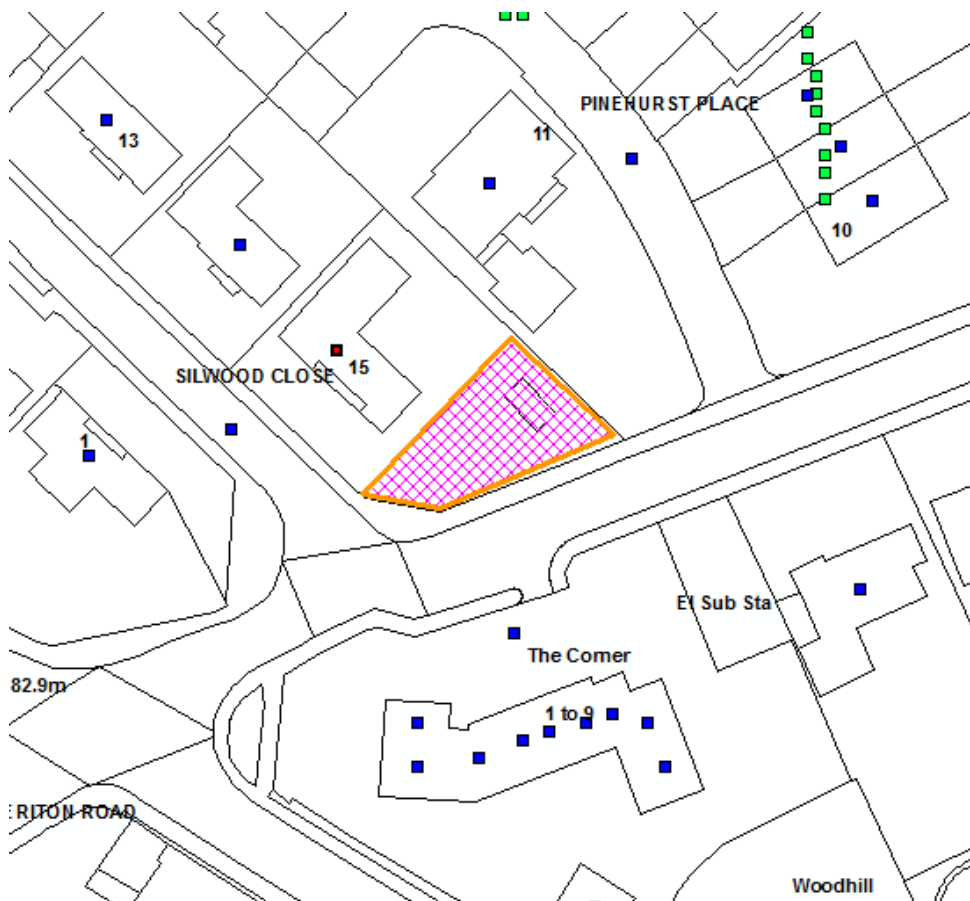


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 18/01986/FUL
Proposal Description: Erection of 1no. two bedroom dwelling.
Address: 15 Silwood Close, Winchester, SO22 6EN
Parish, or Ward if within Winchester City: St Barnabas
Applicants Name: Mr & Mrs Lewis
Case Officer: Robert Green
Date Valid: 23 August 2018
Recommendation: Application Permitted



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General Comments

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

The application is a resubmission of an application refused in May 2017 under 17/00206/FUL. The refused application was contained within a smaller application site and contained a larger dwelling which included a cantilever element. The application was refused for the following reasons:

1. The proposed footprint of the dwelling within the small plot in this prominent location will lead to a development that will appear very cramped in the street scene and as a result the contemporary development will stand out and will appear to jar with the prevailing character of the area. With little room to soften the boundaries adjacent the street there is limited opportunity to minimise the impact of the development. The development is therefore contrary to policies MTRA1 and CP13 of the Winchester District Local Plan Part 1 - Joint Core Strategy, Policies DM15, DM16, DM17 and DM24 of Winchester District Local Plan Part 2 - Development Management and Site Allocations and the High Quality Places Supplementary Planning Document

2. The development would place future pressures on the felling or pruning of a protected Beech tree which contributes significantly to the characteristics of the area. The development is therefore contrary to policy CP20 of the Winchester District Local Plan Part 1 - Joint Core Strategy

3. The development would, by reason of its size and siting within the constrained site, create an overbearing impact on the current and future occupants of 15 Silwood Close. The development is therefore contrary to policy DM17 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations

The current application has enlarged the legal ownership of the site allowing additional landscaping, presented an alternative design and included arrangements following concern raised regarding the Beech Tree.

Site Description

The application site currently forms the side garden space of 15 Silwood Close and is to the south-east of the existing property, forming a corner plot between Silwood Close and Berewecke Road. The site widens from Silwood Close leading to a maximum depth of 17.2m, with a maximum width of 25m.

At present the site contains a wooden outbuilding, grass areas and shrubbery. Boundary treatment consists of a hedge to the west, a brick plinth wall with timber panels running parallel to Berewecke Road and a brick wall between the site and 11 Pinehurst Place. The site slopes slightly to the east and rises north toward Silwood Close.

The wider area exhibits a suburban character and largely consists of large dwellings within large plots, set back from the roadway with trees and vegetation bordering the road.

Proposal

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The proposed development is for the construction of a two bedroom dwelling, with bedroom accommodation on the lower level and living accommodation on the upper floor which contains a balcony. Two parking spaces are provided to the east of the dwelling, with a car port constructed over one of the spaces. An access point would be constructed to serve the parking area onto Bereweeke Road.

The building uses contemporary materials in the form of white render and timber cladding with dark framed windows. The proposed dwelling would be 3.2m from the side elevation of 15 Silwood Close and 12.3m from 11 Pinehurst Place at the closest distance.

Relevant Planning History

17/00206/FUL - Erection of 1no. two bedroom dwelling including access onto Bereweeke Road – Refused 25th May 2017.

Consultations

WCC Engineers: Drainage:

- Site is in Flood Zone 1, at very low risk of surface water flooding.
- Further details are requested by condition.

WCC Engineers: Highways:

- Adequate visibility is available for the new access
- The proposed parking facilities meet standards
- Conditions are recommended obtaining details for the prevention of mud, parking during construction and car parking availability.

Head of Landscape (Trees):

- Technical assessment of impact is acceptable.
- Concern originally raised regarding shading and impact from lead drop/bird foul from the mature Copper Beech Tree which is TPO protected.
- Amended plans were received which added a car port beneath the impacted area and confirmed the use of hard surfacing within the courtyard area.
- Objection was removed and appropriate conditions included.

Southern Water

- Re-iterated requirement for development to be outside 3 metres from the public sewer with no soakaways within 5m of the sewer.
- Satisfied for outstanding matters to be considered during the condition stage. The main building location and layout would be acceptable.

Representations:

City of Winchester Trust:

- The design is modern and acceptable, although the question remains whether the site is large enough to accommodate such a dwelling.

24 letters from 20 addresses received objecting to the application for the following reasons:

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- Highways impact from additional driveway
- Impact on neighbouring Beech Tree
- Loss of greenery
- Overdevelopment of the site
- Breaking of building line
- Dwelling floor space is too small
- Flat roof and glazing is out of character
- Extra housing is unnecessary
- Winchester requires larger housing
- Bat roost not considered

Letter received from Cllr Leary objecting to the scheme:

- Interrupts building line to an unacceptable degree
- Would 'stick out' into the street
- Proposal fails to respect the nature and proportions of neighbouring properties.

1 letter received providing a neutral opinion:

- Significant improvement on the previous design

3 letters of support received.

- 'Nicely modern'
- Will enhance the street scene
- Introduces a starter dwelling

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

- Impact on surrounding property value

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy

- MTRA1 – Development Strategy Market Towns and Rural Area
- CP2 – Housing Provision and Mix
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design
- CP16 – Biodiversity
- CP20 – Heritage and Landscape Character

Winchester Local Plan Part 2 – Development Management and Site Allocations

- DM1 – Location of New Development
- DM2 – Dwelling Sizes
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM24 – Special Trees, Important Hedgerows and Ancient Woodlands

National Planning Policy Guidance/Statements:

National Planning Policy Framework 2018

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Supplementary Planning Guidance

Winchester High Quality Places Supplementary Planning Document

Planning Considerations

Principle of development

The site is located within the defined settlement boundary of Winchester. Within this area, the principle of constructing additional residential units is acceptable subject to compliance with the development plan and material planning considerations.

The requirement for affordable housing contributions has been altered so that in schemes of fewer than 10 houses or 1,000 square metres, there is no requirement for a contribution. In this case, there is proposed to be 1 unit with a total floor space of less than 1,000 sqm.

Policy CP2 of the Local Plan Part 1 (LPP1) also requests new development meets a range of housing needs and ensures that the majority of new dwellings contain 2 or 3 bedrooms. The development proposes a 2-bedroom property and complies with this policy.

The development provides 2 parking spaces within the site which complies with adopted Residential Parking Standards.

Design/layout

The proposal would result in a small property being located in a similar position to the front elevation of 15 Silwood Close, to the south eastern corner of the plot. A courtyard garden then extends to a car port which is served by hard surfacing linked to an additional dropped kerb onto Berewecke Road.

The design of the building is contemporary in nature by means of its form, design, materials and fenestration details. A small number of developments in the area use a modern design form, such as 'The Corner' (opposite the site), 10 Berewecke Road (~80m to the east) and the 2-bedroom dwelling which faces Stockbridge Road, completed as part of The Corner development.

The High Quality Places SPD states that opportunities for contemporary design exist, but their design needs to be informed by the context. The existing modern developments in this area add interest to the built environment but effectively integrate in the street scene through the use of effective soft landscaping and high quality materials.

In relation to the application site, the plot size is smaller than the plot sizes of a majority of dwellings in the area, marking a prominent position within the street scene upon entrance to Berewecke Road. Compared to the previously refused application, the footprint of the dwelling has been reduced from 136sqm (excluding basement) to 102sqm. The overall height of the development is also reduced through sinking the dwelling below the existing ground level. The resulting dwelling would therefore be 4.5m above existing ground levels, compared to 6m on the refused application.

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In addition, the size of the application site has been increased to include space for meaningful landscaping to allow the development to be softened through the complementary use of landscaping.

As a result, the contemporary design of the dwelling would sit in a plot which does not appear cramped from the street scene and contains measures to soften the development, following other successful contemporary developments in the area. This allows the dwelling to be integrated within the plot and surrounding street scene avoiding the harm which was evident in the previously refused scheme.

The development includes a car port structure. Whilst adding additional built form to the site, this has been kept a lightweight feature which attaches to the bin storage facility. Further details of the precise detail used in the car port have also been secured by condition 03.

As a result, the design and location of the building within the site results in a discrete contemporary dwelling that will successfully integrate into the street scene. In addition, and as supported by the SPD, high quality materials would be expected for such a development and details of the conditions used have been secured by condition 03.

Impact on neighbouring properties

11 Pinehurst Place is to the north of the site. The dwelling would be 12m from the garage of the property at its closest distance. No upper floor windows face the direction of number 11, removing overlooking concerns. Sufficient distance remains between the property and car port and the prime amenity space of number 11 which aids in avoiding an adverse overbearing and overshadowing impact.

15 Silwood Close sits to the north-west of the site. The proposal would result in a white render wall of ~4.2m height. This runs parallel to the side elevation of number 15. The proposed side elevation contains no fenestration and an adverse overlooking impact cannot be demonstrated. No principal windows face the direction of the property and the proposal extends 0.6m from the rear elevation. As a result, it is not considered that the proposed development would have adverse impact through overshadowing and overbearing on the amenities of 15 Silwood Close.

Landscape/Trees

A mature copper beech tree is located within the front garden of 11 Pinehurst Place to the north-east of the proposal.

The dwelling would be 15m from the trunk of the tree at its closest distance, with a car port structure being 8.3m from the trunk of the tree. The area immediately beneath the canopy of the tree would form the hard surfacing area and turning circle.

The tree contributes significantly to the character of the area and is protected by a Tree Preservation Order. Arboricultural reports have been submitted with the application and concluded that following appropriate assessments, construction of the dwelling can take place without adverse harm to the tree. A methodology and tree protection plan has been proposed and condition 11 has been included to ensure this is carried out.

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Given the application's site proximity to the tree a further consideration, beyond the construction phase, is whether future pressures (such as leaf litter, bird fouling and shading) would result in the need to prune or fell the tree and therefore put it at risk.

Compared to the previously refused application, the dwelling has been moved further away from the tree (following a reduction in size and relocation within the site given the sites increased size). This goes some way to lessening the risk of future impacts as the dwelling and its prime amenity spaces are further from the tree. The Council tree officer originally raised concern regarding shading and future pressures as a result of leaf litter and bird fouling. Following discussions with the agent of the application, a lightweight car port structure has been extended from the bin store to cover the closest parking space to the tree. In addition, it has been confirmed that the 'courtyard garden area' would use hard surfacing, allowing future occupants to clear the area of tree litter. Following the receipt of amended plans, the Tree Officer removed his objection to the proposal and noted that the car port and hard surfacing would reduce pressures on the adjacent tree, with the new dwelling being far enough away not to be affected by the tree.

Based upon the above assessments and following amendments it is considered that the proposed development does not adversely harm the protected tree and thus complies with policy DM24 of the Local Plan.

Highways/Parking

The proposal would involve the creation of a new access onto Berewecke Road. From this point, the site contains 2 parking spaces and a turning space. The Highways Officer has confirmed that adequate visibility is available to serve the access. Two parking spaces are proposed which meets adopted Residential Parking Standards.

Following concern raised by third party comments, a tracking diagram was requested which confirmed that sufficient space remains within the site for a vehicle to turn, allowing them to leave and enter Berewecke Road in forward gear.

Therefore no highways objection is raised and conditions 05 to 07 have been included at the request of the Highways Officer.

Other Matters

The beech tree contains a bat roost and comments have been raised regarding the impact on this roost. Condition 10 has been included to obtain details of the lighting used on the dwelling to avoid potential light spill toward the roost.

Comments have also been raised regarding the size of the dwelling being too small to meet policy standards. Policy DM2 (Dwelling Sizes) of the Local Plan Part 2 ensures all new dwellings exceed a gross internal floor area of 39sqm. With a floor area of 102sqm, the proposal exceeds the minimum area and complies with policy DM2.

The comment from Southern Water lists the required distances between infrastructure and built form. In response to these comments, a further drainage plan was submitted which shows that the corner of the dwelling would sit within 3m of a sewage pipe.

Condition 09 therefore requests details of actions taken to protect the pipe during

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construction and foundation details (to ensure a cantilever foundation is used). Condition 04 also requests specific details of the hard surfacing in this area for this purpose. This approach was communicated with Southern Water who confirmed they do not raise an objection to the position of the dwelling within the site; Southern Water would be consulted at the condition stage upon receipt of further technical details.

Recommendation – Application Permitted 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.

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

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

- Location Plan received 20.08.2018,
- First Floor Plan [drawing 1611A_201_A] received 12.12.2018,
- Ground Floor Plan [drawing 1611A_200_A] received 12.12.2018,
- Roof Plan [drawing 1611A_202_A] received 12.12.2018,
- Site Plan [drawing 1611A_101_A] received 12.12.2018,
- South East Elevation [drawing 1611A_301_A] received 12.12.2018,
- Street Scene Elevation [drawing 1611A_304_A] received 12.12.2018,
- South West Elevation [drawing 1611A_300] received 20.08.2018,
- North East Elevation [drawing 1611A_302] received 20.08.2018,
- North West Elevation [drawing 1611A_303] received 20.08.2018,
- Tree Survey [Revision B] received 20.08.2018,
- Tree Survey Schedule, Method Statement [by Alex Monk, dated August 2018] received 12.12.2018.

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

3 No development above foundation level shall take place until details and samples of the materials to be used in the construction of the external surfaces of the dwelling, car port and bin store 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.

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

4 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

Hard landscaping details must include:

- material to be used to form the parking area;
- materials to be used to form the courtyard garden area.

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- construction details of the courtyard garden including the walkway and stairs to the garden in the south-west corner of the site. Details must include the location of excavation and depth.

Hard Landscaping details must then be carried out in accordance with the approved details and completed prior to the occupation of the dwellings.

Soft landscaping details must include:

- means of enclosure on all boundaries of the site, including height and boundary treatment used.
- Planting plans for the entire site.
- An individual planting plan for area between the south-west elevation of the dwelling and Silwood Close. This plan must show the density and species of planting alongside height at planting.
- an implementation programme for the landscaping scheme.

Soft landscaping must then be carried out in accordance with the approved plans. The soft landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner.

If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

4 Reason: To improve the appearance of the site in the interests of visual amenity.

5 Details of measures to be taken to prevent mud from vehicles leaving the site during construction works being deposited on the public highway shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences.

Such measures shall be retained for the duration of the construction period. No lorry shall leave the site unless its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

5 Reason: In the interests of highway safety.

6 Details of provisions to be made for the parking and turning on site of operative and construction vehicles during the period of development shall be submitted to and approved in writing by the Local Planning Authority and fully implemented before development commences. Such measures shall be retained for the construction period.

6 Reason: In the interests of highway safety.

7 The parking area including the garage shall be provided in accordance with the approved plans before the dwelling is first occupied and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles or other storage purposes incidental to the use of the dwelling house as a residence.

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7 Reason: To ensure the permanent availability of parking for the property.

8 Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development can commence.

8 Reason: To ensure satisfactory provision of foul and surface water drainage.

9 Prior to the commencement of development, details of the measures taken to protect the public sewers must be submitted to and approved in writing by the Local Planning Authority.

The details must include technical details of the foundation specifications used in areas in close proximity to the public sewer.

Development must then continue in accordance with the approved details.

9 Reason: The development lies within close proximity to a public sewer and specific details of its protection are required in consultation with Southern Water.

10 Prior to the commencement of development, details of measures taken to prevent harm to the neighbouring bat roost during the construction phase must be submitted to and approved in writing by the Local Planning Authority.

The plan must also include a lighting plan which shows the location and orientation of the lighting would not disrupt the bat roost. The approved details must then be adhered to in perpetuity.

10 Reason: The proposal is in close proximity to a bat roost and additional measures are required to prevent harm.

11 Protective measures, including fencing and ground protection, in accordance with the Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018 and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.

The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018. Telephone 01962 848210.

No arboricultural works shall be carried out to trees other than those specified and in accordance with the Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018.

Any deviation from works prescribed or methods agreed in accordance with the Method Statement [by Alex Monk, dated August 2018] received 12.12.2018 and Tree Survey [Revision B] received 20.08.2018 shall be agreed in writing to the Local Planning Authority.

No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning

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Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

A pre-commencement meeting will be held on site before any of the site clearance and construction works begins. This will be attended by the site manager, the Arboricultural consultant and the LPA tree officer.

Site supervision shall be undertaken by the appointed arboriculturalist in agreement with the site manager at appropriate intervals throughout the construction process. Updating verbal or written reports shall be communicated with the LPA where appropriate.
Telephone 01962 848210

11 Reason: To ensure protection and long term viability of retained trees and to minimise impact of construction activity.

12 Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that the dwelling shall meet the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

12 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

13 Prior to the occupation of the dwellings hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that the dwelling meets the Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

13 Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

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

14 Reason: To ensure that the development is proportionate to the site in order to protect the amenities of the locality and to maintain a good quality environment.

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Informatives:

1.

In accordance with paragraph 38 of the NPPF (July 2018) , 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: MTRA1, CP2, CP11, CP13, CP16 and CP20

Local Plan Part 2 - Development Management and Site Allocations: DM1, DM2, DM15, DM16, DM17, DM18 and DM24

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 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.

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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)

8.

The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

The submitted details should be clearly marked with the following information:

- The name of the planning officer who dealt with application
- The application case number
- Your contact details
- The appropriate fee.

Further information, application forms and guidance can be found on the Council's website - www.winchester.gov.uk.

9.

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. The applicant has been reminded by Southern Water to read the New Connections Services Charging Arrangements documents which has now been published and is available to read on the Southern Water website by the following link - <https://beta.southernwater.co.uk/infrastructure-charges>.