
APPLICATION NO.	P10/E0793
APPLICATION TYPE	FULL
REGISTERED	09.06.2010
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Miss Lorraine Hillier Ms Joan Bland
APPLICANT	Miss Lorraine Hillier
SITE	Hot Gossip 7 Friday Street Henley-on-Thames
PROPOSAL	Use of rear garden as tea garden in connection with mixed A1/A3 use of Hot Gossip Coffee House, 7 Friday Street, Henley-on-Thames
AMENDMENTS	
GRID REFERENCE	476151182525
OFFICER	Mrs S.P.Spencer

1.0 **INTRODUCTION**

- 1.1 This application is referred to Planning Committee for determination because the applicant is a ward member.
- 1.2 The application site is located 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 it is not located within a primary shopping frontage. (See **attached** site location plan at Appendix A).
- 1.3 The building to the front of the site is of two storey construction comprising a ground floor café/coffee house with residence above dating from the early 19th Century and is grade II listed. The back of the cafe opens onto a small central courtyard, which contains 3 tables for customers. This leads to an old bakehouse building (not listed), situated about midway down the length of the land, which has planning permission to be used as an extension to the café/coffee house. This in turns leads to an open garden area to the very rear of the site.
- 1.4 Neighbouring development to the east comprises residential terraces on burgage plots. To the west 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.

2.0 **PROPOSAL**

- 2.1 The application seeks planning permission for the change of use of the rear garden to a tea garden in connection with the mixed A1/A3 use of the ground floor of the building and the courtyard as a coffee house. The operator of the business has advised that there would be two 4-seat tables and two 2-seat tables, accommodating a total of 12 customers. The hours of use of the garden would be between 9:00am and 17:30pm on Mondays to Saturdays and 10:30am to 16:30pm on Sundays and Bank Holidays. The café/coffee house serves hot beverages and cold drinks, together with sandwiches, cakes etc.
- 2.2 A layout plan of the site is **attached** as Appendix B. The applicant's covering statement and response to consultation responses is **attached** as Appendix C.

3.0 **CONSULTATIONS & REPRESENTATIONS**

3.1 **Henley-on-Thames Town Council - Objection**

Recommend refusal on the basis that the Sunday and Bank Holiday opening hours would be unneighbourly and detrimental to the amenities of neighbours by way of lack of privacy, noise and nuisance.

3.2 **Health & Housing – Environmental Protection Team – Observations**

Concerned that garden use would detrimentally change the current noise environment of the area. On a visit to the site in June the area was exceptionally quiet, except for low level noise from Friday Street. This application therefore has the potential to adversely affect the amenity of nearby residential properties.

This can be adequately controlled if all the proposals put forward by the applicant are implemented and the following conditions are attached to any permission granted:-

1.The outside area specified by this permission shall only be used between the hours of 09:00-17:30 Monday to Saturday and 10:30-16:30 on Sundays or Public Holidays.

2.The seating in the outside area specified by this permission shall be restricted to four tables (two, 4 seaters and two, 2 seaters). No additional tables or seating shall be used in this area.

3.Outside areas shall not be used by customers for the consumption of food and/or drink within the specified timings unless suitable provision is made for such customers to be seated at tables.

4.Signs shall be erected in the outdoor area requesting that customers respect the needs of local residents keep noise to an appropriate level so as not to cause disturbance.

3.3 **The Henley Society (Planning) – Observations**

Originally raised concerns but 7 members have now undertaken a visit to the premises Friday Street is in an area of mixed domestic and business activities. Use of the garden to serve tea, cold drinks (non alcoholic) and a slice of cake is not unsuitable or intrusive. Area is too small for more than 4 tables. The use will cease at 5.30

3.4 Local Residents (9 and 11 Friday Street) – 2 letters of objection, summary of key points

- Can hear noise from the courtyard tables in all the rooms at the rear of the neighbouring property all day long
- Noise is getting louder – surprised at how much noise is made by a small number of people in an enclosed area
- Rear gardens in Friday Street are private and quiet – opening up the rear garden is a step too far. The noise would be unbearable
- Do not want communal wall raised in height as this would reduce light to the garden
- Would not be able to enjoy garden during the week and especially at weekends.
- Bikes and prams are left parked against front of house and window this will increase if the capacity increases and also obstructs the pavement
- On 13 June there was a drinks party in the rear garden and the noise was very intrusive
- Support local businesses but latest proposal is a step too far
- Concerned about impact on family life
- Rear of property is an oasis of calm in the centre of town
- Garden is not currently overlooked
- Concerned about potential to serve alcohol and change of use to a restaurant
- The rear garden is more exposed than the courtyard used at present

3.5 Local Residents – 2 letters of support

- Tea garden would be a welcome addition to the facilities already provided
- Hot Gossip provides a quiet and relaxing oasis in the town centre and a tea garden would be of further benefit
- Friday Street is historically a commercial environment
- Unreasonable to prevent the business from developing in a modest manner, particularly as it would only be a daytime activity
- Would expect it to be a positive selling point when marketing their own property.
- Has been working at the premises and has witnessed the type of activity. When people are sitting close together (in a small space) they seem to keep their voices down
- Rear area will only be used if other areas are full
- Cooking does not take place on the premises so do not understand what the objecting local resident was smelling
- Have never seen any prams or bicycles outside 9 Friday Street
- Objectors do not mention the noisy car park at the end of the Friday Street gardens
- Henley-on-Thames Town Council objection is not what was debated at the meeting
- Conditions suggested by the Environmental Protection Team would cover any concerns raised by objectors

4.0 RELEVANT PLANNING HISTORY

4.1 The premises has a long planning history of different commercial and residential uses. The recent planning history relevant to Hot Gossip includes:-

4.2 P07/E1218/RLB : Application for hanging sign and swan neck lights withdrawn prior to determination.

- 4.3 P08/E1069/RAD and P08/E1070/RLB : Listed building consent and advertisement consent granted for an illuminated hanging sign.
- 4.4 P09/E1148 : Planning permission granted for the change of use of the ground floor of the premises to mixed A1/A3 use (coffee shop)
- 5.0 **POLICY & GUIDANCE**
- 5.1 South Oxfordshire Local Plan (SOLP) 2011 saved 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
Circular 11/95 – Use of conditions
- 6.0 **PLANNING CONSIDERATIONS**
- 6.1 The main issues to be considered in the assessment of the application are the impact of the proposed use of the rear garden on:
- the listed building;
 - the conservation area;
 - the burgage plots; and
 - the amenity of neighbouring residential occupiers;
- 6.2 **Impact on the listed building**
The proposed use of the rear garden as a tea garden does not require any alteration to the fabric, character or appearance of the listed building. Nor will the provision of customer seating within the rear garden adversely impact upon the character of the site or the setting of the listed building.
- 6.3 **Conservation Area**
There is no proposed change to the fabric of the existing buildings as a result of the proposed change of use. The change of use does not adversely impact or harm the character or appearance of the conservation area. The development is therefore compliant with policy CON7 of the SOLP 2011.
- 6.6 **Burgage Plots**
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 the circumstance of the present 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 to some extent by built development and is 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 provides 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 ground floor of the building as a coffee shop 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 rear garden area will result in any significant change to this.
- 6.10 Noise:- The application proposes that the rear garden be used between the hours of 9.00am and 17.30pm on Mondays to Fridays and between 10.30am and 16.30pm on Sundays and public holidays. Officers consider that the use during the week is acceptable, particularly having regard to the location of 7 Friday Street in an area that contains a mix of residential and commercial uses. However, it is reasonable for the occupiers of the adjoining residential properties at 9 and 11 Friday Street to expect that there is at least some daytime when they can enjoy peace and quiet in their gardens. Officers therefore consider that the rear garden should not be used on Saturday afternoons or at any time on Sundays or public holidays. The applicant points out that weekends are an important trading time for Hot Gossip. However, in a mixed use area such as Friday Street there has to be an element of compromise to ensure that the various activities are compatible. The restriction on opening hours proposed by officers would not apply to the small courtyard immediately to the rear of the building. This is more enclosed and is less likely to result in noise and disturbance to local residents.
- 6.11 The Council's Environmental Protection Team acknowledges that use of the rear garden would detrimentally change the current noise environment of the area and has the potential to adversely affect the amenity of nearby residential properties. They consider this can be addressed by attaching conditions to a planning permission, however three of these conditions would be extremely difficult to enforce and would not meet the tests of Circular 11/95 on the use of conditions in a planning permission.

7.0 CONCLUSION

- 7.1 That the use of the garden during the daytime on Mondays to Fridays would not seriously detract from the residential amenities of adjoining properties and would comply with policies in the South Oxfordshire Local Plan 2011 but that the use at weekends would fail to allow the occupiers of adjoining properties to enjoy some peace and quiet in their gardens.

8.0 RECOMMENDATION

8.1 Grant planning permission subject to the following conditions:-

- 1. Commencement 3 years**
- 2. Use of rear garden restricted to 9.00am to 17.30pm Monday to Friday and 9.00am to 1.00pm on Saturdays. No use of garden on Sundays or public holidays**
- 3. That a maximum of 12 seats shall be made available for customer use in the rear garden**

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