
APPLICATION NOS.	P10 /E1476/RET & P10/E1477/RLB
APPLICATION TYPE	Minor/Other
REGISTERED	28 September 2010
PARISH	Henley on Thames
WARD MEMBER(S)	Lorraine Hillier Joan Bland
APPLICANT	MG Hotels c/o Hawkins Eades Associates
SITE	Red Lion Hotel, Hart Street, Henley on Thames
PROPOSAL	Alteration to fenestration, provision of new and renewal of existing cladding, re-tiling of roof, provision of new and replacement of existing doors and windows, creation of five en-suite bedrooms within the old stables.
AMENDMENTS	None
GRID REFERENCE	476303/182697
OFFICER	Susannah Mangion

1.0 **INTRODUCTION**

- 1.1 The application is before Planning Committee at the request of one of the Ward Members, Lorraine Hillier. Her reasons for requesting that the application be referred to Planning Committee are:-

“This is a major listed building in Henley-on-Thames. Following investigation into a neighbours concerns over drainage problems, building control should have investigated. The alterations are actually major changes from converting old stables and more recently, lock up garages into bedrooms with en-suite bathrooms. Such a scale of development without planning permission in this highly sensitive conservation area should not be approved without the quality of the work being professionally addressed.”

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- 1.2 The Red Lion Hotel is a grade II listed building, located within the Henley Main Conservation Area. The hotel building, which dates from the 18th Century, occupies a prominent corner position between Hart Street and Thameside. The building has a red brick façade and is characterised by an L-shaped plan. The Red Lion Hotel also lies within the setting of the Grade I listed Chantry House, the Grade II* listed St Mary’s Church and the Grade II listed Almshouses.
- 1.3 A site location plan can be found **attached** at Appendix A. Plans showing the elevation details, the layout of the hotel bedrooms and a block plan can be found **attached** at Appendix B. The Design and Access statement and contextual information submitted with the applications can be found **attached** at Appendices C and D. Access to all information provided as part of these applications is available on the Council’s web site.
- 1.4 The planning and listed building applications seek retrospective consent and address matters brought to the Local Planning Authority’s attention under planning enforcement investigation ref. EE09/156. The current applications follow the withdrawal earlier this year of retrospective application (ref. P10/E0050/RLB).

2.0 **PROPOSAL**

2.1 The proposals seek the retention of new and renewed timber cladding, the re-tiling and re-slating of the existing roofs, a renewed felt roof and the installation of new and renewed windows and doors to the 'old stable' area of the hotel. Each of the guest bedrooms created has been fitted with en-suite facilities.

2.2 The part of the site where the development has been undertaken is located within the northern corner of the courtyard area of the hotel which fronts onto the hotel's car park. The information included as part of the current application indicates that the structures which are now en-suite guest bedrooms were previously used for: general storage purposes, hotel office (accounts/human resources) accommodation, a small staff room, accounts storage and restaurant storage. The planning agent has advised that no car parking was available within these areas due to internal partitions within the structures and due to the extensive use of the structures for storage purposes.

2.3 The use of the structures for a purposes ancillary to the hotel does not represent a material change of use of the land and there is no requirement for the separate grant of planning permission for any change of use.

2.4 The works are understood to have been undertaken in July 2009.

3.0 **CONSULTATIONS & REPRESENTATIONS (summary)**

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

Object – The Town Council considers building control should investigate the changes that have been undertaken in creating bedrooms with en-suites within the old stable area.

3.2 **The Henley Society (Planning)** – No objection.

3.3 **Conservation Officer** – No objection. In general the alterations are sympathetic and do not have a harmful impact on the listed building or the setting of the listed buildings in the courtyard. The lean-to rooms on the northern side of the courtyard are of unknown date but likely to be C20. An aerial photograph dating from approximately 2002 demonstrates the appearance of the courtyard prior to the recent works. The existing roofing materials of slate and clay tiles appear to have been re-used. The tin roof has been replaced with slates. The timber boarding has apparently been replaced on a like for like basis. The windows have a simple design that does not detract from the character of the group of buildings, although the panelled doors are somewhat incongruous against the plain boarded elevations.

3.4 **Health and Housing (Environmental Protection)** - No objection and no concerns regarding contaminated land.

3.5 **Building Control Manager** – Application to regularise building works awaited.

3.5 **Oxfordshire County Council (Archaeology)** – No objection.

3.6 **Oxfordshire County Council (Highways)** – No objection. The development is located within a sustainable area. The application relates to the addition of further bedrooms to a pre-existing hotel. Should there be inadequate off-street parking spaces available, this would be anticipated to impact on the custom the hotel receives given the nature of the on-street controls on parking in the immediate area.

3.7 **Neighbour (objector)** – The development has led to visual improvement to what were scruffy buildings. However, the buildings in questions used to include open-fronted car ports, an office and two single garages which have historically been available for car parking. The conversion of garages to guest bedrooms removes parking places and creates the need for additional parking spaces. Nine new parking places are now required. Additionally there are concerns about the new drainage serving the en-suite bedrooms which have not been the subject of an application for Building Regulations approval and therefore have not been approved by South Oxfordshire District Council's Building Control team.

4.0 **RELEVANT PLANNING HISTORY**

4.1 There is an extensive planning history but none is directly relevant to the current application, apart from the planning enforcement investigations set out below. There are no planning conditions on any existing planning permissions which require the retention of these structures for the parking of vehicles. In addition there are no planning conditions which limit the number of guest rooms provided at the hotel.

4.2 EE07/271: Planning enforcement investigation alleging the conversion of a stable block to residential guest bedrooms. The investigation was closed in 2008 as it was considered that there had been no breach of planning control.

4.3 EE09/156: Planning enforcement investigation alleging unauthorised works to a listed building. The investigation remains open pending the outcome of the current planning and listed building applications.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011:

- G2 – Protection and enhancement of the environment
- G6 – Promoting good design
- CON2 – Alterations and extensions to listed buildings
- CON5 – The setting of listed buildings
- CON7 – Proposals affecting a conservation area
- D1 – Good design and local distinctiveness
- TSM1 – General approach to tourism
- TSM2 – Tourist attractions and facilities
- T2 - Transport requirements for new developments

Government Guidance:

- PPG18 – Enforcing Planning Control
- PPS1 - Delivering Sustainable Development
- PPS5 – Planning for the Historic Environment

5.3 South Oxfordshire Design Guide

5.4 Parish Plan:

- Henley-on-Thames Action Plan 2006-2007

6.0 **PLANNING CONSIDERATIONS**

6.1 Section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 allows listed building consent to be sought for works which have already been completed. Local Planning Authorities should not grant consent merely to recognise a *fait accompli* and if the work is not of a suitable type or standard, consent should not normally be given.

6.2 The works to the old stable buildings require planning permission and listed building consent. Freestanding structures within the curtilage of a listed building form part of the listing (unless erected after 1948) and in this case, the buildings are located within the curtilage of the Red Lion Hotel.

6.3 The main considerations in this case are the following:

- The impact of the partially retrospective development on the character and appearance of the grade II listed building
- The impact of the partially retrospective development on the setting of the listed building and adjacent listed buildings
- The impact on the character and appearance of the Henley Main Conservation Area
- The impact on neighbouring properties/occupants
- Highways considerations
- Other considerations

6.4 **Impact on the special architectural and historic character and appearance of the grade II listed building**

In accordance with advice contained in CON2 of the SOLP 2011, any alterations to a listed building must respect the established character of the listed building, with careful attention being paid to the design, bulk and materials of any proposals.

6.5 With regard to the retrospective proposal, the development involves the re-use and refurbishment of existing hotel buildings including the installation of en-suite facilities to each of the five guest bedrooms and the erection of internal partitions. Heating has been upgraded internally and floor, wall and roof spaces have been insulated. Externally, much of the refurbishment involves replacement on a like-for-like basis. However, in respect of rooms 401 and 402, the tin roof was replaced with slates and the guttering re-installed. The flat felt roof and existing guttering to rooms 403 and 404 was removed and replaced, but the existing roof lights were maintained. The existing windows and door were replaced and the timber boarding was replaced on a like-for-like basis. In respect of the lean-to roof above rooms 404 and 405, the old clay peg tiles were removed, the felt replaced and the tiles re-installed. The façade of rooms 404 and 405 was altered to match the exterior of rooms 401, 402 and 403. No structural alterations are understood to have been undertaken. Overall, the proposals are low key and are considered to be of an acceptable design. The development does not detract from the special architectural and historic character and appearance of the grade II listed Red Lion Hotel.

6.6 **Impact on the setting of the listed building**

Policy CON5 of the SOLP 2011 states that proposals for development which would adversely affect the setting of a listed building will be refused.

6.7 The following listed buildings are located in close proximity to the partially retrospective proposals:

- The Red Lion Hotel and stables (grade II listed)
- Chantry House (grade I listed)
- St Mary's Church (grade II* listed)
- Almshouses (grade II listed).

6.8 The setting of a listed building is often an essential feature of its character. In this case, the development is low-key and of a scale and nature appropriate to the character of the Red Lion Hotel. There is no harm to the setting of the Red Lion Hotel or the setting

of the adjacent listed buildings, including the grade I listed Chantry House.

6.9 **Impact on the character and appearance of the Henley Main Conservation Area (P10/E0048/RET only)**

Policy CON7 of the SOLP 2011 states that planning permission will not be granted for development which would harm the character or appearance of a conservation area. Development within a conservation area is required to be of an acceptable design and scale and to be appropriate to the established character of the area. The use of traditional materials will be required whenever this is appropriate to the character of the area.

6.10 In this case the design, scale and traditional materials used are sympathetic to the established character of the local area and preserve the character and appearance of the Henley Main Conservation Area.

6.11 **Impact on neighbouring properties/occupants**

A neighbouring resident has expressed concerned about two main issues:

- parking implications arising from the use of these structures as guest bedrooms
- concerns regarding the adequacy of the drainage serving the guest bedrooms.

6.12 In respect of parking implications, there are no planning conditions imposed on earlier planning permissions that require the retention of the former garaging/storage facilities for the parking of vehicles. The use of these structures for a purposes ancillary to the hotel does not represent a material change of use of the land. The Oxfordshire County Council Highways liaison officer has advised he has no grounds for objecting to the current proposals. He has also stated that the Red Lion Hotel occupies a sustainable location. There are on-street parking controls which would prevent parking on-street in the immediate area, and in addition to the parking facilities within the Red Lion's car park, there are a number of nearby public car parks available.

6.13 In respect of drainage matters, the planning agent has advised that the owners of the Red Lion Hotel intend to regularise all matters and will be dealing with the matter of building regulations as soon as planning issues are resolved.

6.14 The allegation of nuisance drainage was investigated as part of cross-service work undertaken as part of planning enforcement investigation ref. EE09/156. The Council's Environmental Health Officer obtained information regarding the locations of the drain runs and at what point they connected to a private sewer. Matters of defective drainage are dealt with by the Council's Environmental Services team, although the issue of any compensation for damages is a private matter. The Environmental Health Officer has advised that allegations regarding nuisance drainage have not been pursued up by the neighbour in terms of providing supporting reports, CCTV or other evidence.

6.15 **Highways considerations**

The current applications relate to the physical alterations to the buildings and not to any change of use of the land. The OCC Highways liaison officer has advised that he has no grounds for objecting to the proposals. (See also comments at paragraph 6.12 above).

6.16 **Other considerations**

The Red Lion Hotel provides 39 guest bedrooms and the provision of modern hotel facilities is important to local tourism and the economy of the immediate area.

7.0 **ENFORCEMENT CONSIDERATIONS**

7.1 As the applications seek retrospective consent, refusal would give rise to consideration being given to pursuing formal enforcement action to ensure any harm caused by the works is remedied. In the case of refusal of listed building consent, the council could consider prosecution.

8.0 **CONCLUSION**

8.1 **P10/E1475/RET**

The development does not harm the special architectural and historic character of the grade II listed building and its setting, or the setting of listed buildings in the immediate vicinity and the development preserves the character and appearance of the Henley Conservation Area. The development does not give rise to any harm in, planning terms, to the amenity of neighbouring residents and there are no objections to the development in terms of parking provision. The provision of modern guest facilities at the hotel supports tourism to the local area and the local economy. The development accords with the aims of development plan policies particularly policies CON2, CON5, CON7, D1 and TSM2.

8.2 **P10/E1477/RLB**

The works do not harm the special architectural and historic character of the grade II listed building. The works accord with the aims of policy CON2 of the SOLP 2011.

9.0 **RECOMMENDATION**

9.1 **That planning permission and listed building consent be granted subject to the following condition:**

- 1. All new works and works of making good to the retained internal and external fabric of the building shall be finished to match the adjacent work with regard to the methods used and to materials, colour, texture and profile.**

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