

SUBJECT DEVELOPMENT APPLICATION REPORTS ITEM 8

REPORT OF Head of Planning & Building Control

APPLICATION NO.	<u>P12/S2279/FUL</u>
APPLICATION TYPE	FULL APPLICATION
REGISTERED	15.10.2012
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Ms Joan Bland Ms Elizabeth Hodgkin
APPLICANT	Phyllis Court Members Club Ltd
SITE	Phyllis Court Club Phyllis Court Drive Henley-on-Thames Oxfordshire, RG9 2HT
PROPOSAL	Alterations to listed building including partial demolition of of single storey part, removal of facade glazing, decking and canvas roof covering. New roof and extensions to single storey part. New glazed facade to upper deck and replacement of lower deck glazing, new curved roof, new decking and services. Two storey extension to West elevation incorporating two lift towers. Alterations to access way (As amplified by additional Schedule of Existing & Proposed uses accompanying email from Agent dated 29 October 2012 and drawings received on 15 November 2012).
AMENDMENTS	As above
GRID REFERENCE	476331/183020
OFFICER	Mrs H Moore

APPLICATION NO.	P12/S2280/LB
APPLICATION TYPE	LISTED BUILDING APPLICATION
REGISTERED	15.10.2012
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Ms Joan Bland Ms Elizabeth Hodgkin
APPLICANT	Phyllis Court Members Club Ltd
SITE	Phyllis Court Club Phyllis Court Drive Henley-on-Thames Oxfordshire, RG9 2HT
PROPOSAL	Alterations to listed building including partial demolition of of single storey part, removal of facade glazing, decking and canvas roof covering. New roof and extensions to single storey part. New glazed facade to upper deck and replacement of lower deck glazing, new curved roof, new decking and services.

Two storey extension to West elevation incorporating two lift towers. Alterations to access way (As amplified by additional Schedule of Existing & Proposed uses accompanying email from Agent dated 29 October 2012 and drawings received on 15 November 2012).

**AMENDMENTS
GRID REFERENCE
OFFICER**

As above
476331/183020
Mrs H Moore

1.0 INTRODUCTION

1.1 The applications are referred to Planning Committee at the request of Councillor Joan Bland.

1.2 The Grandstand is a Grade 11 listed building. It was constructed around 1913 at the finishing line of the Henley Royal Regatta and has its principal elevation on the riverside. The club house of Phyllis Court Club is set about 40metres further back from the river, and the grandstand has always been part of the Club premises. The ground floor of the grandstand building is enclosed by glazing. The first floor is enclosed with waterproof canvas, and the roof is also canvas.

1.3 During the regatta, the grandstand is divided into compartments that are individually let for viewing and entertainment purposes. The grandstand has always been used out of season as well, both by club members and the public. It is a popular setting for wedding receptions and other functions, as well as for dining by club members. The Grandstand is licensed as a place to conduct weddings and civil ceremonies. A very limited use can be made of the first floor due to the lack of enclosure of this section and the lack of any access for disabled persons. Disabled access to the lower deck is also awkward.

2.0 PROPOSAL

2.1 In overall terms the proposals comprise the following alterations and extensions –

- Renewal of ground floor glazing of grandstand to modern thermal and air tightness standards.
- Replacement of canvas enclosure to first floor walls of grandstand with glazing to modern thermal and air tightness standards.
- Provision of external lifts to the west elevation, the same height as the main structure, connected to the building by glazed walkways.
- The canvas roof of the Grandstand cannot be insulated. This is proposed to be replaced with a glass fibre roof which has the qualities of acoustic and thermal insulation which are required.
- Demolition of the existing staircase on the south elevation of the grandstand, and provision of a new fire escape stair on the west elevation.
- Provision of a further balcony on the west elevation off the grandstand to provide views back to the club house. The balustrade has been set back to prevent overlooking of the gardens of Manor Garden.
- Partial demolition of the existing service area extension and construction of new extension to provide kitchen, storage and toilets.
- The higher flat roof of the service area to be removed and replaced with a sedum roof.
- Voids below extensions are provided as the structure lies within the flood plain.
- Landscaping works.

- 2.2 Amended plans have been submitted which show the replacement of the southern fire escape from the south elevation to the west elevation and installation of an additional barrier to prevent diners using the southern first floor balcony.
- 2.3 The agent advises that the use of the Grandstand in 2010 for weddings and functions outside the Regatta period was 3500 covers for Club Members and 2,900 covers for non members. It is anticipated that if the building was made more usable out of season and accessible for all, that this would rise to 4,000 covers for Members and 4,000 for non members. The upper deck in particular will intensify its use outside regatta time, with the year round use for Member dining. The agent's view is that the proposal ensures that this does not have a detrimental impact on the neighbours by acoustic improvements to the envelope which will offset this intensification.
- 2.4 Documentation accompanying the application includes a Design and Access Statement, and Arboricultural Report and Tree Protection Plan, a Flood Risk Assessment and a Heritage Plan. Full details of these reports can be viewed on the Council's web site at www.southoxon.gov.uk
- 2.5 Plans **attached** to the report at Appendix 1 show the location of the site and details of the proposals.
- 3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS - Planning and listed building applications.**
- 3.1 Henley-on-Thames Town Council – No objection raised, subject to the views of English Heritage and that the building maintains its Grade 11 status.
- 3.2 English Heritage – The applications should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 3.3 County Archaeological Services – The site is located in an area of archaeological potential. Should planning permission be granted conditions should be imposed requiring that the applicant be responsible for ensuring the implementation of an archaeological monitoring and recording action.
- 3.4 The Henley Society (Planning) - No objection.
- 3.5 Conservation Officer – No objection raised subject to the imposition of suitable conditions. Comments contained in the main body of the report.
- 3.6 Environmental Protection Officer – No objection subject to imposition of suitable conditions. Comments contained in the main body of the report.
- 3.7 Environment Agency – No comments received to date.
- 3.8 Forestry Officer – No objection subject to imposition of a condition requiring compliance with the submitted arboricultural method statement.
- 3.9 Countryside Officer – No objection subject to imposition of an informative concerning the law relating to protected species.
- 3.10 Neighbour consultation – one letter of objection/comments received. The points raised include the following issues –
- We have met with Phyllis Court and a number of our concerns have been taken into account. We do, however have further concerns.
 - These proposals will result in an intensified use of the grandstand building which

lies directly adjacent to the boat house/sitting out deck, and garden of our property, Manor Garden. This could have serious impacts on the amenity of our property.

- The intended intensification of use of the Grandstand could develop into an all year round restaurant and associated dining function rooms, including carrying out a greater number of wedding ceremonies and other functions. If not conditioned to be used as ancillary to Phyllis Court Club, it could become a separate restaurant.
- Additional use of the first floor of the building will result in considerable overlooking of our property and gardens. If permitted, conditions should be added which require that barriers should be installed limiting the use of the south of the grandstand external areas, louvers/opaque glazing should be installed on the south elevation, at first and ground floors, and a bar installed limiting public access to this area.
- The staircase on the south elevation should be removed, and if a fire escape in this area is required, it should be constructed further away from our boundary.
- A greater intensification of use of the building would inevitably lead to more noise and disturbance, at night from guests and music from discos and/or live bands. We have already experienced some disturbance and noise from music late at night.
- If permitted, hours of operation of the new dining areas and function rooms should be restricted to the existing times.
- Noise levels should be restricted by condition.
- Technical specification of the proposed replacement glazing should be conditioned to ensure greater sound insulation.
- We are pleased that no roof lights are proposed in the kitchen areas.
- Technical specification of plant and equipment should be conditioned to ensure that we do not suffer from odours and fumes from the kitchen areas.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P11/E1026](#) - Approved (02/08/2011)

Demolition/removal of existing external access steps to the grandstand Pavilion and replacement with new timber access stairs and balustrading.

[P11/E1027/LB](#) - Approved (02/08/2011)

Demolition/removal of existing external access steps to the grandstand Pavilion and replacement with new timber access stairs and balustrading.

[P04/E0035/LB](#) - Approved (24/02/2004)

Alterations to existing ramp to Grandstand to improve access for the disabled.

[P03/E0490](#) - Approved (16/10/2003)

Alterations to existing ramp to grandstand to improve access for the disabled.

[P00/S0967/LB](#) - Approved (04/01/2001)

Demolition and rebuilding of existing grandstand toilet and kitchen block with addition of new store and glazed entrance.(Amendment to listed building consent P00/S0675/LB).

[P00/S0676](#) - Approved (04/12/2000)

Rebuilding of kitchen/toilet block with addition of store and glazed entrance (as amended by drawing no. 822-13a received 31 August, 822-11D and 822-12B received 16 October and accompanying Agents letter dated 13 October 2000).

[P00/S0675/LB](#) - Approved (05/10/2000)

Demolition and rebuilding of existing grandstand toilet and kitchen block with addition of new store and glazed entrance (as amended by drawing nos. 822-11C and 822-13A accompanying Agent's letter dated 30 August 2000).

[P93/S0698/LB](#) - Approved (09/02/1994)

Permanent retention of first floor steel structure and canvas roof canopy to existing grandstand.

[P93/S0699](#) - Approved (09/02/1994)

Permanent retention of first floor steel structure and canvas roof canopy to existing grandstand.

[P92/S0074/LB](#) - Approved (13/07/1992)

Structural works with full enclosure glazing and walls at ground floor level.

[P92/S0075](#) - Approved (19/06/1992)

Alterations to grandstand to include structural works with full enclosing walls and glazing.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011 policies;

CON2 - Extensions to listed buildings

CON3 - Alteration to listed building

D1 - Principles of good design

D2 - Safe and secure parking for vehicles and cycles

D8 - Conservation and efficient use of energy

EP1 - Adverse affect on people and environment

EP2 - Adverse affect by noise or vibration

TSM1 - Tourist industry

TSM2 - New and improved tourist attraction in the area

TSM3 - Conversion of existing buildings to tourist faculties, pub and restaurants

Draft South Oxfordshire Core Strategy Policies –

CSEN3 – Historic Environment

CSQ3 - Design

CSHEN - The strategy for Henley

South Oxfordshire Design Guide 2008

National Planning Policy Framework

6.0 **PLANNING CONSIDERATIONS**

6.1 The main considerations are –

1. Whether the proposals respect the historic character of the listed building, the conservation area and the archaeological importance of the site.
2. Whether the proposals would result in unneighbourly development.
3. Whether the proposals would adversely affect trees on the site.
4. Whether the proposals would result in additional flooding in the area.
5. Whether the proposals would result in the loss of protected species.

Whether the proposals respect the historic character of the listed building, the conservation area and the archaeological importance of the site.

- 6.2 The proposed extension and reordering of the service areas to the grandstand would largely impact upon the rear of the building (garden elevation). This is screened from views along the river from the north by mature trees, and is partially visible in views from the south, particularly from Henley bridge. The grandstand was substantially restored and rebuilt in the 1990s, and the rear is largely modern construction with the historic elements consolidated onto the principal river frontage. As such, the addition of a lightweight structure of permeable and transparent design to the rear would not impact upon historic fabric. The appearance of the building on this side is rather more contemporary following the rebuild of the 1990s and given the largely concealed nature of this location from the river frontages and views, the addition would have a limited impact upon the character of the primary views of the building.
- 6.3 With regards the existing structure, details will need to be conditioned regarding the glazing system and new roof. It is suggested that the roof should reflect the existing appearance as closely as possible as this is an inherent part of the building's riverside character. Overall, the removal of the canvas sides and installation of a transparent glazing system would be an overall improvement to the appearance of the building, restoring some of the permeability typical of such iron framed buildings.
- 6.4 The redesigned kitchen/toilet area represents a minimal increase in footprint, and only infills between existing structures which would not be visible from any external views. The improvement of the service areas with regards their external design and materials is of benefit as the existing does nothing to enhance this location in such close proximity to the grandstand.
- 6.5 With regard to the amended plans, the southern stairwell is a modern addition to the building and no objection is raised to its removal. No objection is raised to either the use of frosted glass on the first floor southern elevation, or the use of internal angled slats to prevent the overlooking of the adjoining property.
- 6.6 In view of the above, subject to imposition of conditions requiring details of glazing systems and frames, roof finishes and the exposed barrel vault steelwork to be submitted and approved, then officers consider that the proposals will respect the historic character of the listed building and the wider character and appearance of the Conservation Area.
- 6.7 In terms of archaeological interest, the site lies in an area of archaeological potential within the grounds of the large mediaeval house of Fillets Manor. The site is also located close to one of the suggested routes of the Dorchester to Silchester Roman Road, thought to ford the Thames in the area of Phyllis Court. The County Archaeologist has therefore recommended that should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action to be maintained during the period of construction.

Whether the proposals would result in unneighbourly development.

- 6.8 The grandstand lies directly adjacent to the boat house, sitting out area and the garden of Manor Garden. There are direct views between the grandstand and Manor Garden. Currently, the grandstand building is used intensively during the Henley Regatta and Henley Festival times. At other times the building is used for weddings and Members

dining, mainly in the ground floor of the building. The current proposals would provide greater accessibility and more enclosure of the first floor of the building and would also provide more comprehensive kitchen facilities. As the building is so closely related to Manor Garden, consideration should be given as to whether the proposals will result in unneighbourly development.

- 6.9 Currently, the hours of use of the building are restricted by condition 8 of planning permission P92/S0075 which requires that –
'The use of the building shall not be available for use by members of Phyllis Court Members Club and the public before 8.00am and after midnight each day, except during the Henley Regatta and Henley Festival weeks.'
- 6.10 Managers of the Phyllis Court Club and their agent have met with the owners of the adjoining property, Manor Garden, and measures to help protect the privacy and amenity of the adjoining dwelling have been incorporated into the design of the proposals. Further measures have been incorporated into the amended plans. These include the removal of the southern staircase and, if required under the building regulations, the reinstatement of a fire escape on the western elevation, away from the joint boundary. They also include the proposed installation of barriers at first floor to preclude use of the first floor southern balcony except during the Henley Regatta, the installation of angled slats on the southern elevation to angle any overlooking towards the river, the inseting of the new balcony area and the deletion of any roof lights in the facilities block.
- 6.11 The Council's Environmental Protection officer has visited the site and considered the potential impact of the proposals. With regard to the potential impact of additional odour and noise from increased food preparation, conditions should be imposed requiring a noise report to be submitted and approved detailing noise levels of mechanical equipment, and the installation and maintenance of such equipment. A condition should also be imposed requiring details of odour control to be submitted and approved, installed and maintained.
- 6.12 There is also potential for residents of the adjoining dwelling, Manor Garden to be affected by noise and functions and other activities taking place at the grandstand. However, the proposed upgrading of the glazing at ground floor level, and the replacement of the existing canvas structure with glazing at first floor level, will significantly improve the acoustic integrity of the grandstand, with a corresponding reduction in noise break out. In addition, the provision of a permanently fixed rail to prevent public access to the southern part of the balcony at all times except during the regatta period will reduce the noise from persons congregating in the area closest to Manor Garden. The first floor is already used during events such as wedding receptions. Although it is proposed that the first floor will in future also be used for members' dining, officers feel that any intensification of use is offset by the improvements to the glazing. A condition should be imposed requiring that full details of the sound insulation qualities of the new glazing should be submitted to the Council for approval.
- 6.13 In order to restrict the hours of operation, officers consider that condition 8 of planning permission P92/S0075 is replicated so that noise from both club members and the public is restricted to between the hours of 8.00 am and midnight daily, with the exception of the periods of Henley Royal Regatta and Henley Festival.
- 6.14 With regard to overlooking, angled slats are proposed at first floor on the southern elevation which allow views along the river but not over the garden of Manor Garden. Officers also consider that these slats should be continued along part of the western

elevation at first floor to ensure that overlooking does not occur from that part of the building towards Manor Garden. Whilst the agent acting on behalf of the owners of Manor Garden has requested that screening be supplied at ground floor on the southern elevation, this part of the building is already used for functions and dining. In these circumstances, the provision of additional screening could not be justified in planning terms.

- 6.15 Whilst the agent acting on behalf of the owners of the adjoining property originally requested that a noise condition be imposed, officers do not feel that it would be appropriate to recommend a condition specifying a maximum noise level arising from music and/or persons dining within the grandstand. It is likely that such a condition would be unenforceable due to the low background levels in this area, the irregularity of the noise, the wide fluctuations in noise levels and the difficulties of measuring the noise in question.
- 6.16 However, the current premises licence already includes a restriction on noise, requiring that noise from regulated entertainment (in this case primarily recorded or live music) should not be clearly audible, other than during Henley Royal Regatta. Should planning permission be granted, the Phyllis Court Club would need to apply for a variation of their existing premises licence to take account of the amendments to the structure and the variations in the proposed use. An informative to this effect should be included on the decision notice should planning permission be granted.
- 6.17 To summarise, officers consider that any potential issues from noise and odour can be addressed by means of planning conditions, in conjunction with the controls available under the licensing regime.
- 6.18 The proposals would enable an increased use of the building for dining purposes and also provides full kitchen facilities rather than a kitchen finishing area which exists at present. The building would provide full restaurant facilities, and, accordingly, could be used as a restaurant independently from the Phyllis Court Club. Whilst there is currently no plan to use the building separately, in order to maintain a satisfactory relationship with the existing club and adjoining properties, and to protect the setting of the listed building, officers consider that a condition should be imposed requiring the grandstand to be used as an ancillary facility to the Phyllis Court Club, and not to be used separately therefrom.

Whether the proposals would adversely affect trees on the site.

- 6.19 The trees within this site are the subject of a tree preservation order and the site is within the Conservation Area.
- 6.20 The proposed development will only have a minor impact on one tree, and it is not considered to cause any long term harm. The submitted arboricultural information demonstrates appropriate tree protection and management measures to prevent any other damage. Therefore subject to a compliance condition being attached requiring the implementation of the proposed tree protection measures, no objection is raised to the proposal from a forestry point of view.

Whether the proposals would result in additional flooding in the area.

- 6.21 The site lies within an area liable to flooding. A flood risk assessment has been submitted with the application, but no response to the proposals has been received from the Environment Agency to date. These will be reported to Members verbally at the Planning Committee meeting and the recommendation is subject to the views of the

Environment Agency.

Whether the proposals would result in the loss of protected species.

- 6.22 The site is within an area of considerable wildlife interest being adjacent to the River Thames. The area is likely to be well used by bats and there are records locally. The structure of the existing grandstand and associated buildings does not provide opportunities for roosting bats and it is highly unlikely that there would be any impacts arising from these proposals.
- 6.23 However, as the habitats locally are suitable and it is often impossible to completely rule out the presence of individual bats at certain times of the year, an informative concerning the law relating to protected species should be added to any approval.

7.0 CONCLUSION
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- 7.1 The proposal complies with the relevant Development Plan Policies and it is considered that, subject to the attached conditions, the proposed development would preserve the historic character of the listed building and the Henley conservation area, and would not materially harm the living conditions of nearby residents.

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- 7.2 The proposal complies with the relevant Development Plan Policies and it is considered that, subject to the attached conditions, the proposed works would preserve the historic character of the Grade 11 listed building.

8.0 RECOMMENDATION

Planning application P12/S2279/FUL

- 8.1 **That, subject to the views of the Environment Agency, planning permission be granted subject to imposition of the following conditions –**
- 1. Commencement 3 years**
 - 2. Compliance with the approved plans**
 - 3. Samples of all materials to be submitted and approved.**
 - 4. Details of proposed roof system and finish to be submitted and approved.**
 - 5. Watching brief (archaeological) to be implemented**
 - 6. No commencement of development until watching brief approved.**
 - 7. Submission and approval of noise report relating to kitchen mechanical services.**
 - 8. All plant and machinery to be installed and operated at or below a specified noise level.**
 - 9. Submission and approval of odour control methods, installation and maintenance.**
 - 10. Submission and approval of sound insulation qualities of new glazing, and installation at ground and first floor, prior to first use of enclosed first floor area.**
 - 11. Proposed first floor barriers to be erected in positions indicated on plan prior to first use of enclosed glazed area, in accordance with details to be submitted. Barriers to be kept locked to prevent use of first floor southern balcony except during the Henley Regatta.**

12. That prior to the first use of the enclosed glazed first floor area, the existing staircase on the southern elevation shall be removed.
13. Hours and days of use between 8am to midnight each day, except for a maximum period of 21 days in any calendar year during the Henley Regatta and Henley Festival.
14. Details of angled slats to be installed prior to the first use of the enclosed glazed first floor area on southern and part western elevation to be submitted and approved, and so retained and maintained.
15. Compliance with the submitted arboricultural method statement.

NB Concerning the need to apply for variation of existing premises license.

NB. Drawing attention to the law relating to protected species.

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8.2 That listed building consent be granted subject to imposition of the following conditions –

1. Commencement listed building consent 3 years
2. Compliance with approved plans
3. Samples of all materials to be submitted and approved.
4. Details of glazing systems and frames to be submitted and approved.
5. Details of proposed roof system and finish to be submitted and approved
6. Details of new staircase on west elevation to be submitted and approved prior to construction.
7. Profiles of the new exposed barrel vault steelwork on the west elevation to be submitted and approved.
8. Details of guttering and flues and vents to be submitted and approved.

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