

<b>APPLICATION NO.</b>	<a href="#">P15/S3385/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	13.10.2015
<b>PARISH</b>	HENLEY-ON-THAMES
<b>WARD MEMBER(S)</b>	Joan Bland Stefan Gawrysiak Lorraine Hillier
<b>APPLICANT</b>	Henthames Limited and Hallmark
<b>SITE</b>	The Workshop, Newtown Road, Henley-on-Thames RG9 1HG
<b>PROPOSAL</b>	Demolition of the existing building and the erection of an 80 bed care home (C2 use) with parking, landscaping, retention of existing access to Newtown Road and creation of a new access from Mill Lane.(as amended by drawings accompanying email from Agent dated 9 March 2016)
<b>AMENDMENTS</b>	None
<b>GRID REFERENCE</b>	476845/181640
<b>OFFICER</b>	Amanda Rendell

**1.0 INTRODUCTION**

- 1.1 This application has been referred to Planning Committee as the views of Henley Town Council differ from the Officer's recommendation.
- 1.2 The application was on the agenda for the Planning Committee meeting held on 5 October, however it was deferred in order to allow Councillors to visit the site
- 1.3 The application site is located to the south east of Henley town centre within the Newtown Road Business Park which is accessed from the A4155 Reading Road. The Business Park comprises commercial employment space, mix of offices, car showrooms, garages and a business centre which is immediately adjacent to the north. The site is located in the south-east corner of the business park and is bounded by other commercial properties to the north and west.
- 1.4 Mill Lane runs along the southern boundary of the site, although the site itself is accessed via Newtown Road to the north. To the east of the site lies the railway line, which is part of the First Great Western network. Beyond the railway line is a football ground and open space leading to the River Thames. Along Mill Lane there is a pedestrian only river walk bridge, part of the Thames Walk. South of Mill Lane is a Tesco Supermarket with associated customer parking.
- 1.5 The site is approximately square in shape and 0.47ha in size. There is an existing part single part two storey building in the centre of the site, previously in use as an LA Fitness Health Club which now lies vacant. The Health Club provided a gym, studio space, a swimming pool and café but closed in August 2015. The remainder of the site is mainly hardstanding used for parking, with

formal tree and hedge screening along the perimeter. The surrounding commercial properties to the west and north are of a similar single block style, flat roof buildings up to 2 stories in height.

- 1.6 The trees along the south eastern boundary are protected by a tree preservation order.
- 1.7 The site is located approximately 350 metres from the banks of the River Thames and the Environment Agency's map show the site as Flood Zone 1 (the lowest flood risk).
- 1.8 The nearest residential property to the application site is Cedar Lodge which is situated approximately 50m on the southern side of Mill Lane. Beyond the railway line to the south east further residential properties are situated at a much lower level than the application site.
- 2.0 **PROPOSAL**
- 2.1 This application proposes the redevelopment of the site including the demolition of the existing buildings, change of use from Class D2 to Class C2 and the construction of an 80 bed care home over three storeys (and basement) and private landscaped gardens. All accommodation will be on the ground and first floor levels.
- 2.2 The care home will provide nine lounge/dining rooms, assisted bathrooms, therapy room, cinema, physio room, laundry, and café. A total of 33 parking spaces will be provided, including 2 disabled bays, along with 6 cycle parking spaces.
- 2.3 The site will have dual access from both Newtown Road and Mill Lane to the south. Of the 33 car parking spaces, 18 will be provided for staff accessed from Newton Road and 15 will be for use by visitors and some staff, accessed from Mill Lane. Access for service and delivery vehicles will be from Newtown Road and space is provided for these vehicles to turn within the site.
- 2.4 The proposed scheme has been designed to be three storeys above ground level with a pitched roof at the edges, which leads to an area of recessed flat roof in the middle of the built form. The highest point of the development will be on the north west elevation facing Newtown Road and the commercial areas. The use of single and twin full height gables, catslide roofs, dormer windows, and projecting bays are all proposed to promote the articulation of the built form. The scheme will use materials including red/orange brick, red hanging tiles, mock-Tudor stained timber and render, and stone (or similar) detailing.
- 2.5 It is anticipated that the care home will employ 70 staff providing 24 hour care using a three shift system with changeover times at 8am, 2pm and 8pm. A total of 15 care staff will be on duty during the peak daytime hours. Administrative and kitchen staff will work either a single daytime shift or a split shift and it is expected these would total up to six on site during the day.
- 2.6 External health care professionals will provide additional services including a

variety of therapeutic and personal services such as chiropody and hairdressing. Such visits are expected to number 1 or 2 per day. Visiting times for residents’ relatives are not fixed, but mealtimes are protected so that residents can be served meals without the distraction of visitors and to enable staff to provide an efficient service to all their residents.

- 2.7 A location plan is **attached** as Appendix 1.  
Elevations and site layout follow on Appendix 2.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1

Consultee	Summary of representation.
Henley Town Council	<p><b>Objection.</b> Recommend refusal due to traffic generation, access and safety issues in Mill Lane which is primarily a single track lane extensively used by visitors to Marsh Meadows, members of the football club in addition to the residents. The committee also draws attention to the comments regarding the loss of leisure facilities as highlighted by the SODC Economic Development Officer, the designation of the site as an asset of community value and the widespread community objections to the development. This site is not designated for a care home in the Neighbourhood Plan. A site visit is recommended so that the unsuitability of Mill Lane for the proposed access can be viewed. Any impact on the electrification of the railway could threaten the viability of this essential transport link.</p>
Oxfordshire County Council One Voice	<p><b>No objections</b> based on the revised plans. The amended plans address some of the previous highway recommendations and comments. It is accepted that there is no planning basis for a public right of way across the site. Revised parking areas and cycle storage are welcomed. Conditions recommended to cover construction traffic management plan, detailed plan of the vehicular access to the proposed care home, cycle parking/storage, amended travel plan and a surface water drainage scheme.</p> <p>S106 Town &amp; Country Planning Act &amp; S278 Highways Act- Financial contribution of £1000 per additional dwelling (indicatively £80,000) towards the cost of improving the frequency and/or hours of operation of bus service 800 between Reading, Henley and High Wycombe.</p> <p>Works to improve the footway on the northern side of Mill Lane, between the site entrance and the</p>

	<p>Reading Road. Alternatively an appropriate route may be provided via Newtown Road. Travel plan monitoring/review fees of £1240.</p>
<p>The Henley Society (Planning)</p>	<p><b>Objection.</b> Overdevelopment, parking is inadequate, outdoor space is minimal and the access from Mill Lane would cause traffic problems. Also remain concerned about the loss of B1 use on this non-residential site. The present proposed pressure on several sites for care home facilities in Henley would put unsustainable strain on local medical facilities, whilst doing nothing for the need to supply affordable housing for the working population of the town.</p>
<p>SODC Countryside Officer</p>	<p><b>No objection.</b> I have assessed the proposals and I am satisfied that there are unlikely to be any significant ecological impacts if planning permission is granted.</p>
<p>SODC Forestry Officer.</p>	<p><b>No objection</b> to the removal of 12 trees as these are of insufficient arboricultural value to be considered as a constraint to development. Revised plans showing slight repositioning of the building are welcomed as these allow for the future growth potential of the G3 trees, which in turn will help to screen and soften the building as they mature. It will also help to provide a little more space for new planting to enhance the green screen, although this will be limited due to the presence of the overhead power cables running parallel to Mill lane.</p>
<p>SODC Environmental Health Air Quality</p>	<p><b>No objections.</b> Due to proximity to Air Quality Mitigation Area, mitigation is required in order to help mitigate against adverse air quality impacts of the development along with the potential cumulative effects of piecemeal developments and to enable future proofing of the development. Travel plan provides only minimum best practice mitigation and is insufficient mitigation in air quality terms for a development of this nature. At present none of the band 2 mitigation requirement levels or equivalent have been included. No objection at this stage to the principle of the application providing a pre-commencement condition to be agreed by LPA in writing. <u>Condition</u> will require the applicant to agree measures to mitigate the impact on air quality in the area.</p>

<p>SODC Environmental Health Contaminated Land</p>	<p><b>No objections.</b> The SLR report concludes that there is a low risk that significant contamination exists at the site from the former uses but also that there are uncertainties on the material uses on site between 1966 and 1996. SLR then state that further intrusive investigations would assist in establishing the presence of any contamination. Given the uncertainties at this site it would be prudent to conduct further intrusive ground investigations to establish the chemical composition of the ground and the presence of any contamination.</p>
<p>SODC Environmental Protection.</p>	<p><b>No objections.</b> Further to submission of revised plans, no further observations to make provided that the mitigation strategy made within 6.0 of the submitted WYG Planning &amp; Environment Noise assessment is incorporated into the proposed development. This would be possible through the inclusion of the conditions regarding glazing specifications, as well as alternative means of ventilation for the proposed development.</p>
<p>Environment Agency</p>	<p><b>No objections</b>, subject to condition regarding site investigation and remediation. Verification report and some flood risk standing advice.</p>
<p>SODC Food Safety</p>	<p><b>No objections.</b></p>
<p>SODC Leisure and Economic Development</p>	<p>There is a need for leisure facilities within the town to help strengthen and improve vitality. The care needs assessment supports the need for the care home. This application would create 60-80 jobs which would support local employment growth. It is important to note that there is no comparable figure for the previous business. Important to consider whether the new care home facilities outweighs the demand for office accommodation in Henley as the site could be used for a local business for office use. The site may be more suited for B1 use as it would allow the park to respond to the current demands from the market. Whilst supportive there is caution that the needs of the town centre, local economy and the community are met.</p>
<p>SODC Waste Management</p>	<p><b>No objections</b> subject to further information required on the bin store location, tracking of collection lorry and bin sizes. Any waste from commercial activities will need to be collected and stored separately by a different provider.</p>

<p>Network Rail</p>	<p><b>No objections.</b> Network Rail have now formally withdrawn their initial objections to the proposal in its entirety. They confirm that for the avoidance of doubt there are no longer any outstanding issues concerning land ownership or the ability of Network Rail to carry out works to facilitate future electrification in respect of this land. They provide general comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.</p>
<p>Architects Panel</p>	<p><b>No objections.</b> Comments provided indicate that the design should consider users with common rooms facing more southerly, outside space accessed from common rooms. Balconies should face south and should consider outlook/overlooking common outside spaces. Review balconies and the effect they have on rooms below. Entrance gable requires a review as currently too fragmented – consider making gable more dominant. Suggest removals of Tudor cladding to stairs and replace with brick and increase Tudor element to front same entrance. Suggest re-considering the car park possibly place some to south east of site and increase garden to south west and have café adjacent as this would increase activity in this area so residents can sit and watch activities.</p>
<p>Henley Town Football Club</p>	<p>Express concern regarding any proposed alterations to the road width and parking restrictions on Mill Lane, Henley-on-Thames to accommodate a new entrance for the planned Care Home and also the McCarthy Stone flats on the old Jet Garage site on the corner of Reading Road. Henley Town Football Club strongly appeal against the roadside parking places being taken away, particularly around the proposed exit/entrance, because parking in the area is very limited and will cause massive problems especially on match and training days. The Free Car Park in Mill Lane has only 50 spaces and is used by the Football Club on Match days and visitors to the Riverside. When the weather is fine the car park gets overfull with visitors to the Riverside area and the loss of the extra road side parking spaces in Mill Lane would cause big problems to Henley Town Football Club, visitors and the residents in Mill Lane. Another issue is if the parking is taken away Mill Lane is very narrow with no pavements for pedestrian use so if they have to walk to the</p>

	Football ground or Riverside Meadows it will cause a safety issues. If parking isn't available our supporters will go away which will be a big loss financially to the Football Club.
SODC Urban Design Officer	<b>No objections.</b> Suggestions made regarding some of the treatment of elevations, balconies and layout of external landscaped areas. These have been addressed through the submission of the revised plans.
SODC Drainage Engineer	<b>No objections.</b> Conditions should be imposed to require foul and surface water drainage details and SUD's prior to development commencing.

Two hundred and ninety eight letters of representation have been received from local residents including the Mill Lane Residents Association and the Keep Henley Active campaign. A petition with approximately 700 signatures has also been submitted. These have raised the following objections and comments:

Value/benefit of keeping the gym

- Loss of facility would reduce the town's appeal to live and work in
- Gym facilities and swimming pool would attract younger people to move to the area
- Site is a community asset and should remain so
- A much larger percentage of people within the Henley area would benefit from the use of the premises as a gym/pool facility than a care home
- Loss of LA fitness will take away facilities where children can learn to swim and put pressures on Gillotts which could not be met
- Closure of LA fitness has taken Henley well below the national average provision of such facilities
- One swimming pool within Henley is not enough and Henley is desperate for more sports/health venues
- Henley need decent social facilities as there is a history of losing them and replacing them with housing
- The community facility is well used especially considering the already limited leisure facilities in Henley and its loss would be detrimental
- Closure is not due to financial failure and LA fitness is likely to have been very profitable before its closure
- Loss of convenient and useful facility for public health. Child obesity and general health benefits
- The existing pool should be maintained and made available to the community
- The facility closure has left many employees of the nearby offices, workshops and factories on the Estate without the complementary amenity facility to enhance the attractiveness of the estate
- The removal of the leisure and pool provision with no alternative facility

proposed as part of this planning application diminishes the Towns environment and attractiveness to inward investment

- The loss of this facility would serve to detract new tenants and landlords refurbishing or redeveloping the sites for new B1/B8 uses
- The club hosted a hairdresser, a beauty therapist, a massage therapist and a popular cafe whose clientele was not limited to club members
- The proposed care home would be no beneficial to the business estate
- Children within Henley are not being taught to swim required by national curriculum
- The closure of LA Fitness has resulted in the loss of a large number of jobs, including café, beauty room, hairdresser, personal trainers, cleaners, swim teachers, class teachers and those employed within the gym.

#### Other gyms/swimming pools

- There are insufficient alternative facilities in the Henley area to mitigate the loss of LA Fitness. Other gyms and pools are oversubscribed prior to the closure of LA Fitness
- The size of the gym at Gillotts is small in comparison to LA fitness and the latter is large enough to accommodate the population of Henley
- Alternative at Gillotts are a lot more expensive and has a limited timetable with long waiting lists for swimming
- The gym provision and number of classes at alternative gyms are already under pressure
- The facilities/classes provided at the Gillotts leisure centre are not great and residents should have a choice of facilities
- There is no attached alternative provision of this entire leisure facility as part of the planning application.
- The current facility is clearly needed with the number of memberships that were subscribed and objections registered by petition
- Travelling to other gyms/swimming pools could take up to 30 minutes to journeys
- Alternative pools are a lot smaller and not practical for leisure purposes
- Gillotts gym is smaller and in an out of town location
- Other available gym within the town is sought to be converted for housing within the Neighbourhood Plan

#### Traffic

- Insufficient details on the current and proposed traffic density and flow
- Since the traffic flow to and from the new facility is unlikely to be materially different to the existing use it seems unnecessary to have an additional access
- New vehicular access would be unsightly from the unmade lane
- LA Fitness has a significantly larger number of visitors and was sufficiently supported by the access from Newtown Road
- Lack of traffic management plan which could address concerns of access

and parking

- Parking spaces are not sufficient for the visitors and staff
- The extra traffic that comes with all the out of town visitors and employees to a care home in such a location is not welcomed
- The traffic survey submitted does not portray the true picture of the usage of Mill Lane and contains questionable data and should be independently verified on site with a new survey at differing times to cover its usage as a route to a Leisure and tourism, residential and sports venue
- Trip generation was taken over a very quiet period in October and not at its peak use during the spring and summer months, on Saturdays and match days at AFC Henley.
- Mill Lane is a dead end and leads to housing, Marsh Lock and Marsh Meadow which are heavily used tourist destinations.
- Parking on-street serves as overflow parking capacity at the proposed entrance to the site. To restrict the use of the overflow arrangement solely for the purpose of facilitating new access would be against core strategy and inward investment and tourist encouragement. The gradient between the start of the visibility splay and the centre of the access is of dangerous variance.
- The visibility splays are below standard and would be additionally affected by trees and gradient.
- Parking on this section, would restrict the visibility splays shown on the drawing and could make turning movements difficult to and from the access.
- The proposed development will likely increase pedestrian movement between the site and the river walkway on a section of road, where no improvements are proposed to pedestrian access and were the speed survey demonstrated speeds of around 30mph. Of the approximate 600m of the Lane, less than 150m has a separate footway, and consequently pedestrians and vehicular traffic share the same surface for the majority of the length of the lane
- Narrow lane would make it impassable for two emergency vehicles

#### Mill Lane issues

- Mill Lane has drainage problems which often leads to large puddles in the road
- No yellow lines are outside the proposed new access and should be painted to prevent any further congested parking
- There is an established pedestrian right of way from Mill Lane through to Newton Road which has been used without obstruction
- Parked cars on Mill Lane would result in blocking the entrance of narrow track lane nearby
- The development would result in excess congestion on the narrow road (Mill Lane) which would pose a harm to pedestrians
- Access onto Mill Lane is narrow and is often used for parking without double yellow lines

- The access from Newtown Business Park is sufficient enough to support this development and access from Mill Lane should not be created
- Mill Lane is very congested and when there are football matches and this problem is greatly exacerbated when new homes are built on the Jet petrol station
- Poor visibility for cars accessing and egressing from the site along Mill Lane
- Destruction of the unique character of Mill Lane, which is semi-rural and offers a classically tranquil and tree-lined access to the River Thames which is currently enjoyed by locals and visitors alike
- The swept line analysis does not take into consideration parked cars on Mill Lane.
- The transport assessments do not consider the topography of the site
- Noise analysis has not taken into account vehicle movements into and out of the site (engine noise and car breaking)
- Will this application damage the integrity of the embankment to the railway?
- Mill Lane will be the main access point and will not be a “small additional increase” as the applicant states
- The applicant states that traffic from visitors will be higher at evenings and weekends and Mill Lane is already congested at weekends
- The parking provision is too little for the proposed 80 bed building and might result in an overflow into the nearby car park on Mill Lane

#### Other/policy issues

- Other suitable sites within Henley which could accommodate additional care home facilities
- SODC policy safeguards to ensure that sufficient health and leisure facilities are provided in the district
- If permission is granted then it should be conditioned to retain the pool and ensuring it is available for public use and/or with planning gain in order than an alternative facility can be built within Henley
- This leisure facility is required for the new developments which will be coming to Henley-on-Thames
- There has also been a proposal to put further new residential development access onto Mill Lane and it is not clear how any cumulative impact would create further congestion or risk at the junction with the Reading road
- The council's stated preference is for extra care housing, not care homes
- In the South Oxfordshire leisure and sports facilities strategy, March 2011, it is noted that there is a good level of swimming pool provision in this county, but some unmet need is there. The LA fitness pool was the second best used pool in this district according to that document
- The remaining parts of Newtown Road should be preserved for business
- Care home would change the character of the town and make it into an older destination.

- It is understood that there is a proposal to reinstate the site back to a sporting facility which would have a huge and positive impact on the residents of Henley.
- There were a minimum of two offers on the site, and if it were openly marketed then there would most likely be more proving it is an economically viable operation
- Currently no under-supply of care home rooms within Henley-on-Thames, 120 new ones being planned currently, 63 beds for assisted living accommodation at Townlands Hospital and a 60 bedroom plan by B&M Care Homes in the former youth club.
- Loss of trees during the electrification of the rail line should be considered
- The substandard access compromises the delivery of these in the future including the ability of network rail to deliver the Henley electrification
- The replacement building would be larger and would result in the loss of tree screening which means that the lane would be dominated by this new building which is overly intrusive, out of character and overly large
- The viability of the business as a leisure facility was never tested as the facility was never offered to the open market
- In Henley, it is imperative that where possible land allocated for employment use is retained for the specific purpose of securing a balanced and sustainable economy.
- The applicant provides no evidence to demonstrate that the site is unviable for employment and related development
- The site should be retained for employment use
- Design is at odds with the industrial character of the estate

#### 4.0 **RELEVANT PLANNING HISTORY**

##### 4.1 [P05/E0048](#) - Approved (11/03/2005)

An extension of the existing building (health club) comprising of two connected single storey buildings of different heights to replace the existing pool plant room building & the retractable cover (roof) over swimming pool.

##### [P04/E0887](#) - Approved (13/09/2004)

Construction of a spa room with retractable roof and covered walkway.

##### [P04/E0289](#) - Approved (23/06/2004)

Erection of a conservatory extension to form new Spinning room area. (As amended by Drawings accompanying Agent's letter dated 28 April 2004).

##### [P97/S0846](#) - Approved (03/03/1998)

Swimming pool and retractable cover over and plant room - part retrospective

##### [P96/S0540/FUL](#) - Approved (07/11/1996)

Change of use from light industrial to fitness club Class D2 use.

#### 5.0 **POLICY & GUIDANCE**

##### 5.1 **South Oxfordshire Core Strategy policies**

CS1 - Presumption in favour of sustainable development  
CSS1 - The Overall Strategy  
CSHEN1 - The Strategy for Henley on Thames  
CSB1 - Conservation and improvement of biodiversity  
CSEN1 - Landscape protection  
CSG1 - Green infrastructure  
CSH3 - Affordable housing  
CSH4 - Meeting housing needs  
CSR1 - Housing in villages  
CSM1 - Transport  
CSM2 - Transport Assessments and Travel Plans  
CSQ2 - Sustainable design and construction  
CSQ3 – Design

5.2 **South Oxfordshire Local Plan 2011 policies**

G2-Protection and enhancement of the environment  
G5-Making the best use of land  
C3-The River Thames and its valley  
C6-Biodiversity Conservation  
C9-Landscape Features  
E6 – Employment uses  
CON12- Archaeology  
EP2-Noise and Vibration  
EP3- Light Pollution  
EP6-Surface Water Protection  
EP8-Contaminated Land  
D1-Good Design and Local Distinctiveness  
D2-Vehicle and bicycle parking  
D3- Plot Coverage and garden areas  
D4-Privacy and Daylight  
D5-Promoting mixed use development  
D6-Design against crime  
D7- Access for all  
D10-Waste Management  
H4-Proposals for housing  
R8-Public Rights of Way  
CP1-Safeguarding community facilities and services including recreation facilities  
T1- Transport requirements for new developments  
T2-Transport requirements for new developments  
HEN3-Land at Reading Road Industrial Estate (southern part)  
CS11-Infrastructure Provision

South Oxfordshire Design Guide 2008

5.3 **National Planning Policy Framework**

National Planning Policy Framework Planning Practice Guidance

**Joint Henley and Harpsden Neighbourhood Plan (JHHNP) policies**

H2-Design Brief for all allocated sites

H3-Type and size of new housing  
T1-Impact of the development on the transport network  
E1-Supporting Henley's economy  
EN1-Biodiversity  
DQS1-Local Character  
SP2-Mill Lane Former Jet Garage (Site H)

On 14 April 2016 the Joint Henley and Harpsden Neighbourhood Plan (JHHNP) was officially made and it now forms part of the Development Plan.

**6.0 PLANNING CONSIDERATIONS**

6.1 The main planning issues in relation to this application are:

1. The principle of development
2. Loss of gym and swimming pool
3. Need for care home
4. Asset of Community Value
5. Design and layout
6. Highway safety, convenience, traffic and rights of way
7. Impact upon the adjacent railway
8. Impact on neighbours
9. Amenity of future occupiers
10. Employment
11. Drainage
12. Trees, protected species and biodiversity
13. Contaminated land
14. Air quality and noise
15. Archaeology
16. Sustainability and energy efficiency
17. Developer Contributions

1. Principle of development

6.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.3 The adopted South Oxfordshire Core Strategy Policy CSHEN1 allows for housing on suitable infill and redevelopment sites.

6.4 The site is not allocated for a specific use in the JHHNP. However policies H3, E1, EN1 and DQS1 are all relevant.

6.5 In terms of land use, the site is situated within an employment area. However, Policy E6 of the Local Plan does not apply to this proposal because the building, which served as a fitness centre for nearly 20 years, was not in employment or service trade use and so would not be protected by this policy. Policy HEN3 of the Local Plan, indicates that proposals for the redevelopment of under-used land on the southern part of Reading Road Industrial Estate for Class B1 and B8 uses will be permitted where they:

- (i) include measures to enhance the appearance of the area;

- (ii) make adequate provision for car parking and where possible, improve existing arrangements; and
  - (iii) would not significantly worsen peak hour congestion on the Reading Road.
- 6.6 This site falls within the area to which HEN3 relates and whilst this policy encourages new B1 and B8 uses, it is silent on proposals for alternative uses.
- 6.7 Policy G5 of the Local Plan states that in considering development proposals within the built-up areas of settlements the best use of land and buildings will be sought, in terms of the type and density of development, in order to reduce the need for development of greenfield sites or of sites in non-sustainable locations. The redevelopment of the site offers a number of benefits including the redevelopment of an outdated and vacant building within a sustainable location.
- 6.8 Policy CF2 of the Local Plan states that proposals that would result in the provision of additional community facilities or services within settlements will be permitted. This is provided that there are no overriding amenity, environmental or traffic objections to the proposals and that there is no conflict with the other policies in this plan.
- 6.9 Buildings falling under D2 use class would normally be able to be used for any other use falling within that use class (Assembly and Leisure), without the need for planning permission. This includes cinemas, music and concert halls, bingo and dance halls, swimming baths, skating rinks, gymnasiums or areas for indoor or outdoor sports and recreations. However a condition attached to the original permission for the health and fitness use on the site (P96/S0540/FUL) removes this automatic right.
- 2. Loss of gym and swimming pool
- 6.10 Policy CF1 of the Local Plan states that proposals for the loss of a recreation facility or an essential community facility or service, through change of use or redevelopment, will not be permitted unless:
  - (i) suitable alternative provision is made for the facility (or similar facilities of equivalent community value) on a site elsewhere in the locality, or
  - (ii) in the case of recreational facilities, it is not needed, or
  - (iii) in the case of commercial services, it is not economically viable.
- 6.11 Your officers consider that both public and privately run health and fitness gyms and swimming pools can be viewed as recreational facilities protected by the requirements of Policy CF1. The supporting text to Policy CF1 indicates that a community facility may not be considered essential if suitable alternative provision already exists.
- 6.12 Whilst it is accepted that the loss of the gym has been very disappointing for users of the facility, there has been a historic surplus of gym stations in the area. It is reasonable to assume that market forces will respond if sufficient demand exists and in the last year a number of new gyms have opened in the area, the nearest being in Quebec Road. The fitness centre also provided a

studio for classes, but the district generally has good studio provision. As such officers consider that there is suitable alternative gym station and studio space in the area.

- 6.13 The application is accompanied by a Health, Fitness and Swimming Assessment undertaken by Nathaniel Lichfield and Partners. This report concludes that the facility will not reopen regardless of the outcome of the current planning application proposals. LA Fitness was taken over by Pure Gym and it is indicated that, even if they had kept the Henley facility, the swimming pool would not have been retained. The report concludes that there is no deficiency in swimming pool provision in Henley. The provision of indoor swimming pool space within the sub-region is assessed as ‘excellent when compared with the regional average’ with residents within SODC and surrounding authorities having good access to indoor swimming pools.
- 6.14 Paragraph 74 of the NPPF states that “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- (i) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
  - (ii) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
  - (iii) the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.
- 6.15 The applicant’s assessment confirms the private health club was “surplus to requirements” and argues its loss does not therefore conflict with paragraph 74 of the NPPF. Whilst there are clearly differing opinions on the supply of alternative leisure/recreational facilities within the Henley area, it is important to consider the fall-back position which is that the building could be used as a gym minus the pool without the need for planning permission. The council has no powers to require either the gym or pool to reopen and has to consider the proposed redevelopment option on its merits.
- 6.16 The loss of the swimming pool is regrettable and it is acknowledged that there isn’t an equivalent private facility in the immediate area. However it is understood that Henley Leisure Centre pool has accommodated children’s swimming classes in addition to school lessons and there is still some spare capacity remaining at that pool. The Council’s Leisure Consultant’s work also confirms that the Henley Leisure Centre pool is still operating at below capacity, as defined by Sport England, notwithstanding the closure of the LA Fitness facility.
- 6.17 It is important to consider that refusing this application for a care home will not result in the swimming pool being brought back into use. In addition, it is understood that there are significant viability issues associated with swimming facilities and on that basis officers do not consider that it would be reasonable to insist on alternative provision.

3. The need for care home

- 6.18 There is increasing demand to provide suitable accommodation for elderly persons within the South East region. The 2011 Census established residents in the 65 to 90 year age group are over represented in the Henley and Harpsden area. In addition, a relatively high percentage (34%) of dwellings have only a single occupier and a higher than average proportion of these are aged over 65 years. This may indicate a need to provide further specialist accommodation to house the increased ageing population which would free up housing stock within the area.
- 6.19 The Strategic Housing Market Assessment (SHMA) was produced to assess the total level of new housing needed in Oxfordshire over the next 17 years. This need is generated by the changing demographics of the area, the need for new homes to match the new jobs planned for, and to deliver affordable homes for those whose needs are not met by the market. The report considers older persons' needs as part of the Objective Assessment of Housing Need (OAN) (population projections and projected demographic changes). The SHMA identifies a key driver of change in the housing market over the next 20 years will be the growth in the number of older persons. The population projections upon which the OAN is based show the number of older people is expected to increase significantly over the next few years.
- 6.20 The SHMA identifies issues of under-occupancy in the Housing Market Assessment (HMA) and the increased trends in downsizing. Chapter three identifies 'a notable trend in older households downsizing and potential for provision for this group to release larger family homes for others.'
- 6.21 The SHMA highlights the link to downsizing and the increased proportion of older people which is carried into the forecast for future household sizes to drop. It identifies key groups, including older people, which may have housing needs which differ from those of the wider population. The SHMA suggests that moving forward a greater emphasis could be placed on meeting the needs of older people through a range of accommodation types including C2 use, extra care, open market and affordable housing units.
- 6.22 National Planning Policy Guidance (NPPG) states that "Older people have a wide range of different housing needs, ranging from suitable and appropriately located market housing through to residential institutions (C2)", which is being proposed here. Whilst it cannot of course be guaranteed that any person moving into a care home would be a resident of Henley, it can be assumed that this would normally free up a home.
- 6.23 This application is accompanied by a Care Needs Assessment undertaken by Carterwood, a chartered surveying practice specialising in the feasibility of new elderly care for both the private and voluntary sectors. The assessment is based on the level of unmet need within the proposed care homes market catchment area (six miles). This concludes that there is more than sufficient demand within the market catchment area for the proposed care home. Notwithstanding the conclusions of this assessment, whilst there has not been a significant amount

of objection to the principle of a care home, concern has been expressed locally regarding the amount and cumulative impact of C2 developments within the Henley area. The existing residential care homes in Henley include facilities at Townlands Community Hospital; Acacia Lodge, Quebec Road; Thamesfield Nursing Home, Wargrave Road; Chilterns End, Greys Road; and further afield, Lashbrook House Nursing Home, Lower Shiplake and Huntercombe Hall Care Home, Nuffield. All these homes provide a variety of levels of care.

- 6.24 Policy CSHEN1 of the Local Plan indicates that proposals for Henley should be consistent with the strategy which amongst other things, allows housing on suitable infill and redevelopment sites. Whilst this application does not propose general needs housing (C3), a care home still falls within the category of housing (C2), albeit one comprises general needs and affordable units and the other a specialist form housing aimed at a particular age range. Policy H3 of the JHHNP requires development proposals to show how the proposal provides an appropriate choice of homes that contributes towards meeting the specific housing needs of Henley and Harpsden. The proposal must detail how it meets the needs of different groups such as, but not limited to, young people, local workers, small families, older residents and people with disabilities. This development is clearly designed for older residents who are in need of care.
- 6.25 Planning permission has recently been granted for 53 Assisted Living units at 345 Reading Road (P16/S0720/FUL). Whilst the assisted living accommodation is another C2 use, it offers an independent way of living for older persons compared to that proposed under this application which would provide accommodation for people with personal care needs, nursing needs and those living with dementia. The level of care would provide for older people with the full range of care needs.
- 6.26 Whilst the site is not allocated for housing, the development would help to address a general need for older person's accommodation as identified in the SHMA and Neighbourhood Plan and is generally in accordance with Policy CSHEN1. Furthermore and consistent with national Planning Policy Guidance, the 80 care home units would also contribute to the Council's housing land supply deficit by redeveloping previously developed land. The presumption in favour of sustainable development within the NPPF triggered by the absence of a five year housing land supply reinforces the merits and case for this application.
4. Asset of Community Value
- 6.27 As a result of a campaign by residents and supporters wishing to retain the gym and swimming pool facility, the building was listed as an Asset of Community Value (ACV) on 3 September 2015. Once an asset has been listed nothing further will happen unless and until the owner decides to dispose of it.
- 6.28 The applicant appealed to an independent tribunal against the decision to include the LA Fitness building on the ACV list in November 2015. The Judge recently dismissed the appeal on grounds mainly relating to the potential that the gym still has, based on the level of local interest in seeing it reinstated.

- 6.29 The provisions set out in the Department for Communities and Local Government (DCLG)'s Asset of Community Value Policy Statement 2011 do not place any restriction on what an owner can do with their property, once listed, if it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However, the fact that the site is listed may affect planning decisions and it is up to the Local Planning Authority to decide whether the listing as an asset of community value is a material consideration if an application for change of use is submitted having regard to all the circumstances of the case.
- 6.30 The listing of the application site as an ACV means that it remains on the Local Planning Authority's list for five years. This is irrespective of any determination of a planning application to redevelop the site for a different use. This listing ensures that if the asset comes up for sale then a community interest group will be given the chance to make a bid to buy it on the open market. A community interest group can, within the first six weeks of the owner wishing to sell the site, express a written intention to bid. Following this six week window the owner of the site would be free to sell their asset if no written intention to bid is received. If a community interest group does express an intention to bid during this six week period then, the Council must notify the owner, who is then not allowed to sell the asset for six months from the date the Council received the owner's notice of intention to sell. Generally the only sale permitted during this period is to a local community group. If no permitted sale occurs, after six months, the owner is free to sell to whomever they choose at whatever price they choose for a further 12 month period. The ability for any community interest group to carry out these actions is irrespective of whether a planning permission has been granted for any alternative use on the site. With these provisions in place your officers do not consider that the listing of the building as an AVC is a significant material consideration in the determination of the current planning application. If permission is granted the ability of a community interest group to purchase the site will still remain.
- 6.31 Paragraph 70 of the NPPF indicates that to deliver the social, recreational and cultural facilities and services the community needs, planning decisions should guard against the unnecessary loss of valued facilities and services "particularly where this would reduce the community's ability to meet its day to day needs". The LA Fitness centre has now been shut for over 12 months and this has not affected the community's ability to meet its day to day needs. Indeed during this time a number of new gyms have opened in Henley. Hence the site's designation as an ACV does not preclude the council from supporting and approving the current planning application for an alternative use that will also meet the needs of the community albeit in a different way.

#### 5. Design and Layout

- 6.32 Paragraph 56 of the NPPF states that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". Paragraph 58 of the NPPF also requires new development to create a sense of place, optimise the potential of the site to accommodate development, respond to local character and create a safe and accessible environment. The design policies of the Core

Strategy (CSQ3) and the saved design policies of the Local Plan (policies D1-D4) echo these requirements.

- 6.33 Revised plans submitted in December 2015 showed the building moved northward by 1.5m to ensure a satisfactory relationship with the trees on the Mill Lane frontage. It also addressed some of the issues raised by County Highways Engineers by enlarging car parking bays on Mill Lane side (loss of 2 spaces and enlarging the car park on Newtown Road to accommodate the two spaces.) The roof plan was also amended to reflect changes to the amended elevations. Additional cycle hoops on Mill Lane frontage were also added in addition to the two hoops on the Newtown Road side. Bin stores and paths were also added.
- 6.34 No objections are raised regarding the demolition of the existing building on the site. It is not a structure of any particular architectural merit. It is also centrally located on the site, which does not lead to an efficient use of the land. Whilst concerns have been expressed regarding the potential overdevelopment of the site, it is considered that the footprint to site ratio of the care home would not be out of keeping with the immediate surroundings and allows sufficient amenity space around the building for landscaping with private courtyard gardens appropriate for occupiers which would be an improvement on the stark existing surroundings.
- 6.35 The care home will be arranged over three wings which creates small clusters of flats so the corridors are not overly long. Communal areas are also situated centrally.
- 6.36 The position of the care home within the site is acceptable and its orientation fronting onto Mill Lane will give this road an active frontage, whilst preserving the rural character of this lane. The second access to the rear of the site via Newtown Road for larger delivery vehicles and staff will ensure that the Mill Lane entrance remains low key purely for use by visitors coming by car, bike or by foot.
- 6.37 The style of the proposed building has taken cues from a number of distinct character areas in Henley from the late Victorian and Edwardian eras, with red brick terracing under plain or slate tiled roofs. Whilst this is a contrast to the immediate buildings which are rather perfunctory commercial buildings, it is considered that the proposed building will make a positive contribution to this area. It is also worth noting that few objections have been received from local residents regarding the proposed design, siting or massing of the building. No objections have been raised by Highways Officers regarding the proposed parking layout or access arrangements.

#### 6. Highway Safety, convenience, traffic and Rights of Way

- 6.38 Policy D2 of the Local Plan indicates that permission will not be granted for developments that fail to incorporate adequate safe and secure parking for vehicles and cycles. Vehicle parking should be provided in a discreet and sensitive manner. Policies T1 and T2 of the Local Plan require developments to provide for a safe and sustainable transport strategy including parking and delivery requirements.

- 6.39 Significant concerns have been expressed by local residents and businesses about parking and highway issues but the County Highways Authority has not raised any objections to the proposal, subject to the imposition of conditions detailed below.
- 6.40 The application proposes a new access onto Mill Lane with appropriate visibility splays. It does not propose any other alterations or traffic restrictions on Mill Lane.
- 6.41 In terms of traffic generation, the proposed care home would attract significantly fewer vehicle trips to the site compared to the former use as a fitness club. Over the day vehicle flows would be in the region of 135 compared to about 630 previously and in the peaks the attracted flows would be eight vehicles per hour in the morning and ten vehicles per hour in the evening compared to the previous 25 and 70 vehicles per hour respectively. It is recognised however that all the traffic generated by the LA Fitness Club used the Newtown Road access.
- 6.42 The amended plans address the key highway recommendations and the amended parking areas and cycle storage are welcomed. In accordance with policy T2 of the Local Plan, the development proposes sufficient parking space for both cars and bicycles. The proposed 33 spaces is towards the upper end of the range based on observed parking demand elsewhere in connection with similar uses.
- 6.43 Policy R8 of the Local Plan indicates that the retention and protection of the existing public rights of way network will be sought and where appropriate proposals to improve it will be supported. It has been mentioned in local representations that people have found it useful to be able to walk through the site between Newtown Road and Mill Lane. However there are no recorded public rights of way through the site and as such there is no planning basis for requiring a public right of way across the site.
- 6.44 County Highways does not raise any objection to the development subject to conditions requiring a Construction Traffic Management Plan, a detailed plan of the proposed access to Mill Lane, cycle parking details, an amended travel plan and a surface water drainage scheme.

#### 7. Impact on Railway

- 6.45 Whilst objections were initially raised by Network Rail, they have recently confirmed that they have withdrawn these in their entirety following discussions with the agent and applicant. There are no longer any outstanding issues concerning land ownership or the ability of Network Rail to carry out works to facilitate future electrification in respect of this land. Network Rail has set out certain comments and requirements regarding protection of fencing, landscaping, signalling and construction works to ensure the safe operation of the railway and the protection of Network Rail's adjoining land.

#### 8. Impact on neighbours

- 6.46 Policy D4 of the Local Plan requires new development to secure an appropriate

level of privacy for existing residents. Given the position of the site on the south eastern corner of the industrial estate and proximity to the railway line, it is not considered that the proposed development would have a detrimental impact on neighbouring properties by reason of loss of privacy, overlooking or outlook.

9. Amenity of future occupiers

- 6.47 A secure private garden area for residents has been designed to the north, east and south of the building which will be landscaped. The area created will comprise circa 1,212sqm of area. In addition, there will be four communal terraces from the lounge dining room areas and from one of the rooms above the main entrance. The amount and quality of amenity area proposed is acceptable for this type of facility.

10. Employment

- 6.48 With regard to policy E1 of the JHHNP, the proposed care home would offer approximately 70 full time equivalent jobs covering the running of the care home. These include a Home Manager, Deputy Home Manager, Domestic Supervisor, Administrator and Receptionist, Maintenance Operative, Gardener, Chef, Second Chef, Kitchen Support, Laundry Staff, Nurses, Residential Senior Carers, Care Assistants and Domestic Operative. In addition to this there would also be the need for occupational therapists, speech and language therapists and physiotherapists visiting several times a week.

11. Drainage

- 6.49 The proposal will increase the amount of hardstanding on the site and the drainage strategy accords with SUDS principles. Permeable paving is proposed for the access drive and parking areas. In accordance with Thames Water's advice, a condition will be imposed which requires a drainage strategy to be submitted and approved prior to commencement of development at the site.

12. Trees, protected species and biodiversity

- 6.50 Policy C9 of the Local Plan seeks to prevent the loss of important landscape features as a result of new development. The application proposes the removal of 12 trees to accommodate the development and create the access. The Council's Forestry Officer has no objections to the proposed removal of these trees as they have insufficient arboricultural merits to be considered as a constraint to the development.
- 6.51 Revised plans submitted showing the building moved around 2m further north west addressed the Forestry Officer's initial concerns regarding the proximity of the building to some retained trees. This now allows for the future growth potential of the particular trees, which in turn will help to screen and soften the building as they mature. It will also help to provide a little more space for new planting to enhance the green screen, although this will be limited due to the presence of the overhead power cables running parallel to Mill lane. Appropriate conditions will be imposed to provide for landscaping and tree protection measures.
- 6.52 The Countryside Officer is satisfied that there are unlikely to be any significant ecological impacts if planning permission is granted.

13. Contaminated Land

- 6.53 Policy EP8 of the Local Plan indicates that development on contaminated land will not be permitted unless the contamination is effectively treated by the developer to prevent any harm to human health and the wider environment.
- 6.54 The contamination report accompanying this application concludes that there is a low risk that significant contamination exists at the site from the former uses, but there are some uncertainties about uses on site between 1966 and 1996. Given the uncertainties at this site, conditions will be imposed to require further ground investigations to take place to establish the chemical composition of the ground and the presence of any contamination.

14. Air Quality and Noise

- 6.55 Policy EP1 of the Local Plan provides for the protection of development from existing or proposed polluting uses. The Council's Environmental Health Officer has not raised any objections to the proposals provided that the mitigation strategy, made within the submitted WYG Planning & Environment Noise assessment, is incorporated into the proposed development. This would be possible through the inclusion of the conditions regarding glazing specifications and the means of ventilation.
- 6.56 No objections have been raised regarding the impact of the development on air quality subject to the imposition of a pre-commencement condition to be agreed with the Local Planning Authority regarding measures to mitigate the impact on air quality in the area.

15. Archaeology

- 6.57 The application is accompanied by an archaeological desk-based assessment which concludes that there are no known cultural heritage assets within the proposed development site and no significant direct impacts are predicted upon known cultural heritage assets from the construction of the proposed development. The development would not affect the ability to appreciate or understand the designated cultural heritage assets in the wider area and is not predicted to have a significant impact on their setting. Any mitigation measures to avoid, reduce and offset the likely effects of the proposed development on the archaeological resource would be agreed in advance with the Oxfordshire County Council Archaeology Service, and would be detailed in a Written Scheme of Investigation.

16. Sustainability and Energy Efficiency

- 6.58 The application site is in a sustainable location served by good transport links. The proposed new care home building will meet the relevant building regulations related to sustainable construction that have taken over from the sustainable building Code.

17. Developer Contributions

- 6.59 There are no policy requirements within the Development Plan for C2 use class development to provide any contribution towards affordable housing or Community Infrastructure Levy.
- 6.60 The County Highways Authority has requested a contribution of £80,000 towards the cost of improving the bus service between Reading, Henley and High Wycombe. The development site is approximately 280 metres from bus stops on the Reading Road, which is an acceptable distance for employees and visitors. The financial contribution will be used to secure improvements to bus service 800. The County has also requested £1,240 towards a Travel Plan monitoring fee for a period of five years. These contributions would be secured through a Section 106 agreement.

7.0 **CONCLUSION**

- 7.1 At the heart of the NPPF there is a presumption in favour of sustainable development, with the three strands being economic, social and environmental. All these have been considered throughout the report and my conclusions against each of the strands is summarised below.
- 7.2 *Economic role*  
In economic terms, the scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy, supporting the ongoing vibrancy of the town. The development itself would also generate 70 full time equivalent jobs and I consider that moderate weight should be afforded to this economic benefit.
- 7.3 *Social role*  
The proposal would help to support strong, vibrant and healthy communities by providing an 80 bed care home. It would also create a high quality built environment in a sustainable location. I consider moderate weight should be given to these social benefits.
- 7.4 *Environmental role*  
In environmental terms, the scheme would significantly improve the appearance of the site through the provision of a well-designed, high quality building that is appropriately landscaped and that is a matter to which I afford significant weight.
- 7.5 There are no technical objections to this proposal and the outstanding matters can appropriately be dealt with by planning conditions. It is acknowledged that the gym and swimming pool were greatly valued by the local community and their loss is obviously regrettable. However the Council has no powers to reopen a fitness facility on this site and refusing permission for this development would not secure its reinstatement. I consider that the proposal represents sustainable development which would offer a number of benefits and would be consistent with objectives of the NPPF.

8.0 **RECOMMENDATION**

8.1 To delegate authority to grant planning permission to the head of planning subject to:

i) The prior completion of a Section 106 agreement with the County Council to secure contributions towards bus services and monitoring as detailed in the report.

ii) The following conditions:

1. Commencement three years - full planning permission.
2. Approved plans.
3. Restriction on use - class C2.
4. Slab and ridge levels to be agreed.
5. All sample materials to be agreed.
6. Sample wall panel of materials to be agreed.
7. Landscaping (access/hard standings/fencing/walls) to be agreed.
8. Tree pits to be agreed.
9. Vision splay to be agreed.
10. Car parking details.
11. Travel plan.
12. Construction travel management plan to be agreed.
13. Surface water drainage works to be agreed.
14. Decontamination works to be verified by the Council.
15. External lighting to be agreed.
16. Air quality modelling and mitigation to be agreed.
17. Protection of trees during development.
18. Access details.
19. No surface water drainage to the highway.
20. Cycle parking details.
21. Bins storage details.
22. Noise controls.
23. Foul drainage works.
24. Ecology mitigation.
25. Hours of construction.

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