
APPLICATION NO.	P09/E0487
APPLICATION TYPE	Full
REGISTERED	22.05.2009
PARISH	Henley-on-Thames
WARD MEMBERS	Ms Joan Bland Miss Lorraine Hillier
APPLICANT	Thamesis Ltd
SITE	Thameside Court, Thameside, Henley-on-Thames
PROPOSALS	Variation of condition 6 (usage of side access) to planning permission P08/E1207 for the construction of offices and alterations to existing offices to read: "Except for emergency use there will be no vehicular access from the southern boundary onto Friday Street, the through access being only pedestrian"
AMENDMENTS	None
GRID REFERENCE	476264/182562
OFFICER	Mr T Wyatt

1.0 INTRODUCTION

- 1.1 This application is referred to Committee as the Officer's recommendations conflict with the views of the Town Council.
- 1.2 The application site, which is shown on the OS extract **attached** as Appendix A, is located in a central position within Henley-on-Thames. Planning permission (P08/E1207) was recently granted for the construction of a new office and extensions to existing offices on the site. This permission includes access to the site from Friday Street although the main access into the site remains from Thameside. Condition 6 of this permission states that, 'the pedestrian access from the southern boundary onto Friday Street shall be used for occasional pedestrian and emergency use only'. The planning permission has not yet been implemented.

2.0 THE PROPOSAL

- 2.1 This planning application seeks to vary Condition 6 of planning permission P08/E1207 by allowing pedestrian use and emergency vehicle use only. The current permission refers to the access being for pedestrians with the use being restricted to 'occasional' pedestrian use and emergency use. The current proposal seeks to retain pedestrian access and provide for emergency vehicle access as required. A copy of the related plans is **attached** at Appendix B whilst other documents relating to the application can be found on the Council's website, www.southoxon.gov.uk.

3.0 CONSULTATIONS AND REPRESENTATIONS

- 3.1 **Henley-on-Thames Town Council** – The application should be refused: 'unneighbourly, against original planning application and concerns raised at that time'.
- 3.2 **Henley Society** – No objections.
- 3.3 **Neighbours** – No correspondence received.

4.0 **RELEVANT PLANNING HISTORY**

4.1 P08/E1207 - Construction of a new single storey B1 office and external alterations to existing B1 offices. Planning permission granted on 17th December 2008.

4.2 P07/E1436/LB - Formation of opening in listed wall. Listed Building Consent granted on 14th January 2008.

5.0 **POLICY AND GUIDANCE**

5.1 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):

- G1 – General Restraint and Sustainable Development
- G2 – Protection and Enhancement of the Environment
- EP2 – Noise and Vibrations

5.3 Government Guidance:

- PPS1 – Delivering Sustainable Development

6.0 **PLANNING ISSUES**

6.1 The planning issue that is relevant to this application is the impact on the amenity of neighbouring occupiers.

The Impact on the Amenity of Neighbouring Occupiers

6.2 The approved access is located between Numbers 53 and 57 Friday Street, which are in residential use. The existing planning permission allows this access to be used for occasional pedestrian and emergency access. The main access for vehicles and pedestrians would be via the eastern end of the site via Thameside. The wording of condition was put forward by the applicant at the time of their original submission. However in hindsight the use of the word 'occasional' is vague and very difficult to enforce as there is no definition of the term occasional in terms of frequency of use, and even if there were it would be extremely difficult to monitor pedestrian use of the access.

6.3 In light of the above, I consider that Condition 6 should be varied to allow pedestrian access on a general basis. The use of the access by pedestrians during usual office hours is unlikely to result in any undue disturbance to the occupiers of the adjoining dwellings through noise disturbance. There are high brick walls to both adjoining garden areas further reducing the possibility of noise disturbance and overlooking by passing pedestrians.

6.4 The access already has permission for emergency use, albeit not by emergency vehicles. Clearly in an emergency, any vehicles required would access a property by the best means possible. Therefore, in my view it is entirely reasonable that emergency vehicles are allowed to use the access. Emergency vehicles can clearly cause some disturbance to neighbouring residents but the need for such access should be infrequent. Overall I consider that the proposed variation of Condition 6 of planning permission P08/E1207 is reasonable and would allow a condition to be imposed that would be more precise, reasonable and enforceable in accordance with guidance contained within Circular 11/95: The Use of Conditions in Planning Permissions.

7.0 **CONCLUSION**

7.1 The application proposal is in accordance with the relevant development plan policies and national planning policy, as the proposal would not cause any significant harm to the amenity of neighbouring occupiers.

8.0 **RECOMMENDATIONS**

8.1 **That planning permission be granted, subject to the following conditions:**

1. **That the pedestrian access from the southern boundary onto Friday Street shall be used for pedestrian and emergency vehicular use only.**
2. **This permission only allows for the variation of condition 6 and all the other conditions attached to planning permission P08/E1207 still apply.**

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