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| <b>APPLICATION NO.</b>  | <a href="#">P11/S0198</a>  |
| <b>APPLICATION TYPE</b> | FULL   |
| <b>REGISTERED</b>       | 27.3.2012  |
| <b>PARISH</b>           | WALLINGFORD  |
| <b>WARD MEMBER(S)</b>   | Mr Imran Lokhon<br>Mr Marcus Harris  |
| <b>APPLICANT</b>        | Domino Pizza Group Ltd   |
| <b>SITE</b>             | 20 St Martins Street Wallingford, OX10 0AL   |
| <b>PROPOSAL</b>         | Change of use to A5, erection of new shop front and extract duct to the rear (as amended by drawing nos.C4773-A5-02B, 04B & 05B accompanying email from Applicant dated 17 May 2012 & clarified by additional information received 18 May 2012). |
| <b>AMENDMENTS</b>       | None   |
| <b>GRID REFERENCE</b>   | 460667/189228  |
| <b>OFFICER</b>          | Mr T.Allington   |

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1.0 **INTRODUCTION**

1.1 The application is referred to the planning committee as the recommendation of the Wallingford Town Council differs from the recommendation by officers.

1.3 The application site comprises a single commercial unit within a 1970s building which features a total of three commercial units at ground floor and office space at first floor. The application site is shown on the OS extract **attached** as Appendix 1. Previously an A1 shop use, the unit is currently unoccupied. The other two units are currently occupied by a Blockbusters film rental store and a travel agents. The property sits adjacent to St Martin’s Street to the front, with a canopy overhanging the footpath, and backs onto the Goldsmith’s Lane Car Park to the rear. The property is set within the Wallingford Conservation Area and has several surrounding listed buildings, including Nos. 45-50 St Mary’s Street opposite, which is grade II listed.

2.0 **PROPOSAL**

2.1 The application seeks planning permission for the change of use of the premises from A1 shop use to an A5 takeaway use. This would include a new shop front with a stall-raiser to the bottom, the centralisation of the door and space for a full width fascia sign to the top. The proposal also includes the installation of air conditioning and cold room plant to the rear elevation where a replacement rear access door and a fresh-air intake fan are also proposed. Lastly, as part of the extractor system, a 1 metre high flue is proposed to the roof of the building. Plans of the development can be found at **Appendix 2**. Full plans and documents along with all consultation responses can be found on the Councils website [www.southoxon.gov.uk](http://www.southoxon.gov.uk) .

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Wallingford Town Council** – Recommend refusal of planning permission (on basis of original plans)

The town council objects to the loss of an A1 retail outlet in favour of an A5 takeaway. The town already has a surfeit of takeaways and this application would see the potential to retain an effective mix of businesses reduced still further. The town council also objects on safety grounds as the premises borders a narrow section of St Martin’s Street and there are concerns that a fast food outlet could attract numbers of customers

who could obstruct the pavement and possibly the highway. (Comments on amended and additional plans not received at time of writing report)

- 3.2 **Neighbour Responses** – One objection received in connection with the original plans; *46-50 St Marys Street* – Although the property backs onto a car park, experience shows that people are lazy and will park in St Martins Street, as will delivery vans, causing a problem for traffic flow. Wallingford already has a 'pizza café (and a Pizza Express) which has been in place for 21 years. Please help protect it from another national chain.
- 3.3 In addition officers are aware of an on-line petition relating to large chains in Wallingford. At the time of writing it had 61 electronic signatures objecting to the application.
- 3.4 **Conservation Officer** - No objections (original plans). The new shopfront centralises the door and replaces the full height glazing with more appropriately proportioned glazing and stall-raiser combination. The air conditioning unit and extract to the rear are not attractive additions, but are only visible in the context of the distinctly unsympathetic rear of the building as a whole and so are considered acceptable.
- 3.5 **OCC Highways Liaison Officer** - No objections in highway terms (original plans). The potential impact of the use as a takeaway, by comparison to the existing use, is in highway terms, not sufficiently different to mount an objection. This is notwithstanding the fact that parking infractions are more common for takeaways by comparison to shops. However, I note that outside the site, the road features an enforceable traffic regulation order (TRO) of 'no waiting at any time'. The road features slow moving traffic and any waiting cars would block the road and so as well as the TRO, the road is 'self-enforced', as any obstructed traffic would tend to notify the driver of any infraction. I recommend that the developer is required to provide for pavement bollards to enforce against footway parking.

*Further comments on amended/ additional plans regarding bollards* – the proposed details (showing the number and positioning of bollards) are acceptable in order to self-enforce against footway parking in this location.

- 3.6 **Health & Housing - Env. Protection Team** – No objection (original plans), subject to additional information regarding the noise and fumes from the extractor system. I am satisfied that that it would be possible for the business to operate without causing disturbance to neighbouring residential properties, providing the following conditions are applied to any planning permission:
- all plant and machinery shall not exceed 5dBA below the background noise level at neighbouring properties
  - the hours of use be restricted to 9:00am to 23:00 Monday to Saturday and 10:00am to 23:00 Sundays and Bank holidays

*Further comments on additional information regarding the extractor system and flue* – Having reviewed the information provided, I am satisfied that the stack height of the flue would ensure that no odour nuisance should occur.

- 3.7 **Health & Housing – Food Safety** – No objections. Initial concerns regarding lack of wash basin in food preparation and service area. Amended plans now show inclusion of wash basin and so no further objections.
- 3.8 **OCC Archaeological Services** - No strong views

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P03/W0279/O](#) - Withdrawn (05/10/2004)

Redevelopment to include demolition of existing buildings and erection of residential development. - Withdrawn on 05/10/2004

[P03/W0285/CA](#) - Withdrawn (05/10/2004)

Proposed redevelopment to include demolition of existing retail store. - Withdrawn on 05/10/2004

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Local Plan 2011 policies;**

G6 - Appropriateness of development to its site & surroundings

CON7 - Proposals in a conservation area

EP1 - Adverse affect on people and environment

EP2 - Adverse affect by noise or vibration

D5 - Compatible mix of uses

CF3 - Retention of shops

TC8 - Change of use between shop to non shop use

T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

5.2 **South Oxfordshire Design Guide 2008**

5.3 **National Planning Policy Framework (NPPF)**

6.0 **PLANNING CONSIDERATIONS**

6.1

**i) Whether the principle of the change of use from A1 to a A5 use is acceptable**

**ii) Impact on the character and appearance of the conservation area**

**iii) Impact on neighbouring properties, with regard to noise and fumes**

**iv) Impact on highway safety**

6.2 i) Principle of the loss of an A1 use in a town centre location

Policy CF3 states that in town centres, the change of use from shops to non-retail uses will only be permitted where this would not detract from the overall role and attractiveness of the shopping area. Policy TC8 states that within the primary shopping frontages (as shown on the proposals map) the loss of a shop to a non-shop use will not be permitted if it would undermine the vitality and viability and the dominant retailing character and function of the primary shopping frontage.

6.3 The building in question is just outside of the primary shopping frontage as shown in the Local Plan proposals map. As such, there is no objection in principle to the loss and conversion of the existing A1 shop use at No.20. Like several surrounding shop units in the area, including No.45 opposite, No.20 is currently unoccupied and features 'washed-out' windows, which is detrimental to the vitality of this section of St Martins Street. Although an A1 use may be preferable, there is no objection in principle to a change of use to an A5 takeaway use and this would make use of an otherwise empty premises. For these reasons, I find the principle of the proposal acceptable in line with policies CF3 and TC8 of the SOLP 2011.

6.4 ii) Impact on the character and appearance of the site and the surrounding conservation area

CON7 states that planning permission will not be granted for development which would harm the character or appearance of a conservation area. The design and scale must be in sympathy with the established character of the area.

6.5 The proposed change of use would involve various external additions and alterations. A new shop front is proposed which would see the centralisation of the door and the addition of a stall-raiser to the bottom as well as space for a full width fascia sign. As noted by the conservation officer at section 3.3 of this report, this would represent an improvement to the current design and which would remain in keeping with the existing building. Although, the proposed plant and air conditioning units to the rear would not be attractive features, these would be to the rear of a commercial unit and to the rear of an unattractive 1970s building which backs onto a car park. In addition, this plant would be adjacent to an existing external metal fire escape. As such, I consider that these additions would have a neutral impact on the character and appearance of the conservation area. Lastly, a 1m high flue is proposed to the flat roof of the building. This would be set towards the middle of the roof plan, in terms of depth, and in addition to its relatively small size, this would mean that it would not be overly visible from the street scene or from much of the surrounding area. As such, I again consider that the impact to the conservation area would be minimal.

6.6 In light of these observations, I consider that the proposed change of use and the associated external alterations would not have any significantly adverse impact to the character and appearance of the site and the surrounding Wallingford Conservation Area and so it is in keeping with the aims of Policy CON7.

6.7 iii) Impact on neighbouring properties, with regard to noise and fumes/ smell

Policy EP1 states that proposals which would, by reason of smell, fumes, smoke etc, have an adverse effect on people and other living organisms, the atmosphere, the land or water courses will not be permitted. In addition, Policy EP2 also states that proposals which would by reason of noise and vibrations have an adverse effect on existing or proposed occupiers will not be permitted.

6.8 The nearest residential neighbours to No.20 are to the rear at Mariot Court, which at the closest point are some 12 metres from the rear of No.20. The Environmental Protection Officer considers that the extractor and air conditioning plant proposed to the rear of No.20 would not cause undue nuisance to neighbouring properties by way of noise, subject to a condition ensuring noise levels do not exceed 5 decibels above the background noise. There is also potential noise from the general running of the business from staff and customers coming and going. As such, a further condition has been recommended to restrict the opening hours of the premises to reduce potential harm and nuisance to any neighbouring properties. Subject to the two conditions, I consider that the proposed use would not give rise to any undue harm or nuisance to neighbouring properties.

6.9 Additional information has been submitted by the applicants with regard to the effectiveness and performance of the extractor system and in particular the levels of odour from the proposed flue. The Environmental Protection Officer has considered the details as submitted and as noted at section 3.5 of this report, the officer is satisfied that no odour nuisance should occur.

6.10 In line with the recommendations of the environmental protection officer, I consider that the proposed change of use from an A1 shop use to an A5 takeaway use would not

have an adverse impact on neighbouring properties, either residential or office/commercial. Therefore the proposal complies with Policies EP1 and EP2 of the SOLP 2011.

6.11 iv) Issues of highway safety

Criterion (i) of policy T1 requires that proposal for all types will provide for a safe and convenient access to the highway network and criterion (iv) requires that proposals be served by adequate road network which can accommodate traffic without creating traffic hazards. Policy T2 also requires that proposals make provision for loading and unloading and turning space and for adequate parking space.

6.12 Concerns with regard to highway safety have been raised by the Town Council and by a neighbour of No.20. It has been suggested that customers may choose to pull up directly outside No.20, while collecting their orders, and thus blocking this narrow section of St Martin's Street and causing issues of highway safety for both road users and pedestrians. The Highways Liaison Officer has considered these concerns and has not raised any objections. Firstly, as noted by the Highways Officer, this is a narrow street and so vehicles can not stop in the road without blocking any other vehicles and so it is not a practical place to pull over. In addition, No.20 backs onto a car park where, if customers wish to use their cars to collect orders, can park and easily walk the short distance through the short alleyway immediately to the north of the building.

6.13 In order to enforce against potential parking on the footpath to the front of No.20, the Highways Officer has recommended that a series of bollards be installed. Amended plans have been provided by the applicants showing the number and position of bollards to the front of No.20. As part of additional comments, the Highways Officer has confirmed that this is satisfactory, subject to the submission of final design details of the bollards, which is to be subject of a further condition. Therefore, in light of these observations and the recommendation of the Highways Officer, I consider that the change of use of the premises to an A5 takeaway would not be detrimental to issues of highway safety and so the proposal complies with policies T1 and T2 of the SOLP 2011.

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies, Supplementary Planning Guidance and Government Guidance. It is considered that, subject to the attached conditions, the proposed change of use to an A5 takeaway use, with associated additions and alterations, is acceptable in principle, would not significantly harm the amenity of neighbouring properties, would be acceptable in terms of its impact on the character and appearance of the conservation area and would not give rise to any harm to highway safety.

**8.0 RECOMMENDATION**

**8.1 Planning Permission is granted subject to;**

**8.2 Conditions**

- 1. Commencement 3 yrs - Full Planning Permission**
- 2. planning condition listing the approved drawings**
- 3. Materials as on plan**
- 4. Submission of details of bollards**
- 5. Limits on hours of use**
- 6. Site Noise - boundary noise limit**

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