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<b>APPLICATION NO.</b>	<a href="#">P20/S4824/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	15.12.2020
<b>PARISH</b>	HENLEY-ON-THAMES
<b>WARD MEMBERS</b>	Ken Arlett, Kellie Hinton & Stefan Gawrysiak
<b>APPLICANT</b>	C/o Rhian Woods
<b>SITE</b>	18 Duke Street Henley-On-Thames, RG9 1UT
<b>PROPOSAL</b>	Change of use of existing first and second floors from previous uses (now vacant) as a bank (Class E(c)(i)) and chiropractic practice (E(e)) to residential (C3) use. Proposed second floor extension over existing two-storey rear extension to create additional new residential (C3) units. In total four new flats; one and two-bedroomed flats, accessed from Tuns Lane. New access to flats on Ground Floor (remainder of Ground floor will remain as a retail unit, approved under P20/S3728/FUL granted 20/11/2020). (As amended by plans received 2021-04-20 to omit third floor projection to the rear and reduction of units from five to four as a result).
<b>OFFICER</b>	Marc Pullen

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**1.0 INTRODUCTION AND PROPOSAL**

1.1 Officers recommend that planning permission is granted. This report explains how officers have reached this conclusion.

1.2 This application is referred to the Planning Committee at the call-in request of Councillor Ken Arlett. The reasons given for calling in this application are that, in the view of Councillor Ken Arlett, the development:

- does not provide any car parking spaces
- there is no evidence that the waste strategy would be monitored

1.3 This application seeks planning permission to change the use of the first and second floors and an upward extension to the rear in order to facilitate the provision of four new flats (3 x 1 bed and 1 x 2 bed).

1.4 The application site, which is shown at **Appendix A**, is situated in Henley-on-Thames town centre, accessed via Duke Street to the front and Tuns Lane to the rear. The site lies within the Henley Main conservation area. The current plans are included at **Appendix B**.

**2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Henley-on-Thames Town Council – Object**

- Loss of offices in this town centre location
- Increased pressure on parking in the town
- Development would exacerbate existing issues with waste collection along Tuns Lane
- No parking spaces provided – parking is at a premium already so one parking space per flat should be made available
- Adverse air pollution in this location

**Conservation Officer** (South and Vale) – No objection

- Rear extension is not dissimilar to neighbouring development and other extensions and would have a neutral impact on the character of the conservation area as experienced from Tuns Lane and Greys Road car park
- The experience of the conservation area from one of the main historic streets in the town centre would be unchanged by the proposals
- If minded to approve this application it is recommended that the external materials are agreed by photographic schedule

**Drainage** - (South and Vale) – No objection

- Site is wholly in flood zone 1 – no additional building footprint
- No concerns with respect of foul water drainage or surface water drainage

**Highways Liaison Officer** (Oxfordshire County Council) – No objections

- No off-street car parking is proposed as part of the development, however, the site is located in a sustainable area with good access to buses within walking distance of the site. The site also benefits from its proximity to the town centre which offers wide-ranging retail and leisure facilities and a range of employment opportunities
- Furthermore, there are on-street controls within the vicinity to prevent indiscriminate parking and additionally within the vicinity of the site are a number of car parks
- The proposal is unlikely to have a significant adverse impact on the highway network

**Air Quality** (District Council) – No objection

- Due to the size of the proposed development and its location within Henley's Air Quality Management Area, in order to protect public health from the cumulative impact of small developments, best practice is required.
- Conditions requested

**Waste Management Officer** (District Council) – No objections

- Initial concerns relating to the change of use and the exacerbation of existing issues of waste collection and storage along Tuns Lane
- No objection following the submission of a waste statement which states waste will be stored in individual flats and taken out for collection on Duke Street on collection days

**The Henley Society** (Planning) – Objection

- The proposals for this building would result in a serious over-development. Issues of air pollution, waste disposal and parking provision would also present major problems. We recommend refusal.

**Neighbour** - No Strong Views (1)

- Owner of 16A and 16B have no objections – they have similar aims at some point in the future

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P20/S3728/FUL](#) - Approved (23/11/2020)

Proposed alterations to replace the existing shopfront on Duke Street with a new more sympathetic shopfront incorporating a relocated shop entrance door, and to incorporate a new entrance door in the rear elevation on Tuns Lane.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A.

**5.0 POLICY & GUIDANCE**

**5.1 Development Plan Policies**

**South Oxfordshire Local Plan 2035 (SOLP) Policies:**

DES1 - Delivering High Quality Development  
DES2 - Enhancing Local Character  
DES5 - Outdoor Amenity Space  
DES6 - Residential Amenity  
DES7 - Efficient Use of Resources  
DES8 - Promoting Sustainable Design  
DES10 - Carbon Reduction  
ENV6 - Historic Environment  
ENV8 - Conservation Areas  
ENV9 - Archaeology and Scheduled Monuments  
ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)  
ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)  
EP1 - Air Quality  
EP3 - Waste collection and Recycling  
H1 - Delivering New Homes  
H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford  
HEN1 - The Strategy for Henley-on-Thames  
INF4 - Water Resources  
STRAT1 - The Overall Strategy  
STRAT5 - Residential Densities  
TRANS2 - Promoting Sustainable Transport and Accessibility  
TRANS5 - Consideration of Development Proposals

**5.2 Henley and Harpsden Neighbourhood Plan**

H4 - Infill and Self-Build Dwellings  
TCE4 - Employment and Residential Above Shops  
DQS1 - Local Character

**5.3 Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

**5.4 National Planning Policy Framework and Planning Practice Guidance**

**5.5 Other Relevant Legislation**

- Planning (Listed Buildings and Conservation Areas) Act 1990
- Human Rights Act 1998 - The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.
- Equality Act 2010 - In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

**6.0 PLANNING CONSIDERATIONS**

**6.1 The relevant planning considerations are the following:**

- **Principle of development**
- **Design and character**
- **Residential amenity**
- **Access and Parking**
- **Waste/Refuse Collection**

- Other material planning considerations
- Other matters

### **Principle of development**

- 6.2 In Henley-on-Thames the principle of residential development is largely governed by policies H1, H3 and HEN1 of the South Oxfordshire Local Plan (2035). Policy HEN1 and H3 seek to deliver at least 1,285 new homes in Henley-on-Thames. Policy H1 seeks to deliver new housing in accordance with the SOLP and any adopted Neighbourhood Plan. Policy H4 of the Joint Henley and Harpsden Neighbourhood Plan (JHHNP) allows for infill and self-build dwellings, where it can be demonstrated that the proposed development constitutes sustainable development. The JHHNP does not define infill but the SOLP defines it as the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings.
- 6.3 In officer's view the location of this development in the centre of Henley-on-Thames town amongst the built-up environs does appropriately meet the definition of infill as set out within the SOLP. In officer's view therefore the proposed development is considered acceptable in principle.
- 6.4 The existing use of the first and second floor are regarded as falling within Use Class D1(a) – non-residential institutions (medical or health services) and Use Class A2 – financial and professional services. Both uses are now regarded as Use Class E - commercial, business and service. With effect from 1 August 2021, Part 3, Class MA of the General Permitted Development Order (2015, as amended) allows for the change of use from Class E to Use Class C3 (residential) following the prior approval process. It is officer's view that it would be likely that the prior approval process would allow for the conversion of the first and second floors into residential development given that the criteria of the prior approval process would be met. As such, officers consider that the potential prior approval process from 1 August offers a valid material consideration in respect of the conversion of the first and second floors of this building and should be attributed weight in considering the principle of this development.
- 6.5 In officer's view, the proposed loss of Class E Use on site would be acceptable given the possible fall-back position that can be attributed to the General Permitted Development Order and the introduction of new residential use here would also be acceptable given the site's siting in a central location in one of the four towns in the district.

### **Design and Character**

- 6.6 The council's policies and guidance seek to ensure that all new development is of high quality and is in keeping with the character and appearance of the area. Policy DES1 (SOLP) states all new development should ensure that it uses land efficiently, takes into account landform, layout, building orientation, massing and landscaping, provides access to local services and facilities, provides a range of housing types and tenures, and respects the local context working with and complementing the scale, height, density, grain, massing, type and details of the surrounding area. Policy DES2 (SOLP) states all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.
- 6.7 The National Planning Policy Framework (NPPF) advises that good design is a key aspect of sustainable development. Planning policies and decisions should ensure that

development functions well and adds to the overall quality of the area, is visually attractive as a result of good architecture, is sympathetic to local character and optimises the potential of the site to accommodate and sustain an appropriate amount and use of development.

- 6.8 The application site currently contains a three-storey property which fronts onto Duke Street with rear access via Tuns Lane. The proposed development would be situated to the rear of the site and the frontage of the property will remain unaltered beyond what has previously been allowed via a separate planning application ([P20/S3728/FUL](#)). The rear of the properties along Duke Street vary in size and appearance but are generally of less architectural merit. A number of these properties have been granted planning permission to extend up and convert the upper floors into flats.
- 6.9 The proposed development would consist of the extension upward by one floor and the conversion of the first and resulting second floor into residential use. The development would result in the net gain of four flats consisting of three one-bedroom flats and one two-bedroom flat. The exterior of the development would be finished with a flat roof with rooflights above with a pitched roof above an internal stair well. The design is not considered out of keeping in this area given the variation in the appearance and form of nearby buildings, especially those which have also been converted for residential use. The flat roof aspect would not be out of keeping with neighbouring no. 16 Duke Street also having an aspect of flat roof too.
- 6.10 The application form states that the proposed extension of the building would be finished in paint or render with aluminium framed windows and doors. In this location officers are satisfied these materials would be acceptable and not appear incongruous. Furthermore, Henley-on-Thames Town Council do not object to the design of the proposed development.
- 6.11 The site lies within the Henley Main conservation area; accordingly, any development should seek to ensure that the conservation area is preserved and enhanced for its special interest, character, setting and appearance. The council's conservation officer does not object to the proposed development citing that the proposed development would be similar to neighbouring development and would have a neutral impact on the character of the conservation area as experienced from Tuns Lane and the Greys Road car park. The experience of the conservation area from one of the main historic streets in the town centre would be unchanged by the proposal. The conservation officer therefore supports this application, subject to a condition which seeks approval of all external materials by photographic schedule.
- 6.12 It is officer's view that the proposed development would not be harmful to the character and appearance of the site or its surroundings. Instead, the development would respond to the existing physical and visual character and appearance along Tuns Lane by implementing a similar form of development as neighbouring properties in an appropriate design and would have a neutral impact upon the Henley Main conservation area.

#### **Residential amenity**

- 6.13 Policy DES6 (SOLP) seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of neighbouring uses. Factors to consider include loss of privacy, daylight or sunlight, dominance or visual intrusion, noise or vibration, smell, dust, heat, odour, gases or other emissions, pollution, contamination and external lighting.

- 6.14 The council initially felt the proposed development of two full new storeys would be harmful to the amenity of neighbouring no. 16 Duke Street as the fourth floor would present itself completely along the boundary to this neighbour, which would be overbearing to the neighbour's closest bedroom window at third floor level. In addition to this, as a result no. 14 Duke Street having been increased in height, the proposed development at no. 18 Duke Street at four storey height would have the potential of causing a tunnelling effect on neighbouring no. 16. Having reduced the scale of the proposed extension to the building, bringing it down to three storeys the level of imposition on this neighbour will be significantly reduced. This neighbour will be able to look out of their bedroom windows and not feel as if the third floor of no. 18 Duke Street is oppressive and overbearing. Further to this, officers do not consider the development would adversely block daylight or sunlight. On this point, the neighbour's closest window would not be breached by a 45-degree angle from its centre point – which is what the BRE Guidance advises. Officers are therefore satisfied that the proposed development would not result in any significant detrimental impact upon those occupiers living at no. 16 Duke Street.
- 6.15 The neighbour to the south at no. 20 Duke Street is commercial at first and second floor. The impact upon the first floor and second floor windows is therefore not offered the same level of protection as residential use. Regardless, this window is south of the proposed development and would have an open boundary with its neighbour no. 22 so would continue to benefit from adequate access to light and the outlook from these windows would not be adversely compromised. The views out of the third storey windows would allow unobstructed views to the south and this neighbour would not be adversely tunnelled. As such, officers are satisfied that the proposed development would not impact adversely on no. 20 Duke Street.

### **Access and Parking**

- 6.16 The proposed development would not have any allocated vehicle parking spaces but will be providing cycle parking provision within the ground floor of the building. Policy TRANS5 (SOLP) advises that proposals for all types of development will, where appropriate provide for a safe and convenient access for all users to the highway network; provide safe and convenient routes for cyclists and pedestrians, provide covered, secure and safe cycle parking, be served by an adequate road network which can accommodate traffic, provide space for unloading and circulation of vehicles, provide for the parking of vehicles in accordance with the Oxfordshire County Council parking standards, unless specific evidence is provided to justify otherwise.
- 6.17 The NPPF advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.18 As identified in this report, Henley-on-Thames Town Council object to the proposed development on a number of grounds. One issue is the lack of parking which is considered at a premium already in the town and one parking space per flat should be made available. Officers disagree with this however, acknowledging the sustainability of Henley as a town with its many facilities and access to services including rail network and frequent bus services. The lack of parking in this location is not considered to be harmful – the new owners of the flats will be aware that there are no allocated parking spaces. It is not considered necessary that new occupants would need to use a car in order to gain access to serves/facilities to meet their day to day needs.

- 6.19 Oxfordshire County Council have been consulted on this application and do not object to the development. They acknowledge that no off-street car parking is proposed as part of the development but are of the opinion that the site is located in a sustainable area with good access to buses within walking distance of the site. The site also benefits from its proximity to the town centre, which offers wide-ranging retail and leisure facilities and a range of employment opportunities. Furthermore, there are on-street controls within the vicinity to prevent indiscriminate parking and additionally within the vicinity of the site are a number of car parks. In the view of the County Council the proposal is unlikely to have a significant adverse impact on the highway network.
- 6.20 Officer consider that the proposed development would not result in any adverse or severe impact upon the highway network and would be situated in a sustainable location that does not warrant the need for car parking spaces.

### **Waste/Refuse Collection**

- 6.21 Policy EP3 (SOLP) advises that development proposals for residential use must ensure adequate facilities are provided for the sorting, storage and collection of waste and recycling. Sufficient space should be provided for the storage and collection of individual or communal recycling and refuse containers; and access should be provided that is safe for existing users/residents and for refuse and recycling collection vehicles.
- 6.22 Henley-on-Thames Town Council have raised concern over the proposed waste proposal. The waste statement supporting this application states that the existing retail unit at ground floor, which is not the subject of this planning application, will continue to use the bins located on Tuns Lane. The new residential units will retain all refuse generated within the individual flats, sorted into recycling, non-recycling, and food waste. On the day of collection SODC refuse bags for the correct collection and also food caddies will be presented onto Duke Street and collected with the domestic refuse lorries. Wheelie bins are not proposed to be used for the new residential units.
- 6.23 This waste statement has been presented as a response to the objection raised by SODC's waste management team who are of the view that further collections and storage of waste along Tuns Lane would not be acceptable and would incur further waiting time for refuse collection vehicles along the junction of Greys Road and Duke Street. Following the submission of the waste statement, the SODC waste management team do not object to the development as they support the measures outlined in the statement. The waste management team regularly inspect Tuns Lane and are of the opinion that no additional bins should not be allowed down Tuns Lane. Should bins be added along Tuns Lane then the regular inspection will pick up on these and notices served to have them removed.

### **Other material planning considerations**

- 6.24 Air Quality – In consultation with the environmental health team there are no objections on the grounds of air quality and the impact of air quality upon future residents, subject to best practice being carried out. They advise that conditions can be attached to any grant of planning permission. Officers consider these are appropriate, where necessary, and would attach them to a grant of permission.
- 6.25 Drainage – The council's drainage engineer does not object to the proposed development. The site lies wholly within fluvial flood zone 1 and any increase in footprint would have a negligible risk of pluvial flooding. Furthermore, they have no concerns with respect to drainage.

- 6.26 Carbon reduction – Policy DES8 (SOLP) advises that all development should look to minimise the carbon and energy impacts of their design and construction. Proposals must demonstrate that they are seeking to limit greenhouse emissions through location, building orientation, design, landscape and planting taking into account any nationally adopted standards and in accordance with Policies DES10: Carbon Reduction and DES7: Efficient Use of Resources. In officer's view it is not considered necessary to ensure that the existing property is designed so as to reduce carbon emissions. It is not possible to re-orientate the property or indeed change its design significantly or even landscape the site. The third-floor addition is to the rear and cannot be orientated in any other way so as to limit greenhouse emissions. Regardless of this, the application documentation does state that the building will be insulated to reduce heat loss, re-glazed to the rear, electric boilers with possibility for later solar panels to the roofs.
- 6.27 Community Infrastructure Levy (CIL) - The council's Community Infrastructure Levy (CIL) charging schedule applies to all relevant development proposals. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area and is primarily calculated on the increase in footprint created as a result of the development or net gain of residential use on site. This development would be liable to pay CIL on the internal floor area of the net increase in floor space being added to the building.
- 6.28 Pre-commencement Conditions –  
In accordance with The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, Section 100ZA (6) of the Town and Country Planning Act 1990(a) the Council is required to confirm agreement to all pre-commencement conditions. These will all have been agreed by the applicant/agent in writing in accordance with the requirements of this legislation.
- 7.0 **CONCLUSION**
- 7.1 Planning permission should be granted as the proposed development is considered acceptable in principle and would not result in any adverse impact upon the character and appearance of the area and would not harm the Henley main conservation area. Furthermore, the proposed development would not result in any significant adverse harm to the amenity of neighbours and would not result in any adverse harm to the safety of the highway network.
- 8.0 **RECOMMENDATION**
- 8.1 **Grant Planning Permission subject to the following conditions:**
- 1 : Development to commence within 3 years of the date of planning permission**
  - 2 : Development to be implemented in strict accordance with approved plans**
  - 3 : Schedule of all external materials to be submitted and approved by the Local Planning Authority**
  - 4 : Cycle Parking to be implemented and retained as per approved plans**
  - 5 : All habitable rooms fronting Duke Street shall be fitted with mechanical ventilation extracting air from the rear of the property – details of mechanical ventilation to be submitted and approved by the Local Planning Authority**
  - 6 : Waste Statement to be implemented and adhered to**

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