

**SUBJECT**            **DEVELOPMENT APPLICATION REPORTS**            **ITEM 9**  
**REPORT OF**        Head of Planning & Building Control

**APPLICATION NO.**            [P07/E1083](#)  
**APPLICATION TYPE**        FULL  
**REGISTERED**                29.08.2007  
**PARISH**                      HENLEY-ON-THAMES  
**WARD MEMBER(S)**         Mr Terry Buckett  
   Ms Roswitha Myer  
**APPLICANT**                Hobbs of Henley Ltd  
**SITE**                         Hobbs of Henley Ltd Ground Floor, Station Road Henley-on-Thames  
**PROPOSAL**                 Change of use from A1 to A3. (As amplified by Agent's email dated 24/9/2007, and Agent's emails dated 17/10/2007, 5/11/2007 and 8/11/07 with accompanying information).  
**AMENDMENTS**  
**GRID REFERENCE**         476387/182392  
**OFFICER**                    Mrs H.E.Moore

## 1.0 INTRODUCTION

- 1.1 The application is referred to Planning Committee at the discretion of the Eastern Area Development Manager.
- 1.2 The site lies adjacent to the River Thames within the Henley-on-Thames Conservation area. The building fronts onto the river with its side facing Station Road, and its rear facing Meadow Road. The ground floor is used as a chandlery shop and the first floor is in office use.

## 2.0 THE PROPOSALS

- 2.1 The proposal is to change the use of the ground floor shop (Class A1) to a restaurant (Class A3). A report accompanies the application which confirms that the internal layout of the building will require some alterations, and new entrances to the side and front of the building will also be required. The offices at first floor would remain. Parking spaces to the rear of the building would be available for staff use

and customers with mobility problems. Customer parking would be available at nearby public car parks.

2.2 A location plan and layout plan of the proposals are **attached** at Appendix 1.

2.3 A design and access statement accompanied the application and is **attached** at Appendix 11, together with the Agent's e-mail amplification dated 12/9/07. Information has been supplied concerning Hobbs boat hire business which ranges from 3 evening trips in January, to 40 evening trips in the peak month of July. A noise report has been submitted, and with regard to noise outbreak from the building, the agent has confirmed that her client is happy to include a lobby on the Station Road entrance, and a secondary layer of glazing to windows. An odour report has been submitted which recommends vertical discharge of kitchen extraction through a ventilation pipe in the central valley of the building, to be coloured the same as the tiles of the building.

### 3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Henley Town Council No objection raised, subject to appropriate licensing hours in a residential area, but due to the strength of public opinion should be referred to and considered by the SODC Planning Committee.
- OCC(Highways) No objection raised. The site is located on the outskirts of Henley Town Centre. There are traffic restrictions imposed around the site which includes Residents Parking Zone restrictions and Pay and Display bays. The site is well served by footway and cycle links. Taking this into account, the Local Highway authority has not objection to the proposed A3 use. However, if a Take Away delivery service was to be proposed, concerns would be raised.
- Conservation Officer The appearance of the building is very characteristic and attractive. It is in a very prominent part of the central Conservation Area and near to many listed buildings. No drawings have been submitted showing details of extract units, doors, signage and bin storage areas associated with the new use. These details may cause intractable conservation problems.
- Environmental Health Officer Additional information has been received regarding potential noise and smells. The site has been visited during the day and in the evening to assess the environment. Concern is raised about the proposed evening operation. In the event that planning permission is granted, the imposition of ten conditions is recommended to address noise and odour control, the installation of sound lobbies, the keeping of doors and windows closed after certain hours, timed waste disposal, deliveries and operation of extraction systems, hours of operation and no seating to be provided outside the building.

As the list of conditions is extensive, full text of the Environmental Health Officer's comments is **attached** at Appendix 111 for information.

Henley Society	No objection in principle, but we are concerned over the additional noise to local residents. Hours of opening should be strictly controlled and no take-away facilities should be allowed. A restaurant use would substantially increase the traffic hazard that already exists due to vehicles stopping to set down and pick up passengers.
Thames Water	Installation of properly maintained fat traps and the collection of waste oil by a contractor are recommended.
Responses from local residents	Some 18 letters of support have been received. The points raised include the following matters –

- a. The proposals will enhance the waterfront of Henley and will be in keeping with the regeneration of the area which already includes renovation of the Imperial Hotel and additional residential accommodation. The Thames is the main attraction of the Town, yet bizarrely, there is only one restaurant on the river front. It would serve visitors to the river through the day and elongate their stay into the evening, together with passing water craft.
- b. A restaurant may bring some additional traffic into the area, but not in the congested times. There is lots of parking in the area, at Mill Meadows and the Station car parks.
- c. Hobbs are an integral company supporting Henley with high quality services. The restaurant would be well run. A restaurant in this position would pull people away from the Hart Street area and spread business more evenly. Currently there is a trend for people to eat out of Henley.
- d. This is already a busy area. A restaurant use would not result in significant additional noise and disturbance. Additional people in the area could result in less vandalism/unsociable behaviour due to additional activity in the area.
- e. The chandlery would not be lost to local boaters as it would merely move across the river. The chandlery site is obviously of high commercial value – it's unrealistic to expect a low key business such as a chandlery to continue to occupy such a site in the long term.
- f. The Conservation Area would not be compromised as there are no changes to the elevations.
- g. Any problems of smell would easily dissipate, and there are not many houses in the area.

Some 22 letters and a petition with 10 signatures raising objection have been received. The points raised include the following matters:-

- a. The proposals would adversely affect the character of the

area. The site is directly adjacent to residential properties, including Royal mansions, Hewgate Court and Boathouse Reach. Problems will include noise from extract kitchen fans, air conditioning, cleaning after closing, loading and unloading, customers standing outside smoking and talking, potential law and order issues, additional traffic. The existing premises is open only until 6pm, the proposed restaurant would be open until late into the night every day.

- b. There are only 3 commercial premises in the area, the existing chandlery, the offices above, a dentist opposite. All are daytime uses only. From 8 am to 6-30 pm the area is busy with traffic. After 6-30, the area is transformed into a peaceful, quiet area. The area should be visited after 8pm to appreciate the quietness of the area. At the week-end, this lovely stretch of river attracts large numbers of peaceful families, The area should be kept as such. It will severely affect the serenity and attraction of the riverside.
- c. Hobbs boat operations are unusual during the week except for Regatta and festival times. They leave at 7-30 and return at 11-30. Residents are not subject to noise in the intervening period. Customers from the boats would continue drinking in the proposed bar/restaurant on return.
- d. The proposal would bring additional traffic into an area already suffering from congestion and lack of parking. There is no on-site parking. Parking for residents is already very difficult. This proposal would result in greater pressure for parking in the evenings, additional taxi use in a difficult area and conflict with coaches who pickup boat passengers.
- e. The site is outside the main Town Centre. There are plenty of hotels, clubs, bars and restaurants in the main Town Centre. That area is subject to frequent brawls and excessive drinking and unruly behaviour.
- f. The site is subject to flooding.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 P88/S0333 – Erection of 11 houses and 8 flats, refurbishment of boathouse and hire office. Erection of new refreshment kiosk. Permission granted.

#### **5.0 POLICY & GUIDANCE**

5.1 Adopted South Oxfordshire Local Plan 2011 policies –

G2 – Protection and enhancement of the environment.

G6 – Promoting good design

C3 – The River Thames and its valley

CON 7 – Proposals affecting a Conservation area

CON8 – Advertisements in Conservation areas

EP1 – Polluting emissions

EP2 – Noise

EP5 – Flood risk

D2 – Vehicle parking

D5 – Promoting mixed use development

D7 – Access for all

D10 – Waste management

TC1 – Extending the range and quality of facilities in town centres

TC2 – Town Centre facilities

TC8 – Town centre shop uses

TSM1 – Tourism

TSM2 & 3 – Tourist attractions and facilities

T1 & T2 – Transport requirements for new developments

PPS1 – Delivering sustainable development

PPS6 – Planning for town centres

PPS23 – Planning and pollution control

PPS24 – Planning and noise

PPG 15 – Planning and the Historic Environment.

PPG24 – Development and flood risk

## **6.0 PLANNING CONSIDERATIONS**

6.1 The main issues to be considered in the determination of this planning application are –

1. Whether the principle of the loss of the chandlery shop is acceptable.
2. Whether the introduction of a restaurant use in this location is acceptable in terms of planning policy.
3. Whether the proposals would detract from the character of the area and result in unneighbourly development.
4. Whether the proposals would be acceptable in the Conservation Area.
5. Whether the proposals would be satisfactory in terms of access and parking.

#### **Loss of the shop use.**

6.2

The South Oxfordshire Local Plan defines the town centre areas and prime shopping frontages of the four main towns in the District. This site lies within the defined town centre for Henley, but not within the main shopping frontage. Policy TC8 of the Local Plan seeks to resist the loss of shops within primary shopping frontages. As the site lies outside the primary shopping frontage for Henley, no objection is raised to the loss of a shop use in this location.

#### **The principle of a restaurant use.**

6.3

Policy D5 promotes the principle of mixed use developments in town and local district centres, policies TC1 and TC2 promote the provision of appropriate town centre uses, and policies TSM 2 and 3 promote improvements to tourist facilities and the change of use of buildings to restaurants and other serviced facilities. However, all of these policies are subject to certain provisos. The principle of mixed use development (policy D5) is subject to the provisos that there is no harmful effect on the amenity of adjoining uses, the design of the scheme is appropriate to the site and its surroundings and the development is served by an adequate road network. The principle of town centre uses (policies TC1 and 2) is dependant upon the site being well integrated with primary shopping frontages, and that there are no overriding amenity, design, environmental or traffic problems with the proposals. The provision of tourist facilities (policies TSM1-3) is dependant upon the proposals being in character with the area, being well related to adjacent buildings, being accessible by public transport and there being no overriding amenity, environmental or highway objections associated with the proposals. In these circumstances, the particular site characteristics of each proposal must be carefully considered.

#### **The character of the area and neighbourly issues.**

6.4

Whilst the site is located within the defined Town Centre for Henley on the proposals map of SOLP 2011, it actually lies to the south east of the main town centre. The character of this area is predominantly residential. The few commercial premises in the area comprise the Hobbs boating business, the offices above, and dental offices on the opposite side of the road. Apart from the boat hire itself, there are no uses open during the evenings in this area.

Uses which are open in the evening comprise the Imperial Hotel, which lies some distance away along Station Road, a public house in Friday Street, and The Angel on the Bridge pub and restaurant located over 200 metres away along the river frontage. There are extensive areas of residential properties adjacent to the site, including Royal Mansions, Boathouse Reach and Hewgate Court. Whilst the site has a busy character and appearance during the day, this is mainly due to passing traffic. The character of the area is very different during the evening. The site has been visited by planning and environmental health officers during the day, and on a Saturday night in the early and late evening. Officers consider that there is a very marked change in the character of the area in the evening compared with the daytime activity. The amount of passing traffic after the rush hour is relatively quite low, and accordingly the area is much quieter and takes on its very residential character. Officers are concerned that the introduction of an evening restaurant use into this area would be likely to result in undue noise and disturbance to adjacent properties. Whilst a noise impact assessment has been submitted, this does not take into account the noise and disturbance of, for example, customers arriving and leaving, deliveries, outside smoking, rubbish disposal, and noise escape from the building through doors and windows. This type of noise and disturbance is very difficult to control. Whilst conditions have been suggested in the event that Members resolve to grant planning permission, Members will note the extensive list recommended. Officers consider that the requirements of the conditions would be so onerous, that in practice, they would not be reasonable or possible to effectively enforce such controls. The operation of Hobbs Boats from this section of the River has been cited as existing commercial activity in the area. Whilst this is accepted, the boat operation is busy during the summer months only, and any associated noise and disturbance is only at times of boat departure and return. Accordingly, officers have concluded that the introduction of a restaurant use into this area would adversely affect the amenity of nearby residents.

#### **Conservation Area.**

6.5

The site lies within the Henley on Thames Main Conservation Area. The building is prominently located with elevations facing over the river, over Station Road and Meadow Road. This application relates solely to a change of use of the buildings. Although mention has been made by the agent of proposed changes to windows and doors, no details have been submitted at this stage. In addition, no elevational details have been submitted of proposed extract flues, of changes to signage on the building or of proposed bin store areas. The existing building is very characteristic for a riverside setting, and officers are concerned that a restaurant use would inevitably result in external changes to the building that would detract from the character and appearance of the building and would therefore fail to preserve the historic character of this part of the Conservation Area.

#### **Access and parking.**

6.6

Considerable concern has been expressed by residents that the proposed restaurant use would exacerbate parking problems in the area which already suffers from a shortage of residents parking. Oxfordshire County Council as Highway Authority has considered the objections carefully, but have concluded that no objection is raised on highway grounds. The site is located on the outskirts of the town centre, and there are traffic restrictions imposed around the site which includes Residents Parking Zone restrictions and Pay and Display bays. The site is well served by footway and cycle links, and there are large public car parks within easy walking distance at Mill Meadows and the railway station. In these circumstances, the proposed restaurant use is acceptable in terms of highway safety, and it would not be possible to defend a refusal on highway grounds at appeal.

## **7.0 CONCLUSION**

7.1 In conclusion, officers consider that the introduction of an evening restaurant use into this primarily residential area would result in undue noise and disturbance to surrounding properties and is likely to result in changes to the external appearance of the building that would detract from the Conservation area. Accordingly, the proposals are recommended for a refusal of planning permission.

## **8.0 RECOMMENDATION**

**8.1 That planning permission be refused for the following reasons:**

- 1. Having regard to the location of the site in a primarily residential area, the introduction of an evening restaurant use into the area would result in unacceptable noise, disturbance and intrusion that would detract from the residential amenity currently enjoyed by the occupants of adjoining residential properties. As such, the proposals would be contrary to policies G2, G6, EP2, D5, TC2, TSM1, TSM2 and TSM3 of the adopted South Oxfordshire Local Plan 2011.**
- 2. Having regard to the prominent location of the building within the main Henley on Thames Conservation Area, insufficient information accompanies the application to demonstrate that alterations to the building necessary to**



**effect the restaurant use would preserve the attractive characteristics of the building and the historic character and appearance of the Conservation Area. Accordingly, the proposals are contrary to policies G2, G6, CON7 and CON8 of the adopted South Oxfordshire Local Plan 2011.**

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