

Item No: 3
Case No: 07/01304/FUL / W00420/22
Proposal Description: Change of use from shop to residential and relief of condition no 2 (W00420/07) tying existing dwelling to service station.
Address: Yew Tree Service Station Romsey Road Pitt Winchester Hampshire
Parish/Ward: Hursley
Applicants Name: Mr And Mrs C Easter
Case Officer: Mrs Jane Rarok
Date Valid: 23 May 2007
Site Factors:

Recommendation: Application Refused

General Comments

This application is reported to Committee at the request of Cllr Beckett, whose request is appended in full to this report.

This application is a resubmission of an earlier application (ref: W00420/21) refused by PDC on 12 March 2007. This application does not differ significantly from the previous application which is the subject of a current appeal.

A separate application (ref: 07/01301/OUT) for the redevelopment of the petrol filling station by the erection of 1 no. bungalow and garage is included elsewhere on the agenda and is also recommended for refusal.

Site Description

The application site is located to the west of Winchester on the north side of the A3090 Romsey Road. The site consists of a Texaco petrol station, small ancillary shop, small workshop leased for specialist car repairs and a jet car wash. The site also contains a bungalow which extends out towards the rear of the site and which is subject to an occupancy tie.

While the bungalow and shop are physically linked, there is a separate access to the bungalow to the south-east of the site. The residential boundaries are made up of post and rail fencing which is appropriate to the pastoral/arable landscape surrounding the site.

The south-west boundary is defined by an existing tree screen made up of native, deciduous species and currently devoid of leaves.

The site lies in an open, elevated position in the Hursley Scarplands and adjacent to Winchester Golf Club.

Proposal

This proposal is to change the use of the service station forecourt shop to create additional floorspace as part of the existing dwelling. It also seeks relief of the condition tying the existing dwelling to the service station.

Relevant Planning History

W00420/21 - Change of use from shop to residential and relief of condition no 2 (W00420/07) tying existing dwelling to service station – refused by PDC on 12 March 2007.

Consultations

None.

Representations:

Hursley Parish Council

No comment received.

One letter received objecting to the application:

- Winchester Ramblers – “without the service station the dwelling would represent the building of houses in the countryside and unacceptable extension of the town in the form of ribbon development”

Relevant Planning Policy:

Hampshire County Structure Plan Review:

H10

Winchester District Local Plan Review

DP3

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPS 7 Sustainable Development in Rural Areas

Supplementary Planning Guidance

Winchester District Landscape Character Assessment

Planning Considerations

Principle of development

This is one of two proposals for the site. The other application, which officers are recommending for refusal (W00420/20), is for outline permission for a detached bungalow following the decommissioning and remediation of the site which includes the petrol filling station.

The site is currently in use as a petrol filling station with ancillary shop, a two bay car workshop, jet wash facilities and a residential bungalow subject to a condition tying its occupation to the petrol filling station.

The applicant contends that the profitability of the service station is in serious decline and that it is “anticipated that the existing contract will not be renewed and that there will be no other interest”. On the basis of this, the applicant seeks the removal of this restrictive condition. The applicant has requested that this application and that for the demolition and removal of the petrol filling station (W004201/20) be considered in conjunction, although this is a separate application and it does not include, in its own right, the removal of the petrol filling station. Therefore officers have assessed this application on its own merits and with regard to the existing lawful use of the site.

The occupancy condition was attached to the 1991 permission for a new bungalow to ensure that the dwelling was only occupied in association with the garage and petrol filling station. The reason for this restrictive tie was that residential amenity would be harmed by the activities associated with the adjoining commercial premises, given the close proximity of the two uses. In 1996, an application to remove this condition was refused. This decision was subsequently upheld at appeal in July 1997 when an Inspector concluded that the occupancy condition “allows the occupier of the bungalow sufficient control to ensure that the commercial activities do not cause an unacceptable level of noise and disturbance”. This would not be the case if the condition were to be removed and the bungalow occupied as an independent dwelling.

The proposal is contrary to Policy DP3 in that the independent occupation of the dwelling would be subject to unacceptable adverse impacts from noise and disturbance associated with the current adjoining commercial use. Notwithstanding the financial circumstances of the applicant's

business, the site is in commercial use and could continue to be so, either as existing or for an appropriate alternative use. For this reason there is no material reason to overturn the findings of the previous appeal Inspector.

This application will of course be directly affected by the outcome of W00420/20 which is also being presented to PDC for determination. Should the application for the demolition and removal of the service station and erection of 1 no bungalow and garage be approved by the Committee, contrary to officer recommendation, then the principal objection to this application relating to the impact of the commercial activity on the amenities of the occupiers of the existing dwelling will have been overcome. This would be subject to both applications being implemented to ensure that the demolition and removal of the petrol filling station and cessation of all commercial activity is undertaken prior to the independent occupation of the existing dwelling, subject to other relevant and appropriate conditions.

This application is essentially the same as the previous proposal and does not differ significantly from the previously refused scheme.

Impact on character of area.

The proposal will result in internal alterations to the existing shop which is attached to the main dwelling, and external fenestration changes only to this existing petrol sales forecourt shop. It is proposed to replace the existing shop window with two windows and a door and as such it will have a limited visual impact on the area.

Recommendation

Refuse

Reasons:

1. The proposed development is contrary to Policy H10 of the Hampshire County Structure Plan 1996-2011 (Review) and Policy DP3 of the Winchester District Local Plan in that the removal of this condition, which seeks to protect the amenities of the occupiers of the dwelling, would result in unsatisfactory living conditions in terms of noise and disturbance from the adjoining commercial use of the site.

Informatives

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

Hampshire County Structure Plan Review: H10
Winchester District Local Plan Proposals: DP3