
APPLICATION NO.	P07/W1376
APPLICATION TYPE	Other
REGISTERED	1 February 2008
PARISH	Wallingford
WARD MEMBER(S)	Mr M Harris Mr I Lokhon
APPLICANT	J McSwiney
SITE	23 High Street Wallingford
PROPOSAL	Change of use from shop (A1) to non-residential institution (D1) for use as an Osteopathic Clinic reception
AMENDMENTS	
GRID REFERENCE	460801/189491
OFFICER	Mr B Crooks

1.0 INTRODUCTION

- 1.1 The application is reported to committee because the Wallingford Town Council considers the application should be approved and the planning committee is recommended to refuse permission.
- 1.2 No 23 is on the south side of the High Street, opposite The George Hotel. It is a double fronted A1 shop unit. It has two separate shop windows and doors onto the High Street. It is within Wallingford's town centre boundary, the primary shopping frontage, the Town's conservation area, and the burgage plot area, defined on the Wallingford Inset of the South Oxfordshire Local Plan proposals map.
- 1.3 No. 23 is one of a number of A1 shops along the southern frontage of the part of the High Street in which it is located. There are A1 shops at 17 and 20 High Street to the east with residential properties in-between, and there is a continuous shopping frontage extending from nos. 24-28 High Street and beyond to the west. The opposite, north side of the High Street however does not feature A1 shops in the vicinity of the application site containing instead, from west to east, A2, A4, and D1 uses in the form of a Bank, The George Hotel, a dental surgery, and residential dwellings.
- 1.4 The site is identified on the attached Ordnance Survey extract.

2.0 PROPOSAL

- 2.1 The application site comprises the east part of no.23 High Street. The proposal is to change the use of this part of the existing A1 shop to non-residential institution (D1) use as a reception area for the applicant's osteopathic clinic which is located at 23A High Street, to the rear. The floor area of the application site is just under 10m².
- 2.2 Access to 23A High Street is via one of no. 23's external doors to the High Street and an internal corridor through the A1 shop, from which it is separated by a glazed screen. There is an internal door between this corridor and the A1 shop.
- 2.3 The east part of the A1 shop at no. 23 is separated and sub-divided from the remainder by a recently constructed partition wall. As a result the only way in which this eastern part, subject of the planning application, can currently be accessed is via the internal door in the corridor leading to the osteopathic clinic at no. 23A High Street. Physically therefore the part of no. 23 subject of the planning application relates more to no. 23A

High Street than no. 23 due to the construction of the partition wall.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 Wallingford Town Council considers the application should be approved.

3.2 The Highway Authority has no objections

4.0 **RELEVANT PLANNING HISTORY**

4.1 P05/W1163 Permission granted for change of use of 23A High Street from shop (A1) to non-residential institution (D1) for use as an osteopathic clinic.

4.2 P06/W0066 Permission granted for change of use of 84 High Street from shop to NHS dental practice.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policy TC8

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issue to consider in the determination of this application is **whether the change of use of the application site and the loss of the A1 shop use would undermine the vitality and viability of Wallingford's primary shopping frontage.**

6.2 The application site is within Wallingford's primary shopping frontage and the proposed change of use should be considered against South Oxfordshire Local Plan 2011 policy TC8. Para. 7.33 of the supporting text to policy TC8 explains that when the penetration rate of non-shop uses in the primary shopping frontage is around 30% no further changes of use will be permitted.

6.3 The most recent statistics, contained in the South Oxfordshire Shopping Study 2000, are that at the time of the study 38% of Wallingford's primary shopping frontage was in non A1 shop use, already in excess of the 30% threshold. Another study is being undertaken but this will not be available until summer this year. For the time being the 2000 statistics are the only data available in respect of the penetration of non A1 shop uses in Wallingford's primary shopping frontage.

6.4 One of the four main recommendations of the South Oxfordshire Shopping Study 2000, set out at para. 7.15 of the South Oxfordshire Local Plan 2011, was that strict control should be exercised over non-shop uses in defined primary shopping frontages whilst adopting a more flexible approach to proposals for changes of use elsewhere.

6.5 In granting planning permission for the applicant's osteopathic clinic at 23A High Street in 2006, under application no. P05/W1163, the view was taken that this would not undermine the vitality of the designated primary shopping frontage because 23A's High Street entrance was merely a 1.2m wide door and consequently there would be no significant reduction in the length of the designated shopping frontage. This is not true in the case of the current proposal, which would result in the loss of a complete shop front to non-A1 shop use.

6.6 The applicant explains in his application that since he started his clinic in mid-2007 it has become well established. If planning permission were granted he would be able to increase the clinic further and to employ a receptionist. Without the proposed reception area he would be unable to do this, as the only space currently available is the corridor. The existence of the shop window would also allow his clinic to have a more visible presence.

- 6.7 The change of use sought would clearly be of great benefit to the applicant and would be a logical step for him to take. However, this needs to be weighed against the wider interest of protecting Wallingford's primary shopping frontage, in accordance with adopted policy in this regard. Although the applicant's needs must be taken into account it is considered that these do not amount to a sufficient justification to warrant setting aside adopted policy protecting the vitality and viability of Wallingford's primary shopping frontage.
- 6.8 According to the applicant no. 23 has been vacant since Wallingford Model Shop closed down at the beginning of 2007. No evidence of if, or how, the property has been marketed as an A1 shop has been submitted, but in any event the policy test for applications for change of use from A1 shop to non-shop use set by policy TC8 is the degree of penetration of non-A1 shop uses within Wallingford's primary shopping frontage, not whether or not market demand exists for an individual shop within it.
- 6.9 The subdivision of the application site from the rest of no.23 does not affect the viability of the latter as an A1 shop, but its own viability is affected because, as explained at para. 2.3 above, it currently does not have an external door to the High Street, depending instead on access via the corridor serving 23A High Street. The fact that premature action has taken place to separate the application site from the rest of no. 23 should not be allowed to influence or prejudice the determination of the current application.
- 6.10 The more flexible approach to proposals for changes of use outside the Wallingford's primary shopping frontage recommended in the South Oxfordshire Shopping Study referred to at para. 6.5 above was exercised in the granting of planning permission for the dentist's surgery at 84 High Street in 2006. No 84, on the north side of High Street, is not within the primary shopping frontage and the change of use to a non A1-shop use here would not undermine the vitality and viability of Wallingford's primary shopping frontage. That is not the case in the instance of the applicant's proposal for no. 23 High Street.
- 7.0 **CONCLUSION**
- 7.1 The application site is within Wallingford's primary shopping frontage. The proposed change of use would result in the loss of a complete shop frontage.
- 7.2 The available statistics show that in 2000 there was a 38% penetration rate of non A1 shop uses within the primary shopping frontage, above the 30% threshold at which its vitality and viability begins to be undermined.
- 7.3 Policy TC8 clearly states that in these circumstances further changes of use to non A1 shop use will not be permitted.

8.0 RECOMMENDATION

8.1 That planning permission is refused for the following reason.

The proposed change of use would result in the loss of an A1 shop within Wallingford's primary shopping frontage and undermine its vitality and viability, and its dominant retailing character and function, contrary to policy TC8 of the South Oxfordshire Local Plan 2011.

Author Mr B Crooks
Contact No. 01491 823765
Email Add. brian.crooks@southoxon.gov.uk