REF. NO.C/15/7750

CONSERVATION AREA CONSENT REPORT

DESCRIPTION	First floor addition to provide office accommodation including provision of external access stairs
ADDRESS	69 - 73 Bishopstoke Road, Bishopstoke, Eastleigh, SO50 6LA

SITE VISIT DATE	Numerous, SN posted 12/1/16
ARE PLANS ACCURATE?	Yes
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	• The application is proposing the addition of first floor office and external stairs at the rear
SITE AREA	• 700sqm
RESIDENTIAL DEVELOPMENT DENSITY (NET)	• NA
TOPOGRAPHY	• No noticeable site level changes
TREES	• Yes but none that are tpo'd
BOUNDARY TREATMENT	• The site is open at the front and there is a fence to the side and rear
SITE CHARACTERISTICS	• The site contains a former petrol station, where consent has now been given for a hand car wash • Bishopstoke Road is a B road which is extremely busy • The River Itchen runs alongside the application site • There is a Tesco express to one side and a flatted development to the other

THE SITE AND ITS SURROUNDINGS

	• There is a high number of residential around

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
C/15/76844	Addition of first floor office & roof storage area	Refused 15/9/2011
C/15/75779	Change of use from Petrol Station to Hand Car Wash with 2.3 metre splash barrier and 2.4 metre high acoustic fence	Granted 24/3/2015
C/14/75123	Change of use of petrol station to hand carwash	Withdrawn 2/1/2015
C/14/74743	Change of use from petrol filling station to hand car wash	Refused 4/8/14
Q/14/74147	Conversion of Petrol Filling Station to Hand Car Wash	Planning application required 6/3/2014
F/13/73754	Erection of 3m high fencing and canopy over car wash area	Withdrawn 6/5/2014
X/13/73773	Partial relief of condition 2 of planning permission C/07352/013	Withdrawn 6/5/2014
C/07352/013/00	Erection of car jet wash bay	Granted 15/1/1993

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
1 Riverside Court, 75 Bishopstoke Road	Object, flat roof and external stairs would be visually intrusive.
3 Riverside Court, 75 Bishopstoke Rd,	Object owing to local wildlife and the river, I believe the underground fuel tanks could be potentially disturbed, leading to leakage into rive, also the sunlight would be restricted onto the river where the salmon spawn. Also blocked light and being overlooked
32 Bishopstoke Road	Overlooking and loss of privacy

CONSULTATION RESPONSES

REF. NO.C/15/7750

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation and Engineering	None received
Parish council	Cllrs felt this was overdevelopment; description of usage was inaccurate; no sufficient consideration to drainage had been made; any future support would have to be subject to a condition being added that no conversion to residential use be permitted.
Environment Agency	No objection
Southern Water	Formal connection required for new connection to the public sewer, request condition be attached
Conservation officer	This proposal is entirely contrary to saved policy 169.LB in that it neither preserves nor enhances the character or appearance of the Conservation Area and infact by increasing the height of the existing building in the same format just increases the damage already being inflicted on the conservation area.
Biodiversity	Protection of the River Itchen Special Area of Conservation (SAC) This site is within 1.5m of the River Itchen at its nearest point. This was highlighted within the previous application and the applicant is aware of the sensitivities of the site in relation to foul and surface water drainage, disturbance of contaminants and lighting in particular. The Local Authority will need to undertake a Habitats Regulations Assessment to ensure no impacts occur to the designated habitats and species within the river system as a result of the development, in conformity with Regulations 61(1) of the Conservation of Habitats and Species Regulations 2010 (as amended). Under Regulation 61(2) it is the applicant's responsibility to provide all the information required to undertake the assessment. Currently little information has been submitted other than the Flood Risk Assessment prepared for the previous application. Due to the lack of information I wish to place a Holding Objection on the application while additional information is submitted. Foul Sewerage Discharge At present there are few details regarding the disposal of foul drainage. The application form states that foul drainage is unknown. Information relating to foul sewerage disposal is required to ensure no possibility of water pollution adjacent to the site or further down the river, due to increases in discharge. Information on the proposed foul sewerage network should be submitted before planning permission is granted.

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CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	Disposal of Surface Water The application documents appear to imply that surface water drainage will be via the sewer. Although this form of drainage was agreed for the previous application it is important that the information is submitted for this application to ensure Southern Water can consider the implications of the proposal and all information is available to process the HRA. Increases in lighting With increases in building height there is the possibility that increases in light maybe generated from the office building which could increase light levels along the Itchen. To ensure no impact as a result of the development, light levels adjacent to the river should be calculated before and after development and mitigation incorporated if Increases in lighting could disrupt the migratory routes of fish for which the River Itchen is designated. Construction Environmental Management Plan Due to the proximity of the development to the River Itchen SAC it will be important to ensure no contamination of the watercourse as a result of construction activities. To ensure protection, the following condition should be attached to any permission granted:- Before construction commences a Construction Environment Management Plan will be submitted to and agreed by Eastleigh Borough Council. The CEMP will include safeguards to ensure no impact on the River SAC due to contamination, surface water discharge and lighting. Reason:- To ensure protection of the River Itchen SAC

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within Designated Conservation Area Adjacent/Within Site of Special Scientific Interest Adjacent/Within Local Nature Reserve Adjacent/Within Site of Nature Conservation Interest Within HRA Screening Area SAC, SPA, RAMSAR-200 metre buffer River Itchen River Corridors 39.ES; 40.ES; Flood zone 2 and 3 HRS Area of High Archaeological Potential – Yellow buffer

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DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved policies 23NC; 25NC; 32ES; 45ES; 43ES; 59.BE; 169.LB; 170.LB; 171.LB; 172.LB
Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, policies DM1; DM4; DM5; DM7; DM9
(the Submitted Local Plan) comprising:

- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
- Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014'

Supplementary Planning Guidance: Biodiversity (2009)
Supplementary Planning Document: Environmentally Sustainable Development (2009)
Bishopstoke Conservation Area Appraisal SPD (2010)

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework
National Planning Policy Framework highlights that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (para 56) and goes on to state that decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development (para 58).

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, nature conservation, street scene and character of the area.

COMMENT ON CONSULTATION RESPONSES

Noted and these will be addressed in the report.

COMMENT ON REPRESENTATIONS RECEIVED

The comment that the flat roof would be visually intrusive is agreed upon, but not that he external staircase would be intrusive as it would not be visible owing to its position at the rear of the building.

The objectors whom commented that the proposal would result in overlooking and loss of privacy is not agreed with as there is an approximate 18 metre separation distance from the proposal.

Regarding the concerns raised about the impact upon the local wildlife and river, no information has been provided to allow the LPA to properly assess the potential for harm to the internationally designated site of nature conservation.

PLANNING OBLIGATION/CONSIDERATION

NA

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 74(3) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states that Section 66(1) of the Act applies. This indicates that in considering whether to grant Conservation Area consent:

> *"The Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

In addition, Section 72(1) of the Act states:

> *"In the exercise, with respect to any buildings or other land in a Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

MATERIAL CONSIDERATIONS

Principal, Layout and Impact upon the Character of the Conservation Area

The site is located within the urban edge and is bound by residential properties. Saved policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality.

Planning permission was refused for a three storey office building following consent for a change of use from a petrol station to a hand car wash. The applicant is now seeking permission for an additional storey to create a two storey building, the ground floor would provide for a waiting area and machine area, the first floor would be used as an office.

There are still concerns with the proposal and it is not considered that the site is suitable for further development. The previous application raised concerns with the three storey office building as no justification was given as to why such a facility is required as it was considered to be excessive for a hand car wash.

Saved policy 169.LB states; Planning applications for new buildings, and alterations and extensions to existing buildings, within Conservation Areas, will be permitted, provided all the following criteria are met: (i) the proposal preserves or enhances the character or appearance of the Conservation Area or its setting; (ii) any new building or extension does not detract from the character of the area and where appropriate retains the existing street building line and the rhythm of the street-scene; (iii) the mass, materials and form of the building and associated landscape features are in scale and harmony with the existing and adjoining buildings and the area as a whole and the proportions of its parts relate well to each other, to the existing building and to adjoining buildings; (iv) architectural details on buildings of value are retained; (v) with regard to retail premises, a high standard of shop front design and signing, relating sympathetically to the character of the building and the surrounding area, is required;(vi) the materials to be used are appropriate to and in sympathy with the existing buildings and the particular character of the area; and (vii) they

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

do not generate excessive traffic, car parking, noise or cause detriment to the character of the local environment. Existing inappropriate uses will not be allowed to expand or intensify and the Borough Council may encourage their relocation if serious loss of amenity is occurring.

The application site is a designated conservation area and as such all proposals should not harm the setting of a conservation area. It is acknowledged that the site is not the least bit attractive and therefore a scheme which would improve this part of Bishopstoke Road would be welcomed. In this instance there is a concern with the proposal, the proposed elevations of the building are shown in isolation and not in context with neighbouring properties, therefore a streetscene plan would have allowed for a more comprehensive assessment. Nonetheless, this does not mean the proposal would be considered acceptable.

It could be argued that the previous petrol station did not enhance the conservation area, when taking into account the very nature of petrol stations owing to the arrangement of forecourts with a single storey building and canopy's appear industrial. However the petrol station was already in existence when the area was designated a conservation area in 1977. Thus subsequent developments must enhance and not detract from the area.

The Conservation SPD states that Bishopstoke Road is the main thoroughfare to Fair Oak and Horton Heath, carrying considerable traffic. This creates pressures within the conservation area both in terms of traffic movements along its streets and the increased levels of pollution which degrade the local buildings. Further subdivision of plots can only increase this pressure, and it is considered there is limited capacity for change without causing harm to the area.

The building would in effect create a two storey building; this has been revised to take into account the previous comments which raised concerns of the previous three storey building. However there are still concerns with the proposal which were raised on the previous application, the positions of the windows at first floor under the eaves appear at odds as they are set hard up against the eaves.

There is a concern as to the safety and suitability of the proposed building, as it is considered the existing building structurally may not be able to take the pressure of an additional floor. However this is a matter for building control.

Overall it is considered that further development at the application site would lead to unjust intensification of the site in conjunction with the car wash which is now in operation.

Highways

No comments have been received from the Head of Transportation and Engineering. The previous application raised concerns as no parking arrangements were shown for the office and it appeared to be independent to the car wash. As such it would require its own parking provision; the previous comments are still considered to be of relevance.

There is a concern that the site would not be able to accommodate the level of parking that may be required. The application form states that 8 people will be employed, and

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

upon looking at the parking layout for the permitted application for the change of use to hand carwash, the site looks too tight and would just about be able to perform the function of the hand car wash.

Biodiversity, Flood Risk and **Drainage**

The relevant Eastleigh Borough Local Plan 2001-2011 saved policies require development to take full and proper account of the context of the site including natural features and trees worthy of retention (59.BE) and not have a direct or indirect adverse effect on SINC (23.NC) or adversely affect a habitat or feature of importance for wild fauna or flora (25.NC).

The previous application caused concerns to the Biodiversity officer, which is still the stance on this application.

The Biodiversity officer has placed a holding objection on the application which has arisen due to a number of concerns with the application. The Biodiversity officer has commented that 'this site is within 1.5m of the River Itchen at its nearest point. This was highlighted within the previous application and the applicant is aware of the sensitivities of the site in relation to foul and surface water drainage, disturbance of contaminants and lighting in particular'.

Concern has also been raised that owing to the increase in building height there is the possibility that there would be an increased level of light generated from the office building which could increase light levels along the Itchen.

There is a concern with the submitted flood risk assessment as it appears to relate to the application which was approved for the hand car wash. Therefore the flood risk assessment is obsolete to this application as it does not discuss the office accommodation and flood prevention measures in relation to this application.

The Biodiversity officer has expressed concerns that the application has supplied very few details regarding the disposal of foul sewer discharge as it is important to ensure there would be no pollution to the River Itchen. Further to which details of the disposal of surface water is required; these issues were raised during the previous application and have not been addressed.

Owing to the insufficient information submitted Eastleigh Borough Council is unable to undertake a Habitats Regulations Assessment, to determine impact on the River Itchen SAC. As it cannot be determined that there will be no impact on the SAC the application is in contravention of the E.C Habitats Directive and the Conservation of Habitats and Species Regulations 61(2). A person applying for any such consent must provide such information as the competent authority may reasonably require for the purposes of the assessment. The consultation response regarding this assessment refers to the additional information that needs to be submitted in order to carry out an adequate assessment of the proposals.

Southern Water raised no concerns with the application and had the proposal been considered acceptable a suitable condition requiring Southern Water's consent to seek connection.

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OTHER MATERIAL CONSIDERATIONS

REF. NO.C/15/7750

CONCLUSIONS

1) Insufficient information has been submitted to allow the local planning authority to make a full and proper assessment of the proposal in respect of the form of full and wide-ranging ecological surveys, to assess the impacts of the development upon nationally and locally designated nature conservation sites, protected species and wildlife habitats. The proposal is therefore not in accordance with Eastleigh Borough Local Plan Review saved policies 23NC; 25 NC; 32ES; 59.BE, (2001-2011); Revised Pre-submission Eastleigh Borough Local Plan DM1; DM9, (2011-2029); Supplementary Planning Guidance: Biodiversity (2009); Supplementary Planning Document: Environmentally Sustainable Development (2009).

2) Insufficient information has been submitted to allow the local planning authority to make a full and proper assessment of the proposal in respect of flood risk assessment, drainage system including the disposal of foul and surface water drainage and parking. The proposal is therefore not in accordance with Eastleigh Borough Local Plan Review saved policies 32ES; 43ES; 45ES; 59.BE, 101.T, 169.LB; 170.LB; 171.LB; 172.LB (2001-2011); Revised Pre-submission Eastleigh Borough Local Plan DM1; DM4; DM5; DM7; DM24; (2011-2029); Supplementary Planning Guidance: Biodiversity (2009); Supplementary Planning Document: Environmentally Sustainable Development (2009).

3) The proposed development by reason of its mass, scale, design, siting and excessive height would represent an overdevelopment of the plot to the detriment of the character and appearance of the conservation area. The proposal is therefore not in accordance with saved policy 59.BE; 169.LB; 170.LB; 171.LB; 172.LB of the Saved Eastleigh Borough Local Plan Review (2001-2011) and policy DM1 of the Pre-submission Eastleigh Borough Local Plan (2011-2029) and adopted Quality Places Supplementary Planning Document (Nov 2011).