

SUBJECT **DEVELOPMENT APPLICATION REPORTS** **ITEM 8**

REPORT OF Head of Planning & Building Control

APPLICATION NO.	P09/E1148
APPLICATION TYPE	Full
REGISTERED	19 November 2009
PARISH	Henley-on-Thames
WARD MEMBER(S)	Loraine Hillier and Joan Bland
APPLICANT	Mr M. Twine & Ms J. Allen
SITE	Hot Gossip, 7 Friday Street, Henley-on-Thames, RG9 1AN.
PROPOSAL	Change of use of ground floor to mixed A1/A3 use (coffee shop)
AMENDMENTS	None
GRID REFERENCE	476151/182525
OFFICER	Sue Spencer

1.0 INTRODUCTION

- 1.1 This application has been submitted following a planning enforcement investigation (EE09/109) into the change of use of the existing ground floor shop to mixed purposes falling with use classes A1 and A3 without planning permission.
- 1.2 The current application seeks planning permission for the change of use of various parts of the ground floor premises to mixed purposes, namely a coffee house with related retail sales (use classes A1 and A3).
- 1.3 The application is referred to the planning committee as the application relates to a business operated by one of the ward members Lorraine Hillier.

2.0 PROPOSAL

- 2.1 The application site is situated on the northern side of Friday Street approximately 25m east of the Duke Street intersection in Henley-on-Thames. It is situated in the main Henley conservation area but is not within a primary shopping frontage. (See **attached** site location plan at Appendix 1).
- 2.2 The building to the front of the site is of two storey construction comprising a ground floor shop with residence above dating from the early 19th Century and is grade II listed. The back of the shop opens onto a small central courtyard, which leads to an old bakehouse building (not listed), situated about midway down the length of the land. This in turns leads to an open garden area to the very rear of the site.
- 2.3 Neighbouring development to the east is comprised of residential terraces on burgage plots. To the west the development is characterised by ground floor shops with first floor residential premises above. The land to the rear is used for car parking in connection with adjoining commercial development having frontage to Hart Street to

the north.

2.4 The current application seeks planning permission for: 1) existing development comprising the change of use of the existing ground floor shop for mixed purposes, namely a coffee house with related retail sales; and 2) part proposed development comprising the change of use of the central courtyard (approx 15sqm) and a former bakehouse (approx 30sqm) situated to the rear of the shop as additional seating and floor space for the same mixed use. The development falls within mixed use classes A1 and A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). A copy of the proposed floor plan is **attached** as Appendix 2.

2.5 The open garden area to the rear of the site does not form part of the current proposal, although it is understood that this area may form the subject of a future planning application for possible use as a tea garden.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 Henley Town Council No strong views

3.2 Henley Society No objections

3.3 Neighbours No submissions received

4.0 **RELEVANT PLANNING HISTORY**

4.1 In 2009 a planning enforcement investigation (EE09/190) into the change of use of the ground floor shop to mixed purposes falling with use classes A1 and A3 without planning permission. The current application seeks in part to address this issue.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan (SOLP) 2011 policies:

G2 – Protection and enhancement of the environment

CON4 – Use and change of use of listed buildings

CON10 –Burgage plots

EP1 – Prevention of polluting emissions

EP2 – Noise and vibrations

EP3 – Light pollution

D2 – Vehicle and bicycle parking

D5 – Promoting mixed-use development

TC2 – Extending the range and quality of facilities

T2 – Transport requirements for new development

5.2 Planning Policy Guidance 24 – Planning and Noise
Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 6 – Planning for Town Centres

6.0 **PLANNING CONSIDERATIONS**

6.1 Policy TC8 of the SOLP 2011 seeks to protect the retail function of the district's town centres by not permitting the change of use of shops (Class A1) within the primary shopping frontages to non-shop uses, where these would undermine the vitality, viability and the dominant retail function and character of the town centre. The application site, however, is not situated in a primary shopping frontage. Accordingly, the change of use of the shop to a purpose not wholly falling with use class A1 is not contrary to policy TC8.

- 6.2 The main issues to be considered in the assessment of the current application are therefore the impact of the proposed change of use on:
- the listed building;
 - the conservation area;
 - the burgage plots; and
 - the amenity of neighbouring residential occupiers;

Listed Building

- 6.3 Policy CON4 of the SOLP 2011 provides that the change of use a listed building will only be permitted if its character and features of special architectural or historic interest would be protected.
- 6.4 In the circumstances of the present case, the change of use of the existing shop does not involve alterations to the fabric, character or appearance of the listed building. Nor will the provision of customer seating within the small central courtyard between the existing shop and the former bakehouse adversely impact upon the character of the site or the setting of the listed building. Although the former bakehouse is not itself a listed building, the applicant has retained the former bake ovens as features of some historic interest. The change of use of the bakehouse to form part of the customer service area of the coffee house will no doubt enhance the experience of customers to the site and heighten their appreciation of the history of the site.

Conservation Area

- 6.5 There is no proposed change to the fabric of the existing buildings as a result of the proposed change of use. Nor does the change of use itself adversely impact or harm the character or appearance of the conservation area. The development is therefore compliant with policy CON7 of the SOLP 2011.

Burgage Plots

- 6.6 Policy CON10 of the SOLP 2011 provides that within the historic town of Henley, the burgage plots to the rear of the principal streets will generally be protected from development which by its nature would detract from their historic interest, amenity and natural conservation value.
- 6.7 In this case the proposed development does not involve any operational development that would detract in any way from the amenity of the area. The land is, however, already modified by built development and of limited natural conservation value. The land nevertheless retains the dimensional characteristics typical of burgage plots and the proposed change of use in no way detracts from that character, which is the basis of its historic interest.

Neighbour Amenity

- 6.8 Policy D5 of the SOLP 2011 provides that a compatible mix of uses will be retained and encouraged in town centres provided that there is no harmful effect on the amenity of adjoining uses. Policy EP1 provided that proposals which would by reason of smell or other polluting emissions have an adverse effect on people will not be permitted; policy EP2 states that proposals which would by reason of noise or vibrations have an adverse effect on existing occupiers will not be permitted; and policy EP3 similarly provides that proposals involving external lighting that would have an adverse effect on existing occupiers will not be permitted.
- 6.9 Odours:- The existing use of the shop as a coffee lounge does not appear to have given rise to any problems relating to the emission of odours beyond the confines of the building. It is not anticipated that the expansion of customer seating into the former

bakehouse (30sqm) and the central courtyard area (15sqm) will result in any perceptible change. No objections have been received from the occupiers of any neighbouring residential properties.

6.10 Noise:- The general hours of use of the coffee lounge are 8:30 – 17:30 hours Monday to Friday; 9:00 – 17:00 hours on Saturdays and 10:00 – 16:00 hours on Sundays. If the use of the bake house is permitted, however, the facility might also be used as a meeting place for community groups (book club, knitting circle, film club and drawing classes, etc) on selected evenings as an ancillary function to the coffee lounge.

6.11 The existing use of the shop as a coffee lounge does not appear to have given rise to any problems relating to noise or vibration and it is not anticipated that the expansion of customer seating into the former bakehouse and the central courtyard area will result in any perceptible change. In this regard the central courtyard is surrounded on all four sides by commercial development. Its use for additional seating is therefore unlikely to give rise to any noise or disturbance to occupiers of the nearest residential neighbour to the east.

6.12 External lighting:- The applicant has not indicated any intention of providing any external lighting to the buildings or to the central courtyard area. Given the potential for possible disturbance to neighbouring occupiers, it would nevertheless be prudent to include a condition to require the prior permission of the local planning authority for any external lighting scheme.

6.13 Privacy:- The existing shop, former bakehouse and central courtyard area do not provide any opportunity for overlooking of neighbouring residential properties. Therefore the proposed change of use of these areas will not give rise to any loss of privacy to neighbouring occupiers.

6.14 Rear garden area:- Although not forming part of the current application, the applicant has indicated a desire to use the open garden area to the rear of the site for the purpose of customer seating in the form of a tea garden. This would need to be the subject of a separate application in the future. As part of any such future proposal greater attention would need to be given to the hours of operation, maximum seating, provision of lighting and privacy screening. This would be consistent with the way in which the Council has dealt with similar outdoor facilities elsewhere in Henley in comparable circumstances. For the present, however, an advisory note should be attached to any planning permission indicating that no permission is given or implied for the use of the rear garden area as a customer service area or for any other purpose relating to the use of the premises as a coffee house.

7.0 **CONCLUSION**

7.1 The change of use of the existing shop, central courtyard and former bakehouse building from a retail shop (Class A1) to a mixed use, namely a coffee house with related retail sales (A1/A3) does not adversely impact upon the fabric or setting of the listed building; the character or appearance of the conservation area; the historic significance of the burgage plots; or the amenity of the residential occupiers of neighbouring properties. The application site is not situated within a primary shopping frontage and therefore the change of use does not undermine the vitality, viability and the dominant retail function and character of the town centre.

8.0 RECOMMENDATION

8.1 Planning Permission be GRANTED subject to the following conditions and advisory notes:

- 1. That external lighting will only be permitted in accordance with a lighting scheme to be approved in writing by the local planning authority. Any such lighting shall be directed downwards to prevent nuisance to the adjoining residential occupiers from light spillage and shall be turned on only during hours to be agreed as part of the lighting scheme and shall remain off at all other times.**

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