REF. NO. F/14/74540

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Retention of timber lean to for ancillary use to car wash Horton Heath Filling Station Botley Road Horton Heath Eastleigh SO50 7DN

SITE VISIT DATE – 16/05/2014

ARE PLANS ACCURATE? - Yes

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? - Yes

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Retrospective application, as above, flat roof structure, 4.8m long by 2.1m deep.
SITE AREA	976.4 sq metres
TOPOGRAPHY	Generally flat around the car wash area.
TREES	Some trees within boundary of adjoining property. Not impacted by this development.
BOUNDARY TREATMENT	Approx. 1m high wall with 0.8m high fencing on top.
SITE CHARACTERISTICS	The filling station is situated on the eastern side of Botley Road and comprises a petrol forecourt and parking area to the north of the site. There is access through the filling station forecourt to an established industrial estate to the rear of the property, which includes car and van sales. The structure is located on the southern side of the existing shop building and apparently replaces an earlier timber shed, which was used for coal storage.
CHARACTER OF LOCALITY	Primarily residential area with filling station and small industrial area to the rear.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/16825/006/00	INSTALLATION OF CAR WASH	01/02/1990, Withdrawn
F/07/61302	Retrospective application for the retention of the car wash and valet bay	17/12/2007, Refuse
F/08/62451	Retrospective Application for the retention of screen adjacent to valet bay and jet wash	21/05/2008, Permit

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	Concern regarding storage of materials on roof and potential for an accident due to volume of cars being washed.

CONSULTATION RESPONSES

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CONSULTEE	SUMMARY OF RESPONSE
Parish Council	Delegated, No Objection

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

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

Eastleigh Borough Local Plan Review (2001-2011) 59.BE
Revised Draft Eastleigh Borough Local Plan 2011-2029: DM1
Supplementary Planning Document: Quality Places

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework:

The NPPF carried a presumption in favour of sustainable development (para. 14), which incorporates three elements: economic, social and environmental, (para. 7). Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, (para. 11). Should a development proposal accord with the development plan, approval should be given without delay, (para.14).

The NPPF considers the need to, 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs', a core-principle underpinning decision-making (para.17).

The NPPF 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 street scene and character, and impact on residential amenity.

COMMENT ON CONSULTATION RESPONSES

No objection raised.

COMMENT ON REPRESENTATIONS RECEIVED

See below.

PLANNING OBLIGATION/CONSIDERATIONS

n/a

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ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Principle:

The development site falls within the built urban edge, on an established commercial site. The general principle of development is therefore accepted, subject to the proposed scheme being appropriate in nature, scale and design, in compliance with the relevant planning policies and guidance.

In this case, the relevant saved policy is 59.BE of the Eastleigh Borough Local Plan Review 2001-2011, which requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Street Scene and Character:

The structure the subject of this application is located to the side of the existing petrol station and tucked behind the existing flat roof extension to the main building. The roof is set below the flat roof extension and cannot be easily seen from street. It is considered there is no significant impact on the street scene.

The existing building is a mismatch of different roof forms and structures, against a backdrop of industrial buildings. The existing structure is not out-of-keeping and would not impact the character of the host property.

It is not considered appropriate for materials to be stored on the roof of this structure and a condition can be imposed to that effect.

Residential Amenity:

Some concerns have been raised informally by residents, in relation to the operation of the car wash and items being stored on the roof of the structure.

As mentioned above, a condition can be imposed to prevent items being stored on the roof of the lean to. The operation of the car wash was accepted under planning permission F/08/62451 and therefore the current application is considered in relation to the impact of the structure itself. Due to the location of the lean to, there is no impact on residential amenity. Its use is ancillary to the car wash and does not result in an intensification of this use.

Where there is a statutory nuisance, the Council has powers to take action under different legislation, which planning cannot duplicate.

Nature Conservation:

The proposal is not considered to result in a likely significant impact on a European Protected site (SPA,SAC or Ramsar). HRA (Habitat Regulations Assessment) screening was not required for this development as it falls outside/inside the designated zone of impact.

The retention of the lean to is therefore considered to comply with policy 59.BE.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Revised Draft Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

Recommend permission, subject to condition.