

APPLICATION NO.	P18/S1230/FUL
APPLICATION TYPE	Full application
REGISTERED	20 April 2018
PARISH	Wallingford
WARD MEMBER(S)	Elaine Hornsby Imran Lokhon
APPLICANT	Euro Garages Ltd
SITE	Rectory Service Station, Station Road, Wallingford, OX10 0HX
PROPOSAL	Single storey extension to existing store retail building (Class A1) and siting of a storage container for stock (as clarified with corrected drawings pln039.01 D and pln039.03 A received on 07/06/18)
OFFICER	Will Darlison

1.0 INTRODUCTION

- 1.1 The application is referred to planning committee because the officer's recommendation for approval conflicts with that of Wallingford Town Council.
- 1.2 The application site comprises an established petrol filling station on the Northern side of Wantage Road. The site does not comprise any listed buildings and is not located within a designated area.
- 1.3 A plan identifying the site can be found at **Appendix 1** to this report.

2.0 PROPOSAL

- 2.1 The application seeks planning permission retrospectively for the erection of a single storey side extension to the existing shop building and the siting of a storage container.
- 2.2 Corrected plans have been submitted to more accurately depict and label the development.
- 2.3 Reduced copies of the plans accompanying the application can be found at **Appendix 2** to this report. All the plans and representations can be viewed on the Council's website www.southoxon.gov.uk under the planning application reference number.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Wallingford Town Council – Object

- There is a lack of need.
- Impact on setting and out of keeping with the area.
- Concerns expressed about the proximity of the extension and the container to the boundary of the premises.

3.2 Contaminated Land – Approve

3.3 Food Safety - No strong views

3.4 Neighbour Representations - None received

4.0 **RELEVANT PLANNING HISTORY**

4.1 [SE18/116](#) - Under investigation

Without planning permission, the erection of a building.

[P16/S3764/FUL](#) - Approved (22/12/2016)

Extension to existing shop and erection of replacement container (Retrospective).

5.0 **POLICY & GUIDANCE**

5.1 **South Oxfordshire Core Strategy 2027 (SOCS) policies:**

CS1 - Presumption in favour of sustainable development

CSEM4 - Supporting economic development

5.2 **South Oxfordshire Local Plan 2011 (SOLP) policies:**

CSQ3 - Design

CSS1 - The Overall Strategy

D1 - Principles of good design

G2 - Protect district from adverse development

5.3 **South Oxfordshire Design Guide 2016 (SODG)**

National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in the consideration of this application are;

- **Impact on the amenities of nearby properties.**
- **Impact on the character and appearance of the existing building and the site.**
- **Impact on the visual amenity of the area.**
- **Intentional Unauthorised Development.**
- **Community Infrastructure Levy (CIL).**
- **Other issues.**

6.2 **Impact on the amenities of nearby properties.** Both the container and the extension to the main building are single storey and located on the site in such a way that they will not cause any material harm to the occupants of any nearby property.

6.3 **Impact on the character and appearance of the existing building and the site.** The extension of the building continues the form, materials and overall appearance of the existing building but with a lower height. It is smaller than the original building and is a subordinate addition. In my view the proposal will not harm the established character of the building or the appearance of the site.

6.4 The container is located next to the building on the opposite side of the extension. Its position and overall size does not compete with the main building and is not in my view incongruous or out of keeping with the established appearance of the petrol station forecourt.

6.5 **Impact on the visual amenity of the area.** The main building itself is set back from the road with the petrol forecourt in between. The extension is not dominant or visually intrusive and in my view, it will have no impact on the wider character of the area.

6.6 The container is also well back from the frontage and given the nature of the site and its appearance it is not in my opinion out of keeping or harmful in the context of the wider character of the area.

- 6.7 Below for the purposes of comparison are two sets of before and after photographs depicting each end of the petrol station where the elements of development are located.



Before

After



Before

After

- 6.8 It is my professional opinion that neither of the elements of development undertaken are out of keeping with the established character or appearance of the petrol station. The extension has been integrated well into the extension built form of the garage shop through matching materials and roof profile as well as the fascia boarding. The container is a functional feature set back from the road behind a gate and fencing. Again, it does not stand out as an incongruous feature in light of the utilitarian and functional character of the petrol station.

- 6.9 **Intentional Unauthorised Development.** The planning system allows for retrospective planning applications to be made under S.73A of the Town and Country Planning Act 1990 (as amended), thus undertaking development without the relevant planning permission of itself is not a breach of planning control. The NPPF also advises that formal enforcement action should not be taken simply to regularise unauthorised development.

- 6.10 However, DCLG published a planning policy statement (31/08/2015) on green belt protection and intentional unauthorised development. This policy statement noted that “intentional unauthorised development”, could be a material planning consideration, highlighting concerns with regards to development undertaken without planning permission. In particular, the fact undertaking unauthorised development does not give opportunity to appropriately mitigate harm that has already taken place and can result in expensive, time consuming action. However, appeal cases have shown it is unlikely that this reason alone could be enough to refuse planning permission, or take enforcement action, but that it can be considered with other material considerations. In this case however, I conclude that that the development undertaken that has not resulted in matters that cannot be mitigated due to its retrospective nature and as such would not present a reason in isolation to refuse planning permission.

- 6.11 **Community Infrastructure Levy (CIL).** The Council's CIL charging schedule has been adopted and applies to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development. In this case CIL is not liable as the proposed development would not be a liable form of development as defined on the CIL charging schedule.
- 6.12 **Other issues.** Paragraph 48 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.
- 6.13 The site is located within the Wallingford Neighbourhood Plan Area and the Plan is currently at the plan preparation stage of the process, such that it currently holds limited weight in decision making.

7.0 **CONCLUSION**

- 7.1 Officers recommend that planning permission is granted because the development is of an acceptable design and appearance not posing harm to the amenities of neighbouring residential dwellings or the visual amenity and character of the area. In conjunction with the attached conditions the proposal accords with development plan policies.

8.0 **RECOMMENDATION**

- 8.1 **Grant planning permission subject to the following conditions:**

Commencement condition not required as works have already commenced.

- 1 : Approved plans ***
2 : Materials as on plan

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