

APPLICATION NO. [P10/E1127/EX](#)
APPLICATION TYPE FULL
REGISTERED 26.07.2010
PARISH HENLEY-ON-THAMES
WARD MEMBER(S) Miss Lorriane Hillier
 Ms Joan Bland
APPLICANT London & Henley Properties Ltd
SITE Market Place Mews Henley-on-Thames
PROPOSAL Extension of time to P07/E1029 (Erection of 14 residential units, new & refurbished retail, widening of mews entrance, car parking and associated landscaping)

AMENDMENTS
GRID REFERENCE 475972/182685
OFFICER Mr M.Moore

APPLICATION NO. [P10/E1128/LEX](#)
APPLICATION TYPE FULL
REGISTERED 26.07.2010
PARISH HENLEY-ON-THAMES
WARD MEMBER(S)
APPLICANT London & Henley Properties Ltd
SITE Market Place Mews Henley-on-Thames
PROPOSAL Extension of time to P07/E1030/LB. (Demolition of 4 Market Place Mew, widening of passage between 22 and 24 Market Place, internal alterations to 2 and 3 Market Place Mews and the removal of minor structures.

AMENDMENTS
GRID REFERENCE 475972/182685
OFFICER Mr M.Moore

1.0 INTRODUCTION

1.1 These applications are referred to Planning Committee because the recommendation conflicts with the views of Henley-on-Thames Town Council.

2.0 THE APPLICATIONS

2.1 P10/E1127EX

This application seeks planning permission for an extension to the time limit for implementing the planning permission granted under reference P07/E1029 which was granted on 11 December 2007.

2.2 P10/E1128/LEX

This application seeks an extension to the time limit for implementing the listed building consent granted under P07/E1030/LB which was granted consent on 11 December 2007.

2.3 The 2007 planning permission and listed building consent remain valid until 10 December this year. The development now proposed is identical to the current permission/consent and the applications only seek to extend the time limit by which

development must be commenced. At present, officers are considering the details required in connection with discharging the pre-commencement conditions imposed on the permission/consent. The applicant however wishes to have the flexibility to actually commence development after 10 December. **Attached** to this report is the Planning Committee Report dated 21 October 2007. This report describes the site, the applications, the relevant planning history and the planning considerations. The planning history is particularly important and attention is drawn to the copy of the appeal decision in respect of the previous proposal dated 12 October 2006.

3.0 **LEGISLATIVE BACKGROUND**

3.1 The 1968 Town & Country Planning Act introduced a requirement that all planning permissions/listed building consents should have a condition imposed limiting the 'life' of such permission/consent to be 5 years. This practice continued until 2004 when the Government suggested that in the vast majority of cases 3 years would be an adequate time period for development to have commenced. This was to encourage development coming forward. However, representations were made at the start of the current economic recession to the effect that 3 years at the present time was inadequate to ensure that development takes place. On the 1 October 2009 the Town and Country Planning General Development Procedure Order came into force allowing a simplified procedure for keeping permissions alive. This enables developers to keep permission alive for longer during the economic downturn so that they can move more quickly to implement permissions when economic conditions improved. Such applications to extend the time limit for implementing planning permissions had simplified procedures. Fresh plans are not required to be provided and the fee payable is reduced. It has been made clear that only one extension to each permission will be possible. The government has stressed that Local Planning Authorities 'should take a positive and constructive approach towards applications which improved the prospect of sustainable development being taken forward quickly'. Their advice goes on to point out that such developments will by definition 'have been judged to be acceptable in principle at an earlier date'. However, the process is not a rubber stamp. 'Local Planning Authorities may refuse applications to extend the time limit for permissions where changes in the Development Plan or other relevant material consideration indicate the proposal should no longer be treated favourably'.

3.2 In view of this, I consider that the principal considerations are what material changes have taken place since the decisions to grant planning permission and listed building consent were made in 2007.

4.0 **CONSULTATIONS & REPRESENTATIONS**

4.1 P10/E1127/EX:

Henley Town Council: Objection. They consider that there have been material changes to planning considerations since 2007. PPS 15 and 16 have been replaced requiring a re-assessment of the impact on historic assets, waste disposal is more of an issue, traffic pollution, now not 'brown field sites, should review the retail/non retail mix in the town and there is an opportunity to review the development in the light of government advice suggesting that planning decisions should reflect local advice.

Henley Society: Objection. Over intensive and overbearing. Previous decision to approve should now be reviewed and with the changes coming to planning framework it gives the opportunity to review the decision. (See also the comments set out in the previous application).

Henley Architectural and Historical Society: Objection. It now not within the definition of a brown field site and the decision should be reviewed.

English Heritage: No comments

Police (Crime Prevention): No objection.

Police: Requires contribution towards policing in the area.

SODC Public Amenities: No objection

SODC Conservation and Design: Consider that there has been no material change in planning circumstances since 2007. Assessment of the site in preparation for the Local Plan, the Inspectors decision and further observations from the conservation and design team, demonstrate that the significance of the historical assets and the level of harm have been properly evaluated and therefore the requirement for understanding the value of the historical assets set out in PPS5 has been satisfied.

Local residents (23): Objection. The points raised are about the scheme having no architectural merit, no affordable units, destruction of burgage plots, removal of greenery, adverse impact on setting of listed buildings, removal of trees, loss of parking, changes in regulations meaning that it is now possible to re-think the whole scheme, lack of energy efficiency in the new buildings, loss of open space, no need for new shops and a diminution in air quality. In addition, one resident, although not objecting, has expressed concern about the increase in traffic.

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Henley Town Council: objection as above.

Henley Society: objection as above.

English Heritage: Comments. They would only need to be notified of a decision to approve should the council consider that there has been a material change in circumstances since the previous decision.

Local Residents (4): objection. These were as set out above.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 Policies:

- G2 – Protect district from adverse development
- G6 – Appropriateness of development to its site & surroundings
- C8 – Adverse affect on protected species
- CON1 – Demolition of listed buildings
- CON2 – Extensions to listed buildings
- CON3 – Alteration to listed building
- CON4 – Change of use of listed buildings
- CON5 – Setting of listed building
- CON6 – Demolition in conservation area
- CON7 – Proposals in a conservation area
- CON10 – Protection of burgage plots
- CON11 – Protection of archaeological remains
- CON12 – Archaeological field evaluation
- CON13 – Archaeological investigation recording & publication
- CON14 – Building record survey
- EP1 – Adverse affect on people and environment
- EP3 – Adverse affect by external lighting

- EP6 – Sustainable drainage
 - EP7 – Impact on ground water resources
 - EP8 – Contaminated land
 - D1 – Principles of good design
 - D2 – Safe and secure parking for vehicles and cycles
 - D3 – Outdoor amenity area
 - D4 – Reasonable level of privacy for occupiers
 - D5 – Compatible mix of uses
 - D6 – Community safety
 - D7 – Access for all
 - D8 – Conservation and efficient use of energy
 - D10 – Waste Management
 - D11 – Infrastructure and services secured
 - H4 – Housing sites in towns and larger villages outside Green Belt
 - H7 – Mix of dwelling types and sizes to meet district need
 - H9 – Provision of affordable housing
 - HEN2 – Mixed use development at Market Place Mews
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- PPS3 Housing
 - PPS5 Planning for the historic environment
 - PPS6 Planning for town centres

6.0 MATERIAL CHANGES TO PLANNING CONSIDERATIONS SINCE 2007

- 6.1 Planning Policy Statement 3, published in June 2010, altered the definition of 'previously developed land' to specifically exclude gardens from the definition. This was to avoid so called 'garden grabbing'. In this particular case, I do not consider that the development amounts to 'garden grabbing'. No residential gardens are involved. In any event, the definition of previously developed land is not fundamental in this particular case given the Local Plan Designation at Policy HEN2, details of which were set out in the previous report.
- 6.2 Planning Policy Guidance Note 15 'Planning and the Historic Environment' and Planning Policy Guidance Note 16 'Archaeology and Planning' were replaced in March 2010 by the publication of Planning Policy Statement 5 'Planning for the Historic Environment'. PPS5 introduces a more unified and sustainable approach to the management of the historic environment. It links the management of change within the historic environment to the wider context of achieving a sustainable development, taking account of climate change and recognising the potential value of the historic environment towards place making and regeneration. It seeks to balance the retention of a historic environment with the management of change within it. There should be a proper assessment of the significance and appropriate measures to mitigate adverse affects on heritage assets and their setting. I consider that the assessment of the site and historical assets in preparation for the publication of the South Oxfordshire Local Plan 2011, and the comments made by the Appeal Inspector in 2006, adequately demonstrate that the significance of these heritage assets and the level of harm caused by the development have been properly evaluated. As such, the requirements for understanding the value of heritage assets set out in PPS5 have been satisfied. I do not consider that PPS5, insofar as it marks a change in assessment from PPG15 and 16, does not substantially alter the previous assessments and therefore do not represent material changes to the planning considerations. In addition, there has been no significant change in site circumstances since 2007.
- 6.3 There have been a number of representations concerning the development as set out above. However, it should further be noted that 36 residents objected to the previous applications and those objections were carefully considered by Members at the time

following a visit to the site. I do not consider that the representations made are of sufficient significance to alter the decision.

- 6.4 Since 2007, the police have undertaken considerable work in the assessment of policing need in the area caused by any population increase. A request for funding of justified police improvements in the area has been made and the developer has agreed to pay these contributions. In my opinion these contributions comply with the requirements for such payments and are in accordance with Policy D11 of the South Oxfordshire Local Plan.

7.0 **CONCLUSION**

- 7.1 In respect of the applications, there have not been any significant changes in site and planning policy circumstances since the previous decision to grant planning permission and that under these circumstances it is appropriate to grant a 3 year extension.

8.0 **RECOMMENDATION**

- 8.1 **It is recommended that the grant of planning permission be delegated to the Head of Planning subject to the prior completion of an appropriate deed of variation with the County Council to ensure infrastructure payments are made towards education, libraries, waste management and a museum resource centre and with the District Council to ensure infrastructure payments are made towards policing in the locality and the following conditions:**

- 1) **Commencement 3 years**
- 2) **That the development is undertaken otherwise in accordance with the conditions imposed on application P07/E1029.**

That an extension of listed building consent is granted subject to the following conditions:

- 1) **Commencement listed building consent 3 years**
- 2) **That the works be undertaken otherwise in accordance with the conditional requirements of the listed building consent P07/E1030/LB**

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