02582/FUL
Proposal Description: Change of use of the abovementioned premises from Class E (Commercial, Business and Service) to Class B8 (Storage or Distribution), together with associated external alterations.
Address: 2 Quarry Business Park, Lower Lane, Bishops Waltham, Southampton, Hampshire
Parish, or Ward if within Winchester City: Bishops Waltham Parish Council
Applicants Name: N/A
Case Officer: Cameron Finch
Date Valid: 11 November 2022
Recommendation: Permit
Pre Application Advice: No

Link to Planning Documents

[Link to page – enter in reference number 22/02582/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
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Reasons for Recommendation

The proposal does not result in a significant adverse impact upon the existing site and the surrounding area and does not result in significant additional adverse impact upon the amenities of nearby residential properties.

General Comments

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

Amendments to Plans Negotiated

An additional plan showing vehicle tracking movements on one plan was requested by the Highway Authority and submitted by the applicant on 3 April 2023. The new plan showed information previously submitted on separate plans combined onto one and therefore did not require a further period of neighbour consultation.

Site Description

2 Quarry Business Park is one of three commercial units on a small business park within the settlement boundary of Bishops Waltham. It is also sited on the Northern edge of the Bishops Waltham Conservation Area. The unit is currently vacant, however unit 1 is currently occupied by a car repair garage whilst unit 3 is temporarily occupied by Hampshire Fire and Rescue Service whilst their permanent site is being constructed. The site is accessed from the Western end of the B3035 and is set back into the site which is cut into the hillside. It sits at the bottom of a steep gradient at its Southern end whilst the ground rises more gently to the South East and East. The unit has parking for 4 vehicles and an additional disabled space to its front. Each unit has their own set of parking and there is further overspill parking at the Eastern end of the site.

A number of residential flats are positioned to the South of the proposal site overlooking the parking area and the front of the building. A residential care home is sited to the North whilst residential dwelling are positioned East a top the steep gradient above the site. Two dwellings are sited to the North West of the site on the other side of the B3035. The surrounding area is residential in character sitting on the rural urban fringe.

Proposal

The proposal seeks to change the use of the existing unit from Class E (Class E (Commercial, Business and Service) to Class B8 (Storage or Distribution) to accommodate the needs of the new tenant.

90% of the floor space of the unit will be used for the storage of product whilst a small trade counter is provided for the distribution of goods bought by customers online along with a small number of in person sales.

The proposed opening hours of the unit are as follows: 7.00am – 8.00pm Monday to Friday (including bank holidays), 7.00am – 6.00pm on Saturdays and 9.00am – 4.00pm on Sundays.

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A number of minor external alterations are also proposed. Changes are made to the doors and fenestration to accommodate the use. Low level and full height windows are covered over and internally clad with external components finished in anthracite grey to match the existing building. A new door with anthracite panelling around it is installed to provide better access into the new trade counter area. The footprint of the building remains largely the same.

Relevant Planning History

(19/00077/FUL) (PERMITTED) (AMENDED PLANS 05.02.2019) Demolition of existing depot and construction of new modern steel framed 3 bay unit and associated parking and planting

(22/02876/AVC) (PERMITTED) 1 no. externally illuminated fascia sign

Consultations

Service Lead for Public Protection (Environmental Health)

No Objection subject to conditions.

Service Lead for Estates

No objection.

Hampshire County Council Highways

No objection.

Hampshire Fire and Rescue

No objection.

Representations:

Bishops Waltham Parish Council

Objection - proposal is contrary to Policy DM18 of the WCC Local Plan Part Two in that the access to/egress from the site is not suitable for the number of vehicle movements this change of use will generate. The proposal is not in keeping with the original plans for the units on the site i.e. small businesses.

The proposed change in permitted working hours will have a detrimental effect on the immediate neighbours.

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

- Increased use will cause unacceptable noise intrusion on neighbouring dwellings.
- Insufficient parking provision will cause inappropriate parking on the highway and overcrowding on site.
- Increased use of the existing access is dangerous on a 40mph road.

0 Supporting Representations received

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Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

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

Policy DS1 – Development Strategy and Principles

Policy SH1 – South Hampshire Urban Areas

Policy MTRA1 – Development Strategy Market Towns and Rural Areas

Policy CP10 – Transport

Policy CP13 – High Quality Design

CP20 – Heritage and Landscape Character

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

Policy DM1 – Location of new development

Policy DM15 – Local Distinctiveness

Policy DM16 – Site Design Criteria

Policy DM17 – Site Development Principles

Policy DM18 – Access and Parking

Policy DM20 – Development and Noise

DM27 – Development in Conservation Areas

Other relevant documents

Climate Emergency Declaration Carbon Neutrality Action Plan 2020-2030

Statement of Community Involvement 2018 and 2020

Biodiversity Action Plan 2021

Historic England Guidance

Constructive Conservation in Practice 2008

Constructive Conservation Sustainable Growth for Historic Places 2013

Conservation Principals Policies and Guidance 2008

Historic Environment Good Practice Advice in Planning: Published 30 June 2020

Winchester Future 50 Conservation Area Project 2018-2020

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Planning Considerations

Principle of development

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

The development is situated in the settlement boundary of Bishops Waltham, where the principle of development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise. The proposed use class B8 is considered acceptable within the settlement boundary. The primary use is to store products and building materials which are then distributed to customers, primarily local building companies, through a small trade counter providing a click and collect service. A small number of sales are also completed at the trade counter. The proposed trade counter is completely reliant on the primary warehouse use and could not operate as a separated retail use. The trade counter is ancillary to the proposed B8 use and conditions are recommended (conditions 6 and 7) to restrict the unit to the B8 use.

Policy CP8 ensures that appropriate premises are retained to ensure and employment use and that there is a suitable supply of land and premises to maintain a diverse and successful local economy. The building is maintained for an employment use through the employment of 12 staff and is compliant with this policy.

Assessment under 2017 EIA Regulations.

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

Impact on character and appearance of area

The application site comprises of the middle unit within the building of three on Quarry Business Park. The site is accessed from the West and is publically visible when travelling along Lower Lane from the North to the South. The building is viewed within context with its neighbouring units and is considered low-key within its surroundings.

The proposed change of use seeks only minor alterations to the exterior of the existing building by blocking out windows and minor cosmetic details so any impact upon the character and appearance of the existing site and the surrounding area will be negligible. The proposed external changes do not significantly alter the external character of the building.

The proposed development is not considered to lead to an over intensive use for the site in comparison to uses which already exist on the site as it is using an existing provision. The unit is within an existing business park where the coming and going of vehicles is

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expected within the existing use (Class E) and it is not considered that vehicle movements generated by the change of use change or adversely harm the character of the site or the surrounding area. The primary function of the site is to provide a collection point for customers to pick up purchased items from the storage unit on site with a small trade counter, as such vehicle dwell time is likely to be low and it is not considered that the proposal would cause a build-up of parked vehicles for a long period of time which would harm the character of the site or its surroundings. 90% of the floor area is dedicated to the storage of products with 10% dedicated to the trade counter and sales area. As a vast majority of the bulk is dedicated to the storage and distribution of product through the click and collect service, it is considered that the proposed development comprises a B8 use. The proposed trade counter utilised for collections is ancillary to the main B8 use as outlined above.

It is considered that a storage and distribution use is considered acceptable within a residential area and would be suitably low-key. The scale of the proposed use is considered acceptable for this area and does not cause harm to surrounding character.

Concern has been raised that the unit and its neighbours have previously been sold as space for small local businesses. Whilst this is noted, there are no conditions on the previous permission which restrict the type or size of company which can let the unit and therefore is not material to the determination of this case. Whilst the intended applicant is a national business, the planning application is considering the proposed use class, which is Storage and Distribution.

The proposal complies with policies DM15 – Local Distinctiveness and DM16 – Site Design Criteria of WD LPP2.

Development affecting the South Downs National Park

The application site is located 0.05km from the South Downs National Park on the opposite side of the Lower Lane.

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

The proposal utilises an existing building and is not considered to cause harm to the setting of the National Park.

Taking account of the Park's purpose to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and promote understanding of its special qualities, the development has a neutral impact and does not therefore adversely conflict with the statutory purposes of the SDNP designation.

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Historic Environment

The development is within the Bishops Waltham Conservation Area. The following legislation and policies are taken into account in the assessment and determination of this planning and listed building application.

Relevant Legislation

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

Guidance

The consideration and assessment of due regard is required in relation to the relevant legislation and guidance.

As such due regard has been given to Section 72 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Case law has established that where an authority finds that a development proposal would harm the setting of a conservation area, it must give that harm “considerable importance and weight”.

The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets. Paragraph 199 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy CP20 of WDLPP1 and Policy DM29 of WDLPP2 ensure that development preserves and enhances heritage assets and their settings.

The proposal relates to an existing building sited on the edge of the conservation area. The immediate surrounding area has been permeated by more modern development including the host site itself. The site is appear most visible within the conservation area when travelling northwards along the highway. Minimal cosmetic changes are proposed to the exterior of the building and it is not considered that the proposal causes harm to the character and appearance of the conservation area. As stated above, storage uses are considered acceptable in residential areas and it is not considered that the use harms the setting of this part of the conservation area. The proposal does not result in the loss of features that contribute to the significance of the conservation area.

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Northbrook Cottage and Old Tanyard Cottage are listed buildings sited to the North West of the proposal site. Due to the orientation of the site and intervening screening by trees the site is not highly visible from these dwellings and it is not considered the proposal impacts upon their setting. The Old Rectory is sited to the South East of the proposal site at a higher ground level. The building is not highly visible and the proposed external changes or use do not impact its setting. Northbrook House is sited to the North east at a higher ground level and further distance and is not impacted by the proposal. The proposed development does not impact the setting of listed buildings within the surrounding area.

It is considered that it will result in no harm to the significance of the setting and historic interest of the listed building, Section 16 para 199 of the NPPF (2023), S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP20 of WDLPP1 and DM29 of WDLPP2 and the historic environment section of the Planning Practice Guidance.

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

Neighbouring amenity

A number of residential dwellings are sited within the immediate vicinity of the proposal site. Yew Trees is a block of flats which sits directly to the South West of the proposal site and overlook the parking area and front of the units. A number of residential properties sit at a further distance to the North and East. Dwellings sited to the North East sit at a higher ground level to the proposal site. The external alterations to the building are minor and do not cause harm by overlooking, overbearing and overshadowing. The proposed external alterations are in compliance with policy DM17 of WDLPP2.

The planning practice guidance confirms that appropriately worded conditions can enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. In this instance, given the definitions of the use class now proposed which are considered appropriate for residential areas, highlighted earlier in this report, and the un-intensive nature of the use proposed, it is considered that with appropriately worded conditions attached to a decision, any potential adverse impacts arising as a result of noise generating from the uses, could be effectively mitigated.

Extended opening hours associated with the proposed use is likely to lead to increased use of the site earlier in the morning and later in the evening. It is considered that noise generated by customer related activities within the site would generate background sound, however it is considered that there is a low likelihood of adverse impact relating to these activities and that a refusal based on this would be unjustified. This impact can be partially managed by onsite staff. The primary function is to act as collection point from the storage facility with a small trading counter meaning a majority of customer trips will be short term. It is not considered that the actual storage use will generate adverse noise impact on neighbours.

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It has been identified that deliveries by heavy good vehicles in the early morning would generate a harmful noise impact to neighbouring dwellings, however whilst there will be an impact on neighbours for evening deliveries it is considered that this can be controlled with a suitable condition schedule. The recommended conditions to address this are attached to this report, but the general scope is as follows: restricting the hours the use can operate preventing any activity taking place outside of unsociable and disruptive hours, the prevention of any works taking place outside of the building and the prevention of any burning of materials and/or waste on the site.

The proposed condition schedule is considered sufficient to offset the potential harm caused by deliveries to the site to an acceptable level (conditions 3 to 6).

Based upon the above assessment, it is considered that, with the appropriate planning control measures in place via condition, the proposed use of the building could operate without causing significant adverse impact upon residential amenities by way of noise pollution. The development therefore accords with policy DM17 and DM20 of the WD LPP2.

It is not considered that the proposed development is harmful to the neighbouring units on the business park as it does not come directly in to contact with their allocated space.

Sustainable Transport

The proposed development utilises the existing access off of Lower Lane. Tracking has been provided which shows that an articulated lorry can enter, turn and then leave the site in a forward gear. As a result the access is considered suitable for the proposed change of use. The applicant estimates that vehicle of this size will require access to the site approximately three times a week on average which is considered acceptable. The unit has four car parking spaces with one disabled space. The business intends to employ 12 members of staff with 4 being full time. In combination with trips generated by customers to the site it is considered these spaces will be well used, however there is limited overspill at the Eastern end of the site which can be utilised and prevents inappropriate parking on the highway. This has to be shared with other units, however it is considered there will be a high turnover of vehicles due to the nature of the business so sufficient parking does exist on site. This also allows space for a large vehicle to turn within the site as shown by the tracking. It is noted that there is pedestrian access to the site as well as bus stops along Lower Lane and also further away in the local centre. There is also limited capacity for bike storage in site. This ensures that the site is accessible and there are alternative means of access to vehicles. It is considered that the parking provision is acceptable.

The applicant has provided a Transport Assessment showing the estimated two-way trip generation utilising data from the TRIC database. During the Am and PM peak periods, the development is expected to generate in order of one trip every 10 or so minutes which is a level which can be accommodated on the local highway. In-house data estimates in the network AM peak a total of 2 two-way vehicular trips are proposed to be generated by the site and in the PM peak 4 two-way trips are proposed. The in-house data proposes the most trips are to be generated in the PM period 1700 – 1800 hour. The highway authority have accepted these trips as reflective of the proposed development.

Based upon the above assessment it is considered that the proposed development is compliant with policy DM18 of WDLPP2.

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Ecology and Biodiversity

The proposal will have no impact as it is not development within, bordering or in close proximity to a European Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is not overnight accommodation affecting Nitrates.

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

Sustainability

The proposal is for the reuse of an existing building and does not seek any physical alterations to the building. Therefore there is no impact on building sustainability in this instance.

Sustainable Drainage

The proposal will have no impact on drainage as the building is existing and benefits from existing drainage arrangements in terms of foul and surface water drainage.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The proposal does not result in a significant adverse impact upon the existing site and the surrounding area and does not result in significant additional adverse impact upon the amenities of nearby residential properties. Whilst limited impact on neighbouring properties has been identified, this has been controlled by conditions and it is not considered to be of a scale sufficient to justify a refusal of the application. The proposed development ensures the unit retains a business use tailored to suit the requirements of the tenants and is considered acceptable.

The development therefore is considered to accord with policies DS1, CP20 and MTRA1 of the WD LPP1 and DM1, DM15, DM16, DM17, DM18, DM20, DM27 of the WD LPP2.

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Recommendation

Permit subject to the following condition(s):

Conditions

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

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

2 – The development hereby permitted shall be constructed in accordance with the following plans:

Location Plan received 25 January 2023 drawing no. 6923-SF_BISHOPS_WALTHAM-RIL-00-XX-DR-I-0024-LOCATION-P3-R1

Block Plan received 25 January 2023 drawing no. 6923-SF_BISHOPS_WALTHAM-RIL-00-XX-DR-I-0025-BLOCK_PLAN-P3-R1

Proposed Elevations received 11 November 2022 drawing no. 6923SF_BISHOPS_WALTHAM-RIL-00-XX-DR-I-0023-ELEV-P3SCALE

Proposed Ground Floor received 11 November 2022 drawing no. 6923 SF_BISHOPS_WALTHAM-RIL-00-XX-DR-I-0021-GA-P3

Parking Layout received 25 January 2023 drawing no. 6923-SF_BISHOPS_WALTHAM-RIL-00-XX-DR-I-0027-PARKING-P3

Tracking received 03 April 2023 drawing no. 6923-SF_BISHOPS_WALTHAM-RIL-00-XX-DR-I-0026-TRACKING-P3-R2

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

3 - No machinery shall be operated and no deliveries taken at or dispatched from the site except between the hours of 08:00 and 21:00hrs Monday to Friday, 08:00 and 13:00hrs Saturday and at no times on Sundays and Bank Holidays

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

4 - No works associated with the use hereby approved shall take place outside of the building.

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

5 - Prior to the installation of any external lighting (whether free standing or affixed to a structure), details must be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the appearance of the area, the environment and local residents from light pollution

6 - Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the development hereby permitted shall be used only for purposes within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order

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1987, (or in any provision equivalent to those classes in any Statutory Instrument revoking and re-enacting that Order with or without modification) and for no other purposes.

Reason: To restrict the use of the premises in the interests of highway safety and local amenity.

7- The area occupied by the trade counter shall be no greater than 26.63sqm as shown on the submitted plan, drawing number 6923-SF_BISHOPS_WALTHAM-RIL-00-XX-DR-I-0021-GA-P3.

Reason: To ensure the development is carried out in accordance with the approved plans and that the loss of B8 floorspace is limited.

Informative:

1.

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

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

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

2.

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

Local Plan Part 1 - Joint Core Strategy: DS1, CP13, CP20, MTRA1,
Local Plan Part 2 – Development Management and Site Allocations: DM1, DM15, DM16, DM17, DM18, DM20, DM27

3.

This permission is granted for the following reasons:

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

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

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

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that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6.

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

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

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

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: buildingcontrol@winchester.gov.uk)