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# PLANNING

Appendix B

ELECTRONIC  
VERSION

## Planning Decision

P15/S2523/FUL

Cau Restaurant  
c/o Bidwells  
Seacourt Tower  
West Way  
Oxford  
OX2 2JJ

## PLANNING PERMISSION

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Application No : **P15/S2523/FUL**

Application proposal, including any amendments :

**Variation of condition 5 (no customer access to patio) of planning permission P08/E0834 to allow limited use of the rear courtyard area by customers for a temporary trial period.**

Site Location : **Cau Restaurant 38 Hart Street Henley-on-Thames RG9 2AU**

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South Oxfordshire District Council hereby gives notice that **planning permission is GRANTED** for the carrying out of the development referred to above strictly in accordance with the description, plans and specifications contained in the application (as varied by any amendments as referred to above) subject to the following condition(s) :

1. That at the expiration of a period of twelve months from the date of this permission the use of the rear garden and patio area by customers shall cease unless planning permission is otherwise granted by the local planning authority.

Reason: In order that the effect of the development on the amenities of the neighbouring area can be assessed during this period and that any future application can be decided on this assessment in accordance with Policies EP2 and D5 of the South Oxfordshire Local Plan 2011.

2. No part of the patio and garden shall be open to customers outside the times of 0900hrs and 1800hrs Monday to Friday only and not at all on Saturday,



Sundays and Bank Holidays.

Reason: In order to protect the amenity of neighbouring occupiers and the character of the surrounding area in accordance with Policies EP2, D5 and TSM3 of the South Oxfordshire Local Plan 2011.

3. No music, either live or recorded, shall be provided in the external courtyard area at any time.

Reason: In order to protect the acoustic amenity of neighbouring occupiers in accordance with Policies EP2 and D5 of the South Oxfordshire Local Plan 2011.

4. All doors and windows opening on to the rear garden and patio areas shall remain closed at all times other than for access to and from the garden.

Reason: In order to protect the acoustic amenity of neighbouring occupiers in accordance with Policies EP2 and D5 of the South Oxfordshire Local Plan 2011.

NB: The above permission/consent may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development/works cannot be made until the particular requirements of the pre-condition(s) have been met.

NB: This approval is specific to the details of the development as shown on the approved plans and other associated documentation. Unless otherwise agreed by the Council any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. As such the Council must be advised in writing of any proposed variations from the approved plans and other associated documentation at the earliest stage possible. A decision will then be made as to whether the changes can be dealt with as a minor revision to the approved details or whether a revised application is required.

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

## Reason for Decision

Subject to the imposition of appropriate conditions, as discussed in the above report, the proposed use of the rear courtyard for customer seating during the hours proposed would not be harmful to the amenity of neighbouring occupiers. The proposed development would not have any adverse impacts on the character or appearance of the conservation area or the setting of any nearby listed building. The proposed development would, however, contribute to the vitality, viability and attractiveness of the town centre.

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council takes a positive and proactive approach to development proposals. The Planning Service works with applicants/agents in a positive and proactive manner by offering a pre-application advice service and by advising applicants/agents of issues that arise during the processing of their application and where possible suggesting solutions to problems.

Note : A more detailed explanation is available in the officer's report, available in the application case file.

## Key Policies

CON7	Proposals in a conservation area
CS1	Presumption in favour of sustainable development
CSEM1	Supporting a successful economy
CSEM4	Supporting economic development
CSEN3	Historic environment
CSHEN1	The Strategy for Henley-on-Thames
CST1	Town centres and shopping
D5	Compatible mix of uses
E5	Business, industrial, warehousing and storage proposals
EP2	Adverse affect by noise or vibration
EP3	Adverse affect by external lighting
G2	Protect district from adverse development
TSM3	Conversion of existing buildings to tourist faculties, pub and restaurants
TSM4	New hotels, pubs and restaurants in the built up area

Note : The full wording of the above policies are available on our website or in the local plan documents, at our offices.

*Adrian D. Field*

Head of Planning  
**21st September 2015**

## STATUTORY INFORMATIVE

### Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under sections 78 and 79 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within **six months** of the date of this notice, using a form which you can get from :

The Planning Inspectorate  
Customer Support Unit  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN  
Telephone : 0303 444 5000  
[www.planningportal.gov.uk](http://www.planningportal.gov.uk)  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk).

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council

(District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI, Chapter 1 of the Town and Country Planning Act 1990.

### **Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

### **OTHER INFORMATION**

The Planning Portal contains a wide range of helpful planning-related guidance and services. You may wish to view their website ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)).

Your ref:  
Our ref: 33247  
DD: 01865 790116  
E: Jonathan.phillips@bidwells.co.uk  
Date: 25/07/2016

Head of Planning Services  
South Oxfordshire District Council  
135 Eastern Avenue  
Milton Park  
Abingdon  
OX14 4SB

Dear Sir/Madam

**Proposed variation to condition 1 of planning permission P15/S2523/FUL at Cau Restaurant, 38 Hart Street, Henley-on-Thames, RG9 2AU**

We enclose an application for planning permission for the above proposed development, along with the requisite fee of £195.00. Planning permission was granted on 21 September 2015 to allow the premises to use the rear courtyard for a temporary period of 12 months until 21 September 2016.

The reason given for this condition was in order to allow the Local Planning Authority to monitor any effect from the use on the amenities of the neighbouring area (i.e. to act as a trial run). The applicant is unaware of any material issue or formal complaint raised since the grant of this temporary planning permission in relation to use of the rear courtyard. There appears to have been no evidence of demonstrable significant adverse impact or harm caused by the use. As a consequence, it is considered appropriate that planning permission should now be granted on a permanent basis.

Whilst the planning permission may be granted on a permanent basis, the Council will retain control over activities on the site via the licensing process. Indeed, the premises licence can be reviewed and revoked at any time to ensure that no public nuisance results from any use at the site associated with the restaurant.

This planning application relates to activities taking place at a central commercial leisure facility. This will result in a noticeable enhancement of the leisure operation, to the benefit of the local economy and the local community. Enhancement of the central commercial activity is sustainable development by definition. At the heart of the National Planning Policy Framework (NPPF) is a strong presumption in favour of sustainable development. Indeed, NPPF strongly supports the proposed development (paragraphs 6, 7, 9, 10, 14, 17, 19, 20, 23, 37, 70, 111, 186 & 187 specifically refer).

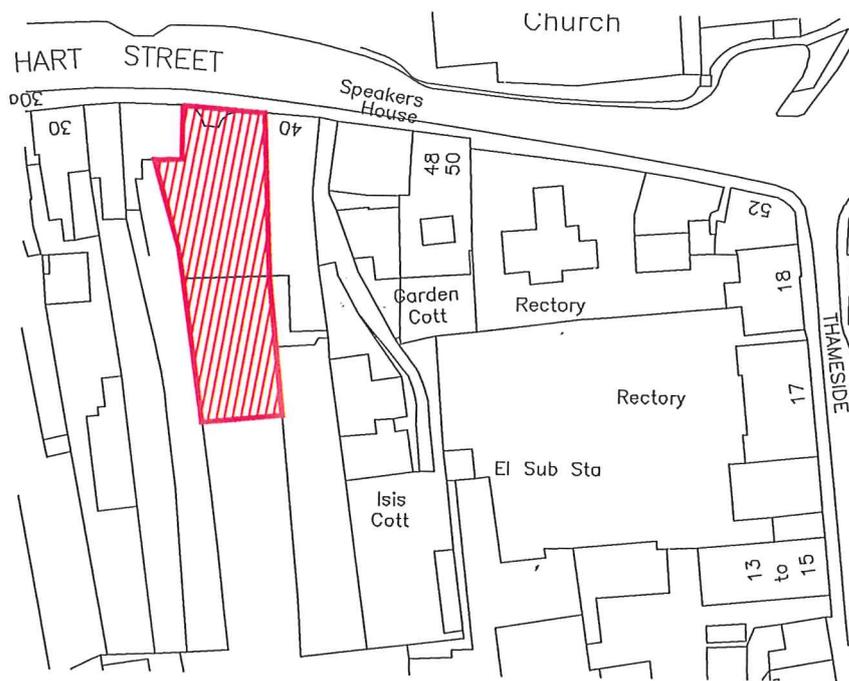
In the absence of any demonstrable, significant, adverse impact during the trial period, it is considered that there must be a presumption in favour of the proposed development.

If you require any further information to assist in your consideration of this proposal, please do not hesitate to contact us.

Yours faithfully,

***Bidwells LLP***

**Bidwells LLP**



**Cau Restaurant**  
**38 Hart Street**  
**Henley**  
**RG9 2AU**

**Site location plan**

**Scale 1/1250**

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