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| SUBJECT | COMMITTEE SITE VISIT REPORTS 8 OCTOBER 2008 Attendance – Verbally updated at Committee | ITEM 7 |
| REPORT OF | Head of Planning & Building Control | |

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| APPLICATION NO. | P08/E0886 |
| APPLICATION TYPE | FULL |
| REGISTERED | 22.07.2008 |
| PARISH | HENLEY-ON-THAMES |
| WARD MEMBER(S) | Mr Terry Buckett Ms Roswitha Myer |
| APPLICANT | Mr J Hobbs |
| SITE | Hobbs of Henley Ltd Station Road Henley-on-Thames |
| PROPOSAL | Change of use from A1(shop) to A3(Restaurant), extension to roof to incorporate plant room, associated alterations to building. New signage. |
| AMENDMENTS | As amended by plan reference 08/2053 accompanying letter dated 21 August 2008 and plan accompanying letter dated 28 August 2008. |
| GRID REFERENCE | 476387/182393 |
| OFFICER | Mrs H.E.Moore |

1.0 INTRODUCTION

1.1 As the previous application for this change of use was referred to Planning Committee for determination, this re-submission is similarly referred. Members will have the benefit of a site visit on this occasion.

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, now vacated, was 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, as detailed in the application, and new entrances to the side and front of the building will also be required. External alterations to the building include the formation of a roof area to accommodate extraction equipment, the construction of a flue, the construction of a flood defence wall at the front of the building, the addition of canopies to the doors, alterations to the signage on the building, and the enlargement of waste disposal facilities at the rear of the building. 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 details of the proposals are **attached** at Appendix 1. Amended plans have been submitted which clarify that the kitchen extract pipe will discharge vertically.
- 2.3 A design and access statement accompanied the application and is **attached** at Appendix 11. 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 which concludes that it should be possible to control restaurant equipment noise to be no more than background noise levels at the nearest noise sensitive dwellings. With regard to noise outbreak from the building, the plans 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. This method of discharge should be sufficient as residential properties would be some 20m from the ventilation pipe.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Henley Town Council No strong views, subject to satisfactory air conditioning/extraction and door opening time restrictions.
- OCC(Highways) No objection raised. Comment 'the proposed development will not have a significant impact on the highway. The application does not propose any customer or staff parking, however given the location of the restaurant in the centre of Henley, car parking is not a significant determinant'. A condition should be added requiring that the delivery area to the rear of the property is constantly kept clear of other vehicles, and should be used solely for the purpose of vehicles servicing the restaurant.
- Conservation Officer Objection raised. 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. The building has an original functional and utilitarian appearance which would be seriously compromised by this proposal. The proposal is dominated by an additional new roof area, new wall along the frontage, new signage and a new flue. This additional clutter interferes in fine views of this simple building.
- Environmental Health Officer The site has previously been visited during the day and in the evening to assess the environment. Odour control and environmental noise assessment reports have been submitted. Concern is raised about the proposed evening operation. In the event that planning permission is granted, the imposition of twelve conditions is recommended to address noise and odour control, the keeping of doors and windows closed after certain hours, timed waste disposal, deliveries and operation of extraction systems, hours of operation, the provision of signs at the smoking area, restriction on lighting, 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.

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| Leisure and Economic Development | Strong support. The evening economy and the river are the two unique selling points of Henley. Demand for A3 use is likely to rise. This proposal provides an opportunity to support that growth whilst boosting the facilities for those using the river. |
| Henley Society | We are concerned over the additional noise to local residents and problems of litter. 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. |
| Environment Agency | Comments to be reported to Planning Committee. |
| Responses from local residents (and visitors to the area). | <p>Some 14 letters of support have been received and a petition with some 430 signatures (collected on boat trips). The points raised include the following matters –</p> <ol style="list-style-type: none">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.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.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. In times of business closures, this would boost the area. Currently there is a trend for people to eat out of Henley.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.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.The Conservation Area would not be compromised.Any problems of smell would easily dissipate, and there are not many houses in the area. |

Some 19 letters and petitions with some 140 signatures raising objection have been received. The points raised include the following matters:-

- a. The proposal has already been refused by SODC Councillors.
1. 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. The area is becoming increasingly residential with part of the former Hallmark Cards office developed with flats, proposals to convert the former Perpetual offices to flats, and the guest house along River terrace back to a dwelling. 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. Mitigation measures to prevent escape of noise from the building are rendered worthless by a design with fold back doors. The existing premises was open only until 6pm, the proposed restaurant would be open until late into the night every day.
2. There are only 3 commercial premises in the area, the existing chandlery (now closed), 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.
3. 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.
4. 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.
5. 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.
6. The site is subject to flooding.
7. Letters in support are not from local residents; they are from associates and visitors who are entirely unrelated to the site.
8. The proposed delivery and bin storage areas are adjacent to dwellings, who will be subjected to late evening and early morning noise from deliveries and waste collections, as well as being unsightly.

9. If planning permission is granted, Hobbs has advised that they will lease out the premises, resulting in loss of control.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 P07/E1083 – Change of use from A1 to A3. – Refused.
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

South Oxfordshire Design Guide 2008

- 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.
- PPS25 – 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.
 6. Whether there are any material changes since the refusal of planning permission in 2007.

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 shop premises is currently empty.

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 proviso 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 As set out previously in the report, planning permission was refused last year for the change of use of this shop use to a restaurant. The first reason for refusal was that the proposed change of use would be unneighbourly to adjoining residents due to noise and disturbance. The same considerations still apply, as set out below.
- 6.5 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. Additional residential properties have been formed in the former Hallmark Cards offices, there are proposals to convert the Perpetual Offices to flats, and a guest house along River Terrace is to be converted back to a dwelling.
- 6.6 The site has a busy character and appearance during the day, which is mainly due to passing traffic, however, 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.

- 6.7 In terms of noise escape from the building, an internal lobby is proposed at the entrance, but the doors facing over the river are shown as folding back doors. Whilst conditions have been suggested by the Environmental health Officer 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. The number of conditions recommended by the Environmental Health Officer is so extensive they are a very good indication that the proposed restaurant is in the wrong position. 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.

- 6.8 In the previous application, plans were not provided showing alterations to the building. The second reason for refusal stated that the Council were not convinced that the alterations required to implement a restaurant use would preserve the character of the building. Plans have now been provided showing proposed alterations to the building and it has been possible to assess the impact of those changes.
- 6.9 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. The dominance of the River to the Henley Conservation area is clear. The Henley Conservation Area Character appraisal states:
“The character (of the Henley Conservation Area) is defined by the riverside location and the various boating activities along the river bank. Whilst these activities are now all purely for pleasure or sport, evidence of the previous commercial nature of the area is seen in the many late 19th century boathouses and warehouses.”
- 6.10 The Edwardian boathouse has a fine and balanced appearance, which reflects the historic riverside use of this part of the Conservation Area. The building’s uncluttered, functional and utilitarian appearance makes a positive contribution to the character and appearance of the Conservation Area. The utilitarian appearance of the building would be seriously compromised by this proposal and it would introduce too much clutter. The proposal is dominated by an additional new roof area, a new wall along the frontage of the building, new signage, a new flue, and canopies over the entrances. This additional clutter interferes in the fine views of this simple building, and the proposed use would introduce alien sounds and activity to this area. As such, officers consider that the proposed alterations to the building and its use as a restaurant would fail to preserve the historic character of the building and the Conservation Area.

Access and parking.

- 6.11 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 has 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.

Material changes.

- 6.12 Planning permission was refused by Planning Committee for a restaurant use of the premises in 2007. The primarily residential character of the area remains, and is in fact being intensified by the introduction of additional homes into the area. Officers remain of the view that the proposed use would be unneighbourly. Whilst additional information has been provided about proposed alterations to the building, this has demonstrated that the alterations required to implement a restaurant use would significantly detract from the character of the building and the Conservation Area.

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 would result in changes to the external appearance of the building that would detract from the character of the building and 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, and to the very characteristic appearance of the building, the proposed alterations to the external appearance of the building necessary to effect the restaurant use would detract from the attractive character of the building and would fail to preserve 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 and to advice contained in the South Oxfordshire Design Guide.**

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