

APPLICATION NO.	P21/S3035/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	19.7.2021
PARISH	WALLINGFORD
WARD MEMBER(S)	Sue Roberts George Levy
APPLICANT	Mr Umesh Patel
SITE	21 St Martins Street, Wallingford, OX10 0AL
PROPOSAL	Extensions to the side and front elevation along with alterations. Change of use to dry cleaners on ground floor. New garage to rear of side extension and first floor access. Proposed creation of 2 bedroom apartment on 1st floor. New traditional timber style shop front. New timber and slate tile lean-to canopy to the rear elevation to replace uPVC canopy (As amended by drawings received 26 October 2021 reducing footprint and amended energy information received 11 November 2021)
OFFICER	Paul Bowers

1.0 INTRODUCTION AND PROPOSAL

This application was deferred from the planning committee meeting on 16 March 2022 because the time threshold for applications being considered had passed.

1.1 This report sets out the officer's recommendation that the application should be granted planning permission having regard to the material planning considerations and the development plan.

1.2 The application has been referred to planning committee as the views of the Wallingford Town Council differ from your officer's recommendation of approval. In addition, the application has been called to planning committee by the local ward member, Councillor Levy, who has expressed concerns in relation to the impact of the side extension on the adjoining listed building and the impact of parking and manoeuvring at the rear of the site.

1.3 21 St Martin Street is located in the centre of Wallingford within the conservation area. It is a two storey flat roof 1960s building set back behind the two properties on either side.

To the north is the larger more recent development and to the south there is a grade two listed building as well as listed buildings opposite to the east.

There is an existing retail use on the ground floor.

A plan identifying the site can be found at [Appendix 1](#).

1.4 The application seeks full planning permission for extensions to the building to the front, bringing it forward, and to the side. It is proposed to change the use of the ground floor to a dry cleaners and create a residential unit at first floor level and provide a garage to the rear.

1.5 Reduced copies of the plans accompanying the application are **attached** as **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.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 **Wallingford Town Council** – Object to the development due to concerns about fumes from the proposed dry cleaners

Third Party Representations – 3 x letters of objection covering the following issues;

- The impact on the heritage assets has not been appropriately assessed.
- The extension is unsympathetic to the neighbouring buildings.
- Concern over the impact on manoeuvring and visibility of schedules within the rear courtyard.
- Concern over the tree within the courtyard.
- Loss of light in to adjoining offices.

County Archaeological Services – No objection subject to conditions requiring the implementation of a watching brief.

Conservation Officer – No objection to the scheme as amended subject to a condition requiring a schedule of materials to be submitted and approved.

Highways Liaison Officer – No objection subject to condition requiring that the garage not be converted.

Contaminated Land – No objection subject to a condition that would bite if contamination were to be found.

Environmental Protection Team – Some concern over odour emissions but recognise that this can be controlled through other legislation beyond the planning system.

Forestry Officer – No objection subject to tree protection measures as proposed in the application.

3.0 RELEVANT PLANNING HISTORY

3.1 [P20/S3357/PEM](#) - Advice provided (05/01/2021)

The proposals included within this pre-application involve extensions to the side and front elevation along with alterations. The proposal will provide:

- Change of use to dry cleaners on ground floor
- Extension on ground floor to allow for adequate space for dry cleaning facilities, including: 2 office's WC, store, Serving counter, reception and dry cleaning equipment area.
- New garage to rear of side extension
- 2 Bedroom apartment on 1st floor with bathroom, kitchen, office and living room.
- New traditional style shop front
- New powder coated traditional style windows and roof lights
- Side extension to allow access to 1st floor residence
- New pitched clay tile roofs.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

- DES1 - Delivering High Quality Development
- DES10 - Carbon Reduction
- DES2 - Enhancing Local Character
- DES3 - Design and Access Statements
- DES5 - Outdoor Amenity Space
- DES6 - Residential Amenity
- DES8 - Promoting Sustainable Design
- ENV1 - Landscape and Countryside
- ENV3 - Biodiversity
- ENV6 - Historic Environment
- ENV7 - Listed Buildings
- ENV8 - Conservation Areas
- ENV9 – Archaeology and scheduled ancient monuments
- ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)
- ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)
- H1 - Delivering New Homes
- H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford
- STRAT1 - The Overall Strategy
- TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Wallingford Neighbourhood Plan (WNP) policies;

- HA.1 – The historic environment
- HA2 – Effects of development on historic and heritage assets
- TC2 – New uses for buildings within the primary shopping frontage
- MC1 – Transport statement and travel plan statement
- MC5 – Vehicle Parking
- MC7 – Provision of electric vehicle charging points

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 **National Planning Policy Framework and Planning Practice Guidance**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application, the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

- 6.3 Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.
- 6.4 In the case of this application South Oxfordshire Local Plan 2035 (SOLP) and the Wallingford Neighbourhood Plan (WNP) comprise the development plan and the policies within it must be assessed in relation to the material considerations relevant to this proposal.
- 6.5 The main issues to consider in relation to this development are as follows;
- **The principle of development.**
 - **Impact heritage assets.**
 - **Impact on the amenities of the occupants of nearby properties.**
 - **Impact on trees.**
 - **Impact on highway safety.**
 - **Impact on archaeology.**
 - **Carbon reduction.**
 - **Contamination.**
 - **Biodiversity.**

The principle of development

- 6.6 The scheme is broken up in to the following segments;
- *Proposed residential unit.*
 - *Change of use.*
 - *Extension to the building.*

I will take each element in turn and assess the principle of each aspect of the development.

Proposed residential unit.

- 6.7 Policy H1 of SOLP permits residential development on sites not allocated in the Development Plan will only be permitted subject to a number of provisions which includes where it is development within the existing built-up areas of Towns and Larger Villages as defined in the settlement hierarchy (shown in Appendix 7); provided an important open space of public, environmental, historical or ecological value is not lost, nor an important public view harmed.
- 6.8 Policy WS1 of the WNP states that development proposals should take account of the role of Wallingford as a market town in general, and its natural, heritage and environmental characteristics in particular. Development proposals will be supported, as appropriate to their scale and nature, where they positively support a locally appropriate level of housing growth in the town, to create a compact form and to use land efficiently, whilst also restricting inappropriate development in the countryside areas outside the town.
- 6.9 Policy TC2 of WNP states that within the Town Centre the provision and retention of active uses at first floor level and above will be supported. Employment and/or residential uses will be particularly supported.

- 6.10 The proposed residential development at first floor level within the town centre in a highly sustainable location accords with the objectives of these proposals and in my view is acceptable in principle.

Change of use.

- 6.11 Whilst the application proposes a change of use it is in fact the case that the existing shop use on the ground floor (currently a charity shop) and the proposed use as a dry cleaners fall within the same use class.
- 6.12 This was formerly known as use Class A1 and following changes to the Use Classes Order in 2020 it is now referred to as Class E.
- 6.13 Consequently, I am of the view but changing from the existing charity shop to a dry cleaner does not constitute material change of use and will not have an impact on the viability of Wallingford's town centre.

Extension to the building.

- 6.14 There are no policies within either SOLP or the WNP that preclude the extension of existing premises.
- 6.15 Policies within these documents are supportive of local businesses unemployment generating sites and therefore the intensification an extension of an existing property does, in my view, fall within the overall aim of supporting the local economy.
- 6.16 Therefore, I am of the view that the extension of this building is acceptable in principle. The detail of that extension and how it affects other matters is considered in the following sections of this report.
- 6.17 Your officers are satisfied the change in use and extension of this building to create an enlarged floor area for a residential property at first floor and a dry cleaners on the ground floor accord with various elements of the development plan and are acceptable in principle.

Impact heritage assets.

- 6.18 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides:

In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

- 6.19 Section 72 (1) must also be considered alongside relevant policies contained in the NPPF.
- 6.20 Paragraph 203 states that in determining applications LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable use consistent with conservation, the positive contribution that conservation deals with the impact of a proposed development on the "significance" of heritage assets can make to sustainable communities including their economic vitality

and the desirability of new development making a positive contribution to local character and distinctiveness.

6.21

Paragraph 205 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

6.22

This is followed through into the development plan by policy ENV6, ENV7 and ENV8 of SOLP which relates to conservation areas and WNP Policies HA1 and HA2.

6.23

More generally Policy DES1 seeks to ensure that all new development is of a high quality design subject to a series of criteria and Policy DES2 states that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

6.24

This part of the conservation area is characterised by the historic streets that lead to and from the Market Place that have an active commercial ground floor element with residential uses on the storeys above. Nos. 22&23 St Martin's Street are a C17 building that survives in its smaller one and half storey form with a simple frontage and rear extension that has escaped the re-fronting and extending of Georgian and Victorian architectural periods seen in the other buildings in the town centre.

6.25

The existing building is of mid-20th century construction and holds no special architectural or historic interest. It is inconsistent with the surrounding architectural character of this part of the conservation area. This proposal presents an opportunity to improve the contribution this site makes to the special interest of the designated conservation area and the setting of the nearby listed buildings.

6.26

As originally submitted, the proposed side extension to form a stairwell, garage and additional bedrooms to the first floor flat extend very close to Nos. 22&23 St Martins Street. The grade II listed building, owing to its age and construction is very likely to have shallow foundations. There was also concern about the forward extension of the building in as much as it projected forward of number 20 St Martins Street.

6.27

The applicants have worked with officers to reduce the footprint of the side extension to move it away from number 22 St Martins Street and also reduced the footprint of the front extension.

6.28

These changes were sufficient to address and overcome the initial concerns expressed by your conservation officer. The amended plans are considered by your officers to show a development that preserves the character and appearance of the conservation area.

6.29

A planning condition is proposed at the request of the conservation officer that requires a photographic schedule of external materials for the council to consider and approve before the development commences.

Impact on the amenities of the occupants of nearby properties.

6.30

Policy DES6 of SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative

impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

- 6.31 The most affected premises by this development in terms of the extension to the building to the side and to the front is the adjacent property at 22 St. Martin Street. This is a commercial premises with offices on the ground and first floor with windows to the front side and rear.
- 6.32 Referring back to Policy DES6 this policy relates to residential amenity and not the amenity of commercial premises. The impact on 22 St. Martin Street cannot be considered in the same way as the council would consider the impact on primary living rooms of a residential property.
- 6.33 There are no other policies within the development plan that seek to protect the amenity of users of commercial premises. In any event in respect of light entering this building windows at the front and rear will ensure these areas remain usable.
- 6.34 Concern has been expressed both by the Town Council and to an extent by the District Council's Environmental Health Officer in relation to the possibility of impacts on both the new residential unit at first floor level and nearby residential properties from the emanation of odours in connection with the dry-cleaning service being offered at ground floor level.
- 6.35 There will always be the possibility that odours will emanate from the building from the activity associated with the dry cleaning process. Unless the ground floor of the unit was sealed in some way the possibility of this occurring will always exist. Sealing the ground floor would not be an option given that it has a shop front and there is a need for ventilation.
- 6.36 However, it is important to recognise but there is other legislation available to the council to control issues surrounding odour, such as the requirement to have a pollution control permit to operate and statutory nuisance legislation would cover odours from a commercial premises such as this.
- 6.37 In addition, it is worth reemphasising that the change from a shop to a dry cleaner does not constitute a material change of use in planning terms and it could occur at any time.
- 6.38 Your officers are therefore satisfied that the release of odour from this new activity can be adequately controlled through legislation that is outside of the planning system.
- 6.39 Overall, your officers are satisfied that the proposed development would not result in an unneighbourly impact.

Impact on trees.

- 6.40 Policy ENV1 of SOLP states that South Oxfordshire's landscape, countryside and rural areas will be protected against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular trees (including individual trees, groups of trees and woodlands), hedgerows and field boundaries.

- 6.41 The mature Indian bean tree located to the southwest is protected as it is located within the conservation area.
- 6.42 The applicant has submitted an Arboricultural Impact Assessment Report dated 21 October 2021 which can be found within the Design, Access, and Justification Statement. The report concludes that the proposal will not adversely affect the adjacent tree.
- 6.43 The Tree Officer has considered the details of the method statement and agrees with the conclusions set out in the report. He has requested a planning condition that requires the implementation of the tree protection measures set out at the arboricultural method statement be undertaken prior to the commencement of all works. I have therefore proposed this as a planning condition and forms part of this recommendation.
- 6.44 Consequently, the development will accord with Policy ENV1 of SOLP.

Impact on highway safety.

- 6.45 With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

- 6.46 The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.
- 6.47 Policy TRANS5 of SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.
- 6.48 A two-bedroom residential unit is proposed on the first floor with a garage parking space, which meets dimensional standards. Access to this parking space is via third party land.
- 6.49 The site is located in a sustainable area with good access to buses within walking distance of the site. The site also benefits from its proximity to the town centre which offers a wide-ranging retail and leisure facilities and a range of employment opportunities.
- 6.50 Furthermore, there are on-street controls within the vicinity to prevent indiscriminate parking and additionally within the vicinity of the site is a number of car parks. No change is proposed to the existing access arrangements.
- 6.51 The proposal is unlikely to have a significant adverse impact on the highway network.
- 6.52 The concern expressed by the objector of this development relating to the visibility and manoeuvring within the parking area at the rear of the site is noted. However, the council cannot control the safety of vehicles or pedestrians on private land.
- 6.53 The applicants have shown an adequate level of parking provision and manoeuvring for the vehicles to exit the site safely. This is the extent of the control the council is able to exercise through this planning application.

- 6.54 Your offices and the highway officer are satisfied that the development accords with policy TRANS5 of SOLP.

Impact on archaeology.

- 6.55 Policy ENV9 of SOLP relates specifically to archaeology. It states that development must protect the site and setting of Scheduled Monuments or nationally important designated or undesignated archaeological remains.
- 6.56 Applicants will be expected to undertake an assessment of appropriate detail to determine whether the development site is known to, or is likely to, contain archaeological remains. Proposals must show the development proposals have had regard to any such remains.
- 6.57 Where the assessment indicates archaeological remains on site, and development could disturb or adversely affect archaeological remains and/or their setting, applicants will be expected to:
- i) submit an appropriate archaeological desk-based assessment; or
 - ii) undertake a field evaluation (conducted by a suitably qualified archaeological organisation), where necessary.
- 6.58 The building is located in an area of considerable archaeological potential within the Saxon and Medieval core of the settlement. The proposed building is sited just off St Martins Street, which is thought to be part of the original rectilinear street pattern of the 9th century Saxon Burh. The area is 120m north of the south gate of the Saxon walled Burh and Anglo Saxon settlement evidence in the form of a floor and pits has been recorded 90m to the east of the site.
- 6.59 This area also formed the core of the medieval settlement. Medieval finds from the immediate area include a sequence of deposits dating back to the 11th or 12th century observed during redevelopment in 2003, on the site of 51-53 St Mary Street, 50m north of the application area. A further medieval pit has been recorded, at 21-22 St Marys Street, during a watching brief just 25m northeast of the site. Medieval burials have been recorded 120m east of the site in 1877 on the site of Wilder's Iron Foundry which may indicate the site of the graveyard of St Rumbold's church. It is therefore possible that archaeological deposits related to these periods could survive within the site and could be disturbed by this development.
- 6.60 The Oxfordshire County Council Archaeologist has recommended that the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This is ensured through the imposition of two of the proposed conditions set out in paragraph 8.2 of this report.
- 6.61 In conjunction with this condition the proposal will accord with Policy ENV9.

Carbon reduction.

- 6.62 Policy DES8 of SOLP states that all new development, including building conversions, refurbishments and extensions, should seek to minimise the carbon and energy impacts of their design and construction. Proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting.

- 6.63 Although not required in Policy DES8 the applicants have produced an energy statement to support their application. The report concludes the proposed residential unit would improve upon the building regulations CO2 emissions targets through fabric, systems and lighting by 15% over part L of the 2013 building regulations.
- 6.64 In your officer's view this clearly demonstrates compliance with the requirements of policy DES8. In addition, the planning condition is proposed that seeks to ensure the provision open electrical charging point such that the development will then accord with the relevant part of Policy TRANS5 that seeks to support the take up of electric and/or low emission vehicles.

Contamination.

- 6.65 Policy ENV11 of SOLP states that development proposals should be appropriate to their location and should be designed to ensure that the occupiers of a new development will not be subject to individual and/or cumulative adverse effect(s) of pollution. Proposals will need to avoid or provide details of proposed mitigation methods to protect occupiers of a new development from the adverse impact(s) of pollution.
- 6.66 The Phase I Desk Study report (ref. S.5709) dated April 2021 which accompanied the application has been reviewed with respect to contaminated land issues.
- 6.67 After review of the report findings your Contaminated Land Officer is satisfied that, given the proposed end use and the limited ground disturbance involved no further intrusive investigation into potential contaminated land is required.
- 6.68 However, to address the potential for asbestos-containing material in the building planned for renovation, as well as the potential for the discovery of unsuspected contamination being found a planning condition relating to the unsuspected land contamination and the need to inform the council and remedy the matter to the council's approval along with an informative to be included on the decision notice relation to asbestos containing material is proposed as part of this recommendation.

Biodiversity.

- 6.69 Policy ENV3 of SOLP relates to biodiversity. It states that all development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.
- 6.70 This development does not result in the loss of biodiversity. Opportunities for a gain in biodiversity are very limited on this site given the size of the plot and the location. There will be no net loss of biodiversity and a condition is proposed that requires a bird box to be erected on the building to satisfy the requirement of Policy ENV3 of SOLP.

7.0 CONCLUSION

- 7.1 The proposed development will result in the creation over new residential unit in a highly sustainable location within the town centre of Wallingford.
- 7.2 The proposed extension allows for the creation of a unit to be occupied by a dry cleaner on the ground floor. The scheme overall complies with the objectives of sustaining and enhancing both the town centre economy and that of the wider district.

7.3 The scheme in his amended form has ensured that the proposal will not cause harm to the setting of the adjacent listed buildings or will preserve the character of the wider conservation area.

7.4 In conjunction within conditions relating to tree protection, land contamination and requiring the approval of external materials, the proposed development will comply with development plan policies.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission is granted subject to the following conditions;**

Standard Conditions -

1. Commencement three years - Full Planning Permission
2. Approved plans *

Pre-commencement conditions -

3. Schedule of Materials
4. Archaeological Watching Brief
5. Implementation of Programme or Archaeological Work

Compliance conditions -

6. Unsuspected Contaminated Land Condition
7. No Garage conversion into accommodation
8. Tree protection (implementation as approved)
9. Electric Vehicle Charging Points (details required)
10. Provision of a bird box

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