

APPLICATION NO.	P17/S2359/FUL & P17/S2360/LB
APPLICATION TYPE	FULL APPLICATION
REGISTERED	27.6.2017
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Stefan Gawrysiak Lorraine Hillier Joan Bland
APPLICANT	J D Wetherspoon PLC
SITE	Catherine Wheel, 7 Hart Street, Henley-on-Thames, RG9 2AR
PROPOSAL	Extension to proposed beer garden
OFFICER	Davina Sarac

1.0 INTRODUCTION

1.1 This application is referred to the Planning Committee as the Officers' recommendation conflicts with the views of Henley Town Council.

1.2 The application site (which is shown on the OS extract attached as **Appendix A**) comprises the Catherine Wheel Pub in Henley. The building is grade II listed and within the designated Conservation Area. The listing description states that the facade is dated from the 18th century with the actual building itself dating from the 16th and 17th century and was formerly an important coaching inn. A carriage entrance can be seen to the eastern end of the building, leading to the courtyard (currently parking) at the rear of the site. The primary use remains as a public house and hotel.

2.0 PROPOSAL

2.1 This applications seek planning permission and listed building consent for minor external alterations to the rear in order to allow for the extension of the beer garden area into the existing parking area. This will be achieved through additional seating and tables, glazed screens, plant beds and a new open pergola with climbing plants as shown on plan PL04. The application follows on from previously withdrawn applications to alter the ground floor and garden customer area at The Catherine Wheel. However, this application is solely for the extension of the beer garden. The design and access statement submitted with the application states that the proposal will encourage access to the public, by adding further external customer space, allowing the pub to achieve its full potential.

2.2 A copy of the plans accompanying the application is attached as **Appendix B**. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Henley-on-Thames Town Council – Objects and recommends refusal due to loss of parking.

3.2 The Henley Society (Planning) – Object on the grounds that the proposal will result in loss of car parking spaces – which would not be good for disabled customers. Also concerns over the Health and Safety concerns as emergency vehicles will not access the rear yard. The proposed planting as well as the fixed seating directly adjacent to the Tudor brick walls of the 1530 built rear court yard wings of the Old White Hart (Grade II* listed), will prevent access to the Tudor brick wall. This early brickwork is partly rather

fragile and needs to remain accessible for maintenance and repairs at all times. Recommends refusal of this application as it is harmful to the built historic environment as well as unacceptable on Health & Safety grounds.

- 3.3 County Archaeological Services (SODC) – The proposal, despite its small scale, does involve ground disturbances within this important building that could encounter archaeological deposits of significance for the development of the town, no objection subject to archaeological conditions.
- 3.4 Health & Housing - Env. Protection Team – No objections. Conditions recommended.
- 3.5 Health & Housing - Food Safety - No objection.
- 3.6 Conservation Officer (South) - No objection to this application subject to the following conditions: All planting beds and pergola structures must be freestanding from the wall. Seating below the bay windows internally should be freestanding or reversible and not connected into historic fabric
- 3.7 Highways Liaison Officer (Oxfordshire County Council) - No objection subject to conditions.
- 3.8 Neighbour representations - 2 letters received with the following comments:
- Concerned that the noise levels will increase;
 - Do the disabled toilets include a hanging places toilet with adult sized changing bench and hoist?

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P16/S0555/LB](#) - Other Outcome (10/04/2017)

Proposal for internal alterations to the property. Alterations include relocation of; bar, toilets, kitchen and general customer area.

[P16/S0554/FUL](#) - Other Outcome (10/04/2017)

Proposal for internal alterations to the property. Alterations include relocation of; bar, toilets, kitchen and general customer area.

[P15/S1378/LB](#) - Other Outcome (27/01/2016)

Internal and external works including new beer garden refurbishment, removal of car parking spaces, new canopy and public house and hotel refurbishment.

[P15/S1377/FUL](#) - Other Outcome (27/01/2016)

Proposed internal and external works including new beer garden refurbishment, removal of car parking spaces, new canopy and public house and hotel refurbishment.

[P86/S0248/LB](#) - Approved (30/06/1986)

Glazed roof to open courtyard as extension to existing bars and restaurants.

[P86/S0247](#) - Approved (16/06/1986)

Glazed roof to open courtyard as extension to existing bars and restaurants.

[P71/HLB06](#) - Approved (22/06/1971)

Extension of existing coach house bar into adjoining covered yard by the erection of two brick screen walls to the underside of the wattle ceiling below an existing glazed roof.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

National Planning Policy Framework Planning Practice Guidance (NPPG)

5.2 **South Oxfordshire Core Strategy (SOCS) Policies**

CS1 - Presumption in favour of sustainable development

CSEN3 - Historic environment

CSHEN1 - The Strategy for Henley-on-Thames

CSEM1 - Supporting a successful economy

CSEM4 – Supporting economic development

CSM1 - Transport

CSQ3 - Design

5.3 **South Oxfordshire Local Plan 2011 (SOLP 2011) saved policies**

CON10 - Protection of burgage plots

CON11 - Protection of archaeological remains

CON7 - Proposals in a conservation area

CON3 – Alteration to Listed Building

CON5 – Setting of Listed Building

D1 - Principles of good design

D5 – Compatible mix of uses

D7 - Access for all

T1 - Safe, convenient and adequate highway network for all users

TC2 - Development in town centres

EP2 – Adverse affect noise or vibration

5.4 The Henley and Harpsden Joint Neighbourhood Plan (HHJNP)

5.5 South Oxfordshire Design Guide 2016 (SODG 2016)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations in the determination of these applications are;

1. The impact on the special architectural and historic interest of the listed building and its setting;
2. The impact on the character and appearance of the site and surrounding area;
3. The impact on neighbouring properties;
4. The impact of the loss of parking;
5. Archaeology.

6.2 **Impact on the special architectural and historic interest of the listed building and its setting**

As submitted, the internal changes do not impact historic fabric of the listed building. The new seating areas inside the Hart Street frontage should be freestanding and not impact the fabric below the existing windows. The previous proposals resulted in a lot of re-organisation of the WC provision, and relocation of the bar and kitchen areas. This no longer forms part of this current application. The application submitted in 2015 and withdrawn in January 2016 was for significant refurbishment and repair of fabric, in particular to the front of the building. There are no alterations proposed to the front of the building as part of this application.

6.3 The amalgamation of the entire rear burgage plot area into the garden area of the pub will alter the character of this ancillary area and result in the loss of all the parking spaces currently available for customers and staff. Historically this part of the rear burgage plot area would have formed a courtyard with stabling and coaching space

associated with its Coaching Inn function; arguably, the provision of parking is the modern equivalent. The rear boundary wall is curtilage listed.

6.4 The agent confirmed in an email dated 16 August 2017 that:

1. Pergola and Planting Beds

Any shelters, pergolas, screens and any other structures will be freestanding and set away from any historic structure.

2. Fixed seating

Fixed seating beneath any bay windows shall be freestanding and not connected to historic fabric.

3. Historic Brickwork

Any external lighting will be fixed to freestanding posts or brackets free of the existing historic wall. A full lighting scheme can be designed and made the subject of a planning condition.

6.5 The Council's Conservation Officer has raised no objection to this application subject to conditions requiring that all planting beds and pergola structures are freestanding from the wall and that seating below the bay windows internally is freestanding or reversible and not connected into historic fabric.

6.6 Therefore, officers consider that the proposal would respect its established character and not diminish the special historical or architectural qualities of the Listed Building and its setting in accordance with policy CSEN3 of the SOCS and policies CON3 and CON5 of the SOLP.

6.7 Character and appearance of the site and surrounding area

The proposal is weighed against the economic benefits associated with the prosperity, vibrancy and vitality of the town centre, in accordance with SOCS Policies CSEM1, CSEM4, CST1 and CSHEN1. Officers are satisfied that the extended use of the garden would not be in conflict with the council's statutory duty to preserve or enhance the character and appearance of the conservation area in accordance with SOLP policy CON7. The economic benefits to the town centre associated with improved visitor facilities would contribute to its economic objectives and the strong emphasis on sustainable economic growth expressed within the NPPF.

6.8 Impact upon neighbouring properties

SOLP Policy EP2 states that proposals which would by reason of noise or vibrations have an adverse effect on existing occupiers will not be permitted, unless effective mitigation measures will be implemented. Policy D5 provides that a compatible mix of uses will be retained and encouraged in town centres provided that there is no harmful effect on the amenity of adjoining uses.

6.9 The pub and beer garden opening hours are currently subject to control under licensing agreements. The current opening hours are:

Monday to Thursday: 7:00am – 12:00am

Friday & Saturday: 7:00am – 1:00am

Sunday: 7:00am – 11:00pm

The premises manager has confirmed that the beer garden closes at 11:30pm Sunday through to Thursday and at 12:30am Fridays and Saturdays.

- 6.10 The amended design and access statement states that there will be no live music, no amplified music, no live events, special promotions, or entertainment of any kind on the premises which includes the beer garden.
- 6.11 There is potential for noise to arise from the extended area of the beer garden but it is felt that this matter can be overcome with careful management, provided that the area is not used for live/amplified music or other forms of entertainment likely to generate noise. The amended design and access statement confirms that this would be the case. The Council's Environmental Protection Team have stated in their comments that they do not anticipate any problems arising from noise from the use of the new external seating area and that it would be possible to address any future issues under the Environmental Protection Act 1990.
- 6.12 **The impact on the loss of parking**
The Town Council has raised an objection to the proposal based on the loss of the parking spaces. All existing customer spaces, of which there are 7 and informal spaces for management of which there are 3, will be removed as part of the garden extension scheme. Officers have been informed that the management staff will make their own arrangements for parking nearby. There are many examples of existing Town and City Centre J D Wetherspoon pubs where staff parking is not provided. Officers do not consider that there is any conflict with the JHHNP as this document recognises the importance of restaurants to the commercial success of the town centre and one of the primary objectives of the JHHNP is to promote walking, cycling and public transport as first choice modes of travel and to ensure that the services supporting these modes are in place, from high quality safe routes to reliable and sustainable transport services.
- 6.13 The site lies within a sustainable location within short walking distance of bus stops and the railway station. There are two car parks within short walking distance of the premises. The Local Highway Authority has raised no objection to the application. Officers consider that given the sustainable location of the site the loss of the car parking spaces would not result in indiscriminate parking nearby to warrant refusal. The applicant has provided additional information via email dated 19 June 2018, to address some of the concerns raised regarding the loss of parking.
- 6.14 The Local Highway Authority seeks costs of £2000 to amend/remove the Traffic Regulation Order for the Double Yellow Lines on the A4130 Hart Street. Additionally, within this cost, this would include the extension of the existing parking bays in Hart Street to gain an additional parking space and this cost shall be met by the applicant through a Unilateral Undertaking.
- 6.15 **Archaeology**
Medieval deposits and buildings have been recorded along the line of Hart Street and into the Market Place as well as to the north of the proposed site along Bell Street. The building itself is a C16th grade II listed building recorded as a former important coaching inn. This building would have been remodelled on numerous occasions and evidence of previous buildings and floors dating to the C16th Inn as well as archaeological remains relating to the medieval occupation of the site may survive within and beneath the current building. The County's Archaeologist therefore recommends that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable condition.
- 6.16 **Community Infrastructure Levy**
This application is not liable for CIL.

7.0 CONCLUSION

7.1 Subject to the prior agreement of a planning obligation at a cost of £2000 to amend/remove the Traffic Regulation Order for the Double Yellow Lines on A4130 Hart Street, and the attached conditions, the proposed extension of the beer garden into the existing car parking area is recommended for the grant of planning permission. It 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 historic fabric and setting of the listed building and curtilage listed wall. The proposed development would, contribute to the vitality, viability and attractiveness of the town centre.

8.0 RECOMMENDATIONS

8.1 Application P16/S2359/FUL

It is recommended that the grant of planning permission be delegated to the Head of Planning, subject to the prior completion of a unilateral undertaking to Oxfordshire County Council to secure £2000 to amend the Traffic Regulation Order for the Double Yellow Lines on A4130 Hart Street. Additionally within this cost, this would include the extension of the existing parking bays in this location. It is recommended that the grant of planning permission is also subject to the following conditions:

1. Commencement of development within three years.
2. Development to be carried out in accordance with the approved plans.
3. Archaeology watching brief to be agreed and maintained during period of construction.
4. Findings of watching brief to be submitted.
5. No amplified music or live performances.
6. Lighting scheme to be submitted for approval prior to use of extended external areas.
7. Existing access to be closed.
8. construction traffic management plan to be agreed prior to commencement of development.

8.2 Application P17/S2360/LB

It is recommended that listed building consent is granted subject to the following conditions:

1. Commencement of works within three years.
2. Works to be carried out in accordance with the approved plans.
3. All planting beds and structures to be free standing.
4. All seating internally below bay windows to be free standing.

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