
SUBJECT **DEVELOPMENT APPLICATION REPORTS** **ITEM 7**
REPORT OF Head of Planning & Building Control

APPLICATION NO. P06/E0816

APPLICATION TYPE FULL

REGISTERED 07.08.2006

PARISH HENLEY-ON-THAMES

WARD MEMBER(S) Mr Ken Arlett

 Mrs Gillian Zakss

APPLICANT SITE The Old Henley Brewery Ltd
 Former Henley Brewery Site, Mineral Bottling Plant, New Street
 Henley-on-Thames

PROPOSAL Change of use of retained former brewery building to form 7 B1
 units with bedroom accommodation. (Variation to consented
 scheme ref P03/E0710).

AMENDMENTS As amended by Agent's letter dated 20 March 2007 and drawing
 nos. C15 Rev K and C16 Rev G received on 10 April 2007

GRID REFERENCE 476219/182766

OFFICER Ms P.A.Fox

APPLICATION NO. P06/E0956/LB

APPLICATION TYPE LISTED BLDG. CONSENT

REGISTERED 31.08.2006

PARISH HENLEY-ON-THAMES

WARD MEMBER(S) Mr Ken Arlett

 Mrs Gillian Zakss

APPLICANT SITE The Old Henley Brewery Co.
 Former Henley Brewery Site, Mineral Bottling Plant, New Street
 Henley-on-Thames

PROPOSAL Internal lightweight stud partitioning and doors to form proposed
 bedroom accommodation (as a variation to the consented

scheme).

AMENDMENTS As amended by Agent's letter dated 20 March 2007 and drawing nos. C15 Rev K and C16 Rev G received on 10 April 2007

GRID 476234/182766

REFERENCE

OFFICER Ms P.A.Fox

1.0 INTRODUCTION

- 1.1 These applications were deferred at the meeting of the Planning Committee on 21 March 2007 in order that officers could negotiate a higher affordable housing contribution and further consider the content of the draft Planning Obligation submitted by the applicant. Just prior to the meeting the applicant had submitted revised plans showing a reduction in the amount of bedroom space and making an offer of £36,784 as a commuted sum towards affordable housing in Henley. Officers have subsequently met with the applicant and he has increased his offer to £52,393. He has also made some revisions to the S106 Planning Obligation, amending two clauses and adding one additional clause.
- 1.2 This site forms part of the former Brakspear's Brewery site and part of a group of buildings that are Grade II listed. It adjoins the buildings that have been converted into a Hotel and backs onto an area that is currently being developed residentially. The application relates to the front half of a 19th Century building which was originally built as a Mineral Water Manufactory. In more recent years it was used by Brakspears for warehousing but this use ceased in 2002 when the Brewery closed.
- 1.3 The whole site lies within the Henley-on-Thames Conservation Area and the town centre as defined on the Proposals Map of the Council's adopted South Oxfordshire Local Plan 2011. It is identified on the OS plan **attached** as Appendix A.

2.0 PROPOSALS

- 2.1 The planning application P06/E0816 seeks full planning permission for the conversion of the remaining part of the Mineral Water Manufactory into seven B1 units with bedroom accommodation. On 20 March the applicant submitted amended plans which reduced the amount of bedroom accommodation, such that each unit would comprise a workspace with a kitchen area, shower room and one bedroom. Previously the scheme had incorporated a mixture of one and two bedroom units.
- 2.2 The rear half of the Mineral Water Manufactory has already been demolished in connection with the implementation of a larger scheme permitted in 2004 under P03/E0710. Within the previously permitted scheme this building was shown to provide seven B1 office units. The Agent's supporting statement **attached** as Appendix B explains the intention to create "work/live units". It is stated that these would be aimed at attracting start-up business units within the town centre and that a dual rather than straightforward B1 use is considered a more viable proposition. It is suggested that these units will be comparatively affordable and it is hoped that they will attract the younger, more artistic and creative members of the local

professional community. Some selling Agents have indicated that such flexible units that allow people to work from home would provide a unique opportunity within the town. The applicant has stated that it is his intention to limit the “live element” percentage of net internal floor area of the units to approximately 30%. The Applicant’s Solicitor has submitted a draft Planning Obligation to tie the use of the units to that envisaged and the applicant has indicated a willingness to accept planning conditions which he argues would ensure prospective purchasers are aware that they are “primarily B1 business units with restricted ancillary accommodation”. An extract from the latest version of the obligation is **attached** as Appendix C.

- 2.3 The listed building application P06/E0956/LB seeks consent for the internal alterations necessary to facilitate the creation of bedroom accommodation in connection with the creation of the seven work/live units. The Agent explains that the only change in listed building terms to the previously consented B1 (office) scheme is the introduction of lightweight internal partitioning and doors to enclose the proposed bedroom areas. The plans show internal demountable structures.
- 2.4 Extracts from the plans are **attached** as Appendix D.

3.0 CONSULTATIONS & REPRESENTATIONS

3.1 P06/E0816

- | | |
|---------------------------------|---|
| Henley Town Council | - No objection subject to transport review by Oxfordshire County Council. |
| Henley Society | - No objection subject to there being adequate car parking. |
| OCC (Highways) | - No objection – support the principle. |
| Environmental Health Officer | - No objection subject to a contamination study being carried out. |
| Conservation Officer | - No further significant affect on the character of the listed building by the proposed amendment. This scheme differs to the approved by not having partitions at the upper level carried through to the underside of the roof but provides for partitioning at the lower level beneath the mezzanine thus retaining the open nature of the roof above the mezzanine and entirely from floor to ceiling at various other points. |
| Acting Housing Enabling Manager | - Concerned about the nature of the accommodation being provided – they will in time become residential which has implications for the affordable housing provided on the site. |

An increase in the provision of units requires an uplift in the amount of affordable housing to reflect the new provision across the whole site. The priority need in Henley is for two bedroomed four person family houses and the funding gap is £132,350 per unit. The amount offered falls significantly short of the commuted sum that would be sort for 3 units.

- Monson (Drainage) - No objection.

Consultants)

Representations - The applicant has forwarded 26 emails from Henley residents and businesses indicating their support for the scheme.

One letter of objection was received from the owner of two of the new flats on the site immediately to the rear essentially on the ground of loss of privacy. No objection is raised to the amended plans which remove some of the bedroom space.

P06/E0956/LB

Henley Town Council - No objection subject to conservation report.

Conservation Officer - No objection from a conservation/design point of view as the principle of the horizontal division of the space has already been accepted. These revisions occur underneath the metal floor carcass. The architect has supplied all the necessary details for the door and partitioning and no further conditions are required.

4.0 RELEVANT PLANNING HISTORY

4.1 There have been many applications for relatively minor works to the Brewery buildings but the applications of greatest relevance are summarised below.

4.2 Applications P00/S0829 and P00/S0828/LB for the alterations and extensions to the Henley Brewery, The White Hart and Thameside for, inter alia, the partial demolition of the warehouse and creation of new offices in the former mineral water manufactory. The applications were approved subject to the prior completion of a S106 Planning Obligation to secure financial contributions to highway works and a Green Travel Plan. The Planning Obligation was not completed and Brakspears withdrew the application in July 2002.

4.3 P03/E0710 and P03/E0762/LB applications for the change of use of the former main brewery buildings to a Hotel and bistro, partial demolition of three curtilage buildings, the change of use of retained brewery building to form 7 B1 (business) units and creation of 17 dwellings with basement servicing and car parking. These were approved with the planning application being subject to two unilateral undertakings which secured financial contributions and the provision of four units of affordable housing. The current application is effectively seeking changes to this permitted and now partially implemented scheme.

5.0 POLICY & GUIDANCE

5.1 Oxfordshire Structure Plan 2016 Policies:

G1, G2, T1, T2, T8, EN4, H1 and H3

5.2 Adopted South Oxfordshire Local Plan 2011 Policies:

G2, G6, H4, H7, H9, T1, TC1, CON3, CON4, CON5 and CON7

5.3 PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS6 – Planning for Town Centres

PPG13 – Transport

PPG15 – Planning and the Historic Environment

6.0 PLANNING CONSIDERATIONS

6.1 The principal issues for consideration in respect of the planning application are:

- i. The nature and acceptability of the proposed live work uses, having particular regard to Policy E6
- ii. Whether affordable housing should be provided in accordance with Policy H8
- ii) The impact of the proposals on the character and appearance of the Henley-on-Thames Conservation Area
- iii. The impact of the proposed internal work on the character and special interest of the listed building
- iv. The adequacy of the access and car parking arrangements

6.2 In respect of the listed building application P06/E0956/LB which seeks consent for internal alterations the main issues are:-

- i) Whether the proposed use and internal alterations to the building would respect its character and special historic interest and architectural quality

i) The nature and acceptability of the proposed live/work units having particular regard to Policy E6

6.3 Within the Second Draft Deposit Version of the South Oxfordshire Local Plan the former Brakspear's Brewery site was the subject of a site specific Policy, HEN6. This policy set out the need for a comprehensive scheme for the reuse of the buildings and indicated that uses could include B1 (business), hotel, assembly and leisure uses, A2 (financial and professional uses) and some limited retail. The scheme which gained permission in April 2004 under P03/E0710 comprised a mix of hotel, residential and office uses. As work had commenced in connection with that permission by the time the SOLP 2011 was adopted in January 2006 the site specific policy was not carried forward.

6.4 Policy E7 (working from home) is cited by the Agent as providing support for the type of use that is envisaged. However this policy makes it clear the Council will only encourage the provision of live/work units where such proposals accord with housing policies in the plan. The main reason for this is that officers are aware of the practical difficulties of controlling the balance of the uses in the long term.

- 6.5 The applicant suggests that a mixture of planning conditions, legal agreements and restrictive covenants can achieve this and he has submitted a draft unilateral undertaking for consideration. Whilst the Council's Solicitor has indicated that the submitted undertaking would, in his view, be enforceable, officers have concerns about how the uses could in practice be monitored. The work spaces shown on the plans would be completely private and not accessible or visible from the street. Whilst the first occupiers of these units may have every intention of using them on a mixed use basis, your officers consider that, over time, it is highly likely that they would be converted, either partially or entirely, to residential use. Some of the businesses might do well and need to move into larger premises, others may cease but in both cases the occupiers may not wish or be able to move. If, notwithstanding the difficulties of monitoring these units, it came to the Council's attention that the use of a work area for business purposes had ceased and the space was being used either partially or wholly for residential purposes, a decision would have to be taken as to whether it would be reasonable and practical to take enforcement action to secure cessation of the residential use. Largely because of the difficulties associated with the monitoring and enforcement of any conditions or undertaking requiring the work spaces only to be used for B1 business purposes your officers, have concluded that the live/work units must be viewed as residential units.
- 6.6 Policy E6 of the South Oxfordshire Local Plan seeks the retention of employment uses. Whilst the policy permits some flexibility for mixed use schemes, the B1 units were considered to be an important element of the permitted mix and officers consider that they should be retained. The previous use of the site was entirely for employment purposes. This proposal would erode the previously permitted mix of uses and would reduce the amount of employment floorspace contrary to the objectives of Policy E6.

ii) Whether affordable housing should be provided in accordance with Policy H8

- 6.7 As officers are of the opinion that the units must be viewed as residential units it is appropriate to consider the provision of affordable housing and to consider this provision in relation to the site as a whole. The previously permitted scheme included 17 residential units which are currently nearing completion.
- 6.8 The permitted and partially implemented scheme was approved prior to the adoption of the current Local Plan. Four out of the seventeen dwellings (25%) were offered as affordable housing units which, at the time, was in accordance with Policy H7 of the South Oxfordshire Local Plan 1997.
- 6.9 If seven live/work units had been included in the original scheme your officers would have sought a larger number of affordable units. Applying the Council's current requirement in Policy H9, at least 40% of affordable units would be sought amounting to a total of 9 units. Whilst it would not be reasonable to ask for a further 5 units of affordable housing in the context of an application for 7 more units, Officers consider that some provision should be made. Advice has been sought from the Council's Acting Housing Enabling Officer who has indicated that whilst he considers affordable units should be sought, Registered Social Landlords (RSL's) are most unlikely to be interested in taking on the units if they

are restricted in their use by conditions and/or a legal agreement. Furthermore the scheme would not provide the type of accommodation for which there is a particular housing need in Henley. Officers therefore consider that there are appropriate circumstances to negotiate a financial contribution in lieu of affordable units being provided on site.

- 6.10 The applicant offered to pay a commuted sum of £36,784 on 20 March 2007. At a subsequent meeting with your officers the amount was revised and now stands at £52,393. The applicant has submitted some financial information to support his offer which is **attached** at Appendix E. In his view he should only be required to pay a contribution that reflects the amount of residential floorspace he has shown on the plans. He has also related the payment to what he believes to be the uplift in the value of properties as 'live/work' units comparative to B1 Office use. In the Council's Housing Enabling Officer's view this basis for calculations is not an appropriate one. He points to the Council's Supplementary Planning Guidance and to the fact that the sum needs to be sufficient for the provision of the housing the Council is seeking. This offer would not equate to half the sum required to finance one 2 bedroomed affordable unit in Henley. Hence Officers retain their opinion that the offer is inadequate and as such the scheme still conflicts with the requirements of Policy H9.

iii) The impact on the character and appearance of the Henley-on-Thames Conservation Area

- 6.11 Policy CON7 requires the design and scale of work within a Conservation Area to be in sympathy with the established character of the area and to involve the use of traditional materials. The Mineral Water Manufactory building is a large and prominent building in New Street and contributes positively to the character of this part of the Conservation Area.
- 6.12 The scheme would not involve any change to the street scene elevation and the changes to the rear of the building are identical to those permitted as part of the consented and partially implemented scheme. Officers therefore accept that the scheme would succeed in conserving the character and appearance of this part of the town's main Conservation Area and in this respect the proposal accords with the requirements of Policy CON7.

iv) The impact on the character and special interest of the listed building

- 6.13 Policy CON4 stipulates that a change of use of part or whole of a listed building will be permitted only if its character and features of special architectural or historic interest would be protected. PPG15 makes it clear that the best way of securing the upkeep of historic buildings is to keep them in active use and in principle the aim should be to identify the optimum viable use that is compatible with the fabric, interior and setting of the historic building.
- 6.14 The Conservation Officer has advised that, following the receipt of additional information, she is satisfied that there would be no further significant affect on the character of the listed building by the proposal. The impact on the fabric of the building through the horizontal division of the space by the insertion of mezzanine floors and staircases has already been approved. Hence the principle of subdividing the large internal space has been accepted. This scheme differs to the earlier by not having partitions at the upper level carried through to the underside of the roof, but provides for partitioning at a lower level beneath the mezzanine. As such the proposal would retain the open nature of the roof above

the mezzanine and entirely from floor to ceiling at various other points. In the Conservation Officer's view, subject to the partitioning being reversible, the scheme would succeed in respecting the character and features of interest within the Mineral Water Manufactory. As such no objection is raised to the internal alterations that are being sought within the listed building applications and the use is not considered inappropriate in terms of its impact on the fabric and special interest of the building.

v) The adequacy of the access and car parking provision

- 6.15 The Highway Authority are generally supportive of the principle of live/work units and consider the access arrangements and car parking provision, which remain as previously approved, to be acceptable.

7.0 CONCLUSION

- 7.1 It is acknowledged that the revisions to the draft S106 Planning Obligation submitted by the applicant would make the document more robust. However officers still have concerns about the practical difficulties associated with the monitoring and controlling of the balance of live/work space in the long term. Officers are of the opinion that this scheme has to be viewed as one for seven residential units. This would erode the mix of uses negotiated on the Henley Brewery site and result in a loss of employment floor space. The affordable housing offer in the form of a commuted sum still falls significantly short of the amount officers consider to be appropriate. In terms of the impact on the listed building the internal alterations are similar to the previously approved B1 scheme and they would not harm the character, appearance or special interest of the listed building. Hence the proposed use and internal alterations are considered acceptable in listed building terms.

8.0 RECOMMENDATION

- 8.1 That in respect of application P06/E0816 planning permission be refused for the following reasons:**

1) The proposal seeks permission for the provision of seven B1 units with bedroom accommodation. In the opinion of the Local Planning Authority this would be tantamount to the creation of seven additional residential units within the former Henley Brewery site. This would erode the previously permitted mix of B1, hotel and residential uses and result in the loss of employment floorspace contrary to the provisions of the South Oxfordshire Local Plan 2011 particularly Policies G2, TC1 and E6.

2) The scheme fails to make provision for affordable housing on the site or for an appropriate commuted sum and is thus contrary to Policy H9 of the South Oxfordshire Local Plan 2011.

- 8.2 That in respect of application P06/E0956/LB listed building consent be granted subject to the following conditions:**

1) Standard 3 year listed building consent.

2) Schedule of works

3) Samples of all materials

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