
APPLICATION NO.	P09/E1081/RET
APPLICATION TYPE	RETROSPECTIVE
REGISTERED	21.10.2009
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Miss Lorraine Hillier, Ms Joan Bland
APPLICANT	Sainsbury's Supermarkets Ltd
SITE	9 Bell Street Henley-on-Thames
PROPOSAL	Retrospective Application for the retention of a security fence to the rear of the store.
AMENDMENTS	None
GRID REFERENCE	476029/182690
OFFICER	Mr Peter Brampton

1.0 INTRODUCTION

- 1.1 This application is reported to the Planning Committee because of a conflict between the Planning Manager's recommendation and the views of Henley-on-Thames Council.
- 1.2 No 9-11 Bell Street is a mid-terrace two-storey Victorian property located within the primary shopping frontage of Henley. The building faces directly onto Bell Street and is situated in a long narrow plot, with an A1 shop unit on the ground floor and office and storage above. There is a large flat roofed two-storey extension to the rear of the original Victorian building. Sainsbury's now own and run the site, which was previously owned by Woolworths. Bell Street falls within the main Henley-on-Thames Conservation Area
- 1.3 Since Sainsbury's took over the application site in early 2009, a number of alterations have been made to the building, including new signage and shop front on the front elevation, a new staircase to the side of the building providing a fire escape from the first floor and air conditioning units installed onto the roof. All these schemes have received the appropriate planning consents.
- 1.4 The application site is shown on the OS extract **attached** at Appendix One.

2.0 PROPOSAL

- 2.1 This application has been submitted pursuant to an enforcement investigation and seeks retrospective planning permission for the erection of a security palisade fence to the rear of the store, which also provides a new fire escape route for staff working at both Sainsbury's and the adjacent Clintons Cards. The new access gate opens onto a narrow alleyway running along the southern side of the building, linking Bell Street to the service yard shared by a number of stores, including some who front onto the Market Place.
- 2.2 The new fencing is erected above an existing low-level brick wall, which runs along the northern side boundary and western rear boundary of the site at a width of around 6 metres. The wall is around 1.5 metres high, with the fence above around 2.85 metres in height, resulting in a combined boundary treatment some 3.35 metres high. This height exceeds the maximum 2 metres permitted for boundary treatments in the General Permitted Development Order and so Officers requested that the applicant submit a retrospective application to attempt to regularise the breach of planning control.

2.3 The plans of the proposed development are **attached** as Appendix Two

3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 **Henley-on-Thames Town Council** - Objection received. The fence is out of keeping and inappropriate within a Conservation Area. It would set a precedent if approved.
- 3.2 **Henley Society** - Out of character with Conservation Area and may set an undesirable precedent. It also restricts access.
- 3.3 **Conservation Officer** - No objections
- 3.4 **Neighbours** - No correspondence.

4.0 **RELEVANT PLANNING HISTORY**

- 4.1 P09/E0973/A - 1 no. aluminium panel 10.59m x 1.31m, externally illuminated 'Sainsbury's Local' hand painted on the fascia. 1 no. aluminium panel hanging projecting sign, with hand painted 'Sainsbury's Local' – Approved November 2009
- P09/E0535/RET - The removal of the existing two sets of entrance doors and shopfront glazing, the installation of new glazing and a new entrance door – Approved July 2009
- P09/E0377 - Replacement of the existing escape ladder with a new external fire escape staircase – Approved June 2009.
- P09/E0105 - 2 Fan EC Unit Plant, to be installed onto the roof – Approved April 2009.

5.0 **POLICY & GUIDANCE**

- 5.1 Adopted South Oxfordshire Local Plan 2011 – Policies G2, G6, CON7 and D1
South Oxfordshire Design Guide (SODG) 2008
PPG15, PPG18

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issue in this application is:
- Whether the scale and design of the proposal is in keeping with the character of the building, the street scene and the adjacent Conservation Area.
- 6.2 **Design and Conservation Area Issues**
Policy D1 states that the principles of good design and the protection and reinforcement of local distinctiveness should be taken into account in all new development, whilst Policy CON7 states that planning permission will not be granted for development that would harm the character or appearance of a Conservation Area. With these policies in mind, Henley Town Council has objected to this application, considering it inappropriate development within a Conservation Area.
- 6.3 Turning first to the appearance of the fence itself, Officers acknowledge that the design is a symptom of the fences function, with the galvanised steel used in its construction giving the fence a rather stark industrial appearance. Whilst two mature trees offer some screening of the fence, its elevated position means it does obscure views of the rear of the building and is thus a prominent feature of the eastern boundary of the site. However, the rear of the Sainsbury's store is dominated by the large flat roofed two-storey extension, which offers no indication of the attractive Victorian façade at the front of the building facing onto Bell Street. This two-storey rear projection is very much of the era in which it was built and has little architectural merit. As such, Officers are satisfied the impact from the fence on the character of the building has not been significant.

- 6.4 Regarding its impact on the character of the street scene and wider Conservation Area, it is first important to note that the fence faces out on to a service yard, which is a very functional area with a utilitarian character. It is primarily used to provide private parking and access to delivery and storage areas for businesses and shops that front onto Bell Street and the Market Place, which play an active role in the street scene.
- 6.5 In contrast, as the public do not have a particular right to access the land, either from Bell Street, Market Place Mews or the Waitrose car park, this is not a widely visited part of Henley town centre, and does not play an active role in establishing the character of the Conservation Area. Thus, despite its appearance, Officers do not consider the fence causes sufficient harm to the character of the building or the area to warrant a refusal of planning permission.
- 6.6 In particular, existing boundary walls at the entrance to the service yard in its northwestern corner obscure the fence from view from both Market Place Mews and the adjacent car park. Officers are also satisfied that no excavation works have taken place that would compromise the health of the two trees, and so these will remain to soften the appearance of the rear of the site. Thus, Officers are satisfied, given there are no clear public viewpoints of the fence, that it does not intrude significantly on people's enjoyment of the Conservation Area and that insufficient harm has occurred to warrant a refusal of planning permission.
- 7.0 **DRAFT ENFORCEMENT CONSIDERATIONS**
- 7.1 When making a recommendation for a retrospective application, it is necessary to consider the need for enforcement action. Government advice in PPG18 indicates that enforcement action should only be taken where planning harm is identified and where action is necessary in the public interest. Any such action should be proportionate to the breach of planning control, balancing the right of the owner to enjoy the property with the general public interest to prevent development that is harmful to other legitimate interests.
- 7.2 In this particular instance, as the recommendation is one of approval, Officers do not consider any enforcement action is necessary at this particular time. Given the fence is already in place and is considered acceptable in its current form, Officers are also satisfied that there is no need to attach any conditions to any permission granted.
- 8.0 **CONCLUSION**
- 8.1 The proposal complies with the relevant Development Plan policies and it is considered that the proposed development would be acceptable in terms of its relationship to the character of the existing Sainsbury's store, the street scene and the surrounding Conservation Area.
- 9.0 **RECOMMENDATION**
- 9.1 **Grant planning permission with no conditions.**

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