

MR NICHOLAS JENKINS  
WILDERN ARCHITECTURE LTD  
THE HAWTHORNS 105 DIBLES ROAD  
WARSASH SOUTHAMPTON  
SO31 9JL

Application DC/23/94891  
Please ask for Dorothy Hei-Tung-Hoh  
Direct dial 023 8068 8314  
Working hours  
Email [dorothy.hei-tung-hoh@eastleigh.gov.uk](mailto:dorothy.hei-tung-hoh@eastleigh.gov.uk)

Wednesday 03 May 2023

Dear Mr Jenkins,

Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990

In pursuance of their powers under the above Act and in accordance with your application received on 16 March 2023 and made valid on 16 March 2023, the Council, as Local Planning Authority hereby confirm the status of the following conditions in respect of:

**Application No:** DC/23/94891  
**Description:** Discharge Condition: Condition 5-drawing. F/17/81222 First floor rear extension and alterations to roof including full width rear dormer with 3 windows to facilitate the creation of an additional 2no. flats with associated parking, bin storage and amenity space  
**Site:** FLAT 1, 44 LEIGH ROAD, EASTLEIGH, SO50 9DT

| Condition                                 | Details                                                                                                                                                                                                                                                         | Compliance and Date        |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Condition 5 – Bin & Cycle Storage Details | <u>Documents submitted</u> <ul style="list-style-type: none"><li>Drawing 801</li></ul><br><u>Details</u> <p>Whilst the details submitted are acceptable, this condition cannot be formally approved as it was a pre-commencement condition (see note below)</p> | Not Approved<br>03/05/2023 |

Whilst the details provided are acceptable, Condition 5 was a pre-commencement condition requiring details (including elevations of enclosures for the bin and cycle storage) to be provided prior to the commencement of development. However, it is noted in the email of 11 April 2023 that works were started on 1 November 2017 and were completed by 1 March 2023. As such it is not possible for the LPA to formally approve the details submitted in relation to Condition 5 of planning permission F/17/81222 despite the details being acceptable.

Whilst it is noted that some details of the bin and cycle storage were already shown on the approved drawing 102, insufficient information was provided in relation to the elevations of enclosures and materials and finishes to be used. This was the reason for including Condition 5.

Given that works commenced before this pre-commencement condition was approved, strictly speaking the condition has been breached, which may have invalidated the planning permission. This may have resulted in the development no longer having planning permission. However, having discussed the issue with the Council's Planning Enforcement Team, it has been decided that it would not be in the public interest to pursue any enforcement action in this instance. Notwithstanding, it may be in your interests to consider reapplying for planning approval, in order to prevent any potential issues should you decide to sell the development or any of the flats. However, please be aware that should you decide to submit a new planning application it would be considered against current planning policy and guidance, with no guarantee of approval and would be subject to any planning obligations or mitigation payments that may now be necessary.

I hope that the above is clear but should you have any queries, please do not hesitate to contact Dorothy Hei-Tung-Hoh using the details at the top of this letter.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Andy Grandfield".

Andy Grandfield  
Service Director for Planning and Economy