

Item No: 4
Case No: 07/01301/OUT / W00420/23
Proposal Description: Redevelopment of petrol filling station followed by erection of 1 no. bungalow and garage (OUTLINE - considering layout and access) (Resubmission)
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 refused by PDC on 12 March 2007. The application is basically the same as the previous application. However, a geoenvironmental desk study has been submitted which has overcome the original objection by the Environment Agency. In all other respects this application remains unchanged.

Furthermore, this application is once again accompanied by a second application, which is for the relief of an occupancy condition tying the existing dwelling to the service station (Ref: 07/01304/FUL). Again this is a resubmission of an application refused by PDC on 12 March 2007. It also remains unchanged and is included elsewhere on the agenda, with a recommendation for refusal

These two previously refused applications are also the subject of current appeals.

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

The proposal is an outline application for the demolition and removal of the petrol filling station followed by erection of 1 no. bungalow and garage. The application considers layout and access only. The proposal is for an L shaped single storey dwelling with a ridge height of 5.6m. The building would have front and side elevations of 18m x 17m in length respectively with 9m returns and would be accessed via Romsey Road. The garage is sited at the northern edge of the site.

Its dimensions are 6m x 6m with a ridge height of 4.3m. This development represents a density of 5dph.

This is an outline application and more specific details relating to design and materials etc would form part of a reserved matters application.

Relevant Planning History

W 00420/20 Demolition and removal of petrol filling station followed by erection of 1 no. bungalow and garage (OUTLINE - considering layout and access) – refused by PDC on 12 March 2007

Consultations

Engineers: Highways:

No objection subject to conditions relating to the design of the access, driveways and on site turning spaces; closing the existing access and restricting the use of the garage to that of accommodating private motor vehicles or other domestic incidental storage use.

Environmental Protection:

Previously commented: no objection subject to the additional information including history of the site and geology. Latest comments to be reported at committee.

Landscape:

Concern about the impact of development on the existing landscape given the prominent location. Protection measures necessary to protect the Horse Chestnut tree on site. Further conditions required relating to hard and soft landscaping and flood lighting.

Environment Agency:

No objection subject to conditions.

Hampshire County Council Trading Standards Officers (Petroleum)

No objection

Southern Water:

No comment.

Representations:

Hursley Parish Council – No comments received

One letter received objecting to the application from the Winchester Ramblers:

- New dwelling in the countryside.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

E1, UB3, C1, C2, H10, R2

Winchester District Local Plan Review

DP3, DP10, DP12, DP13, CE5, CE20, CE22, RT4, H4

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPS 23 Planning and Pollution Control

Supplementary Planning Guidance

Winchester District Landscape Character Assessment

Other Planning Guidance

Guide to the Open Space Funding System

Hampshire Historic Landscape Assessment

Planning Considerations

Principle of development

As previously reported, 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's agent contends that the profitability of the service station is in serious decline and its closure is anticipated in the "near future". The outlook for the shop, which is ancillary to the use of petrol sales and which stocks a limited range of consumables, is similarly bleak. The proposal seeks outline permission for a detached bungalow following the decommissioning and remediation of the site.

The site is subject to countryside policies in the Development Plan where generally only new development requiring a rural location should be permitted and where there is a presumption against the provision of additional dwellings, unless there are exceptional circumstances or the criteria of Policy H4 (residential infill policy) are met. Policy CE20 of the WDLP permits, exceptionally, the development of new residential accommodation for essential rural workers engaged in agriculture, forestry and equestrian sectors, provided there is a justified need on a particular holding or in the immediate locality. This proposal fails to satisfy this policy as it amounts to a new dwelling in the countryside for which there is no overriding justification and it does not meet the criteria laid down in Policy H4.

The proposal effectively seeks to replace an apparently failing commercial use with a residential dwelling (in addition to the existing bungalow). According to information supplied in support of this proposal, over time the applicant has approached some fifteen organisations, offering the site for lease or sale. These organisations range from plant nurseries, to convenience stores/fast food outlets and car sales. Officers have previously commented on this list during preliminary discussions and have advised that the site would be most suitable for a commercial use that requires a rural location. However, the use would need to be relatively self-contained in order to limit further visual and physical intrusion into the countryside. The applicant's agent contends that none of the potential purchasers listed have pursued these uses.

This submission does not include details of marketing of the site for sale/lease, although it does include one, undated, letter from a car sales outlet declining interest in the site due to the current climate of uncertainty in the automotive sector. The site does have an extant permission to use the forecourt for car sales, as allowed on appeal in 2005. However, in spite of having received no detailed information regarding the profitability of the business, it is not disputed that its continued viability as a petrol filling station is in question.

While the financial circumstances of the applicant's business are understood, there is no policy which allows for such a development. The prospect of failing enterprises, particularly those in rural areas subject to countryside policies, being replaced by residential accommodation would result in a potential damaging precedent, and one which is fundamentally contrary to countryside policy, the principles of sustainable development and current Government advice, as set out in PPS1: Delivering Sustainable Development, PPS3 Housing and PPS 7: Sustainable Development in Rural Areas.

The site is located along the busy A3090 which is one of the arterial routes into the City, and subject to a speed limit of 50mph at that point. It is approximately 5km from Winchester's centre and 2km to the nearest doctors' surgery and superstore facilities at Badger Farm. There are no safe walking routes, no footpath and because of these factors all journeys would be likely to involve using a car, in contravention of Development Plan policy and Government objectives.

The site is also subject to Policy DP13 of the WDLP, which relates to land that is likely to be subject to a degree of contamination as a result of previous land uses. This resubmitted application is supported by a Phase I Geoenvironmental Desk Study which overcomes the Environment Agency's previous concerns about the proposed mitigation measures to deal with the nature and extent of the risk this development poses to controlled waters. There is a major aquifer underlying the site but the Environment Agency has no objection to the scheme subject to a series of conditions.

In all other respects the scheme is essentially the same as that refused by PDC on 12 March 2007.

Impact on character of area and neighbouring property

In assessing this proposal, the Council has had due regard to the potential benefits, in landscape terms, of removing the petrol station *et al.* However, it has concluded that the proposal is not without a visual impact in its own right. An additional dwelling on this site would represent the urbanisation of a site in the open countryside. This extends to all the associated domestic paraphernalia as well as the altered level of activity.

Public Open Space Contribution

The applicant has made contributions to the Public Open Space Strategy on the previous scheme and has an outstanding balance of £110 to take account of the new contribution scales for 2007-2008. Refusal reason 3, which relates to the non-payment of POS, is always included on refusal decisions despite a contribution being made because, should the contribution be refunded after the refusal, the Council could not subsequently seek the contribution in the event of an appeal.

Conclusion

As noted in the previous report, the officers are sympathetic to the applicant in relation to the apparent declining viability of his business. However, the proposal for a residential dwelling in an unsustainable and exposed location in the countryside is contrary to Development Plan policy. The proposal would represent a departure from Local Plan policies and it is considered that any benefits arising from the removal of the petrol filling station and shop are not outweighed by other material considerations. The proposal represents an undesirable form of development which would lead to the loss of an existing lawful use of the site. This would create a precedent which would make it difficult to refuse similar proposals in the future, the cumulative impact of which would be further detrimental to the character of the rural environment and would lead to unsustainable patterns of development.

Recommendation

Refuse

Reasons:

1 The proposed development is contrary to Policies C1, C2 and H10 of the Hampshire County Structure Plan 1996-2011 (Review) and Proposals CE5, CE20, CE22, DP3, DP10, DP13, RT4, H4 of the Winchester District Local Plan in that it:-

(i) represents the unacceptable establishment of residential development in the countryside for which there is no overriding justification in an exposed and unsustainable location, unrelated to any existing settlement.

(ii) allowing this proposal would create a potentially damaging precedent which would make it difficult to refuse similar applications, the cumulative impact of which would further detract from the amenities of the countryside and create unsustainable patterns of development.

3 The proposed development is contrary to Policy R2 of the Hampshire County Structure Plan 1996-2011 (Review) and Proposal RT4 of the Winchester District Local Plan in that it fails to make adequate provision for public recreational open space to the required standard, and would therefore be detrimental to the amenities of the area.

Informatives

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

Hampshire County Structure Plan Review: E1, UB3, C1, C2,
Winchester District Local Plan Proposals: DP3, DP12, DP13, CE20, CE22, RT4, H4