
APPLICATION NO.	P20/S4181/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	10.11.2020
PARISH	HENLEY-ON-THAMES
APPLICANT	J Parkinson
SITE	136 Reading Road, Henley-On-Thames, RG9 1DN
PROPOSAL	Change of use from dentist's surgery (Class E) to two 2-bedroom flats (Class C3) incorporating single storey rear extension and changes to elevations facing road to remove redundant shopfront (first floor north-west facing bedroom windows obscure glazed and fixed shut and cycle stands added to front garden as shown on amended plans received 18th December 2020 and proposed rear rooflights shown on amended elevations and section plans received 16th June 2021).
OFFICER	Paul Lucas

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This report sets out the justification for officers' recommendation to grant planning permission having regard to the development plan and any other material planning considerations. The application is referred to the Planning Committee due to being called-in by Councillor Ken Arlett. The reasons for the call-in are "loss of retail and insufficient on street parking. This area is now saturated with on-street parking. Due to the large amount of terraced housing with no parking, daytime and particularly evenings is just about impossible to get a parking space. This would only add to the congestion."
- 1.2 The application site is identified at **Appendix A** and comprises a two-storey end-of-terrace late 1800's building on the corner of Reading Road and Boston Road. The premises were last in use as a dentist's surgery, which ceased trading in 2019 and it has remained vacant since then. The site lies within the Henley – Reading Road Conservation Area and is also subject to an Article 4 Direction to remove some permitted development rights from the front of properties. The surroundings are predominantly residential in character, with the exception of Smarts Fish Bar at 138 Reading Road on the opposite corner of Boston Road and an office at 2A Boston Road, adjacent to the south-western site boundary. However, the office has planning permission for the conversion to a pair of semi-detached dwellings comprising a 2-Bed unit and a 1-Bed unit.
- 1.3 The application seeks full planning permission for the change of use from a dentist's surgery (Class E) to two 2-bedroom flats (Class C3). The proposal includes the erection of a single storey rear extension and changes to elevations facing the road to remove redundant shopfront and provide an enclosed frontage with cycle stands. Two rooflights would also be added to the rear-facing roof slope. The plans were amended to provide the cycle stands, indicate that the north-west facing first floor windows would be obscure-glazed and show the position of the rooflights. The current plans can be found at **Appendix B**. Other documents, including the applicant's Transport Statement can be viewed on the Council's [website](#).

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

- 2.1 Henley-on-Thames Town Council - Recommend refusal on the grounds of the loss of an essential community facility. There is insufficient on street parking and this would add to congestion.

South -Highways Liaison Officer (Oxfordshire County Council) – No objections

The Henley Society (Planning) - We support the conversion in principle but are concerned over the lack of provision for parking.

Third Parties – One representation to the original plans requesting obscure glazing to first floor north-west facing windows and concerned about lack of parking

3.0 RELEVANT PLANNING HISTORY

- 3.1 At the application site:

[P20/S2659/PEM](#) - Advice provided (09/10/2020)
Follow up advice for P19/S1414/PEM.

[P19/S1414/PEM](#) - Advice provided (13/06/2019)
Proposed change of use from dentist surgery (D1 Use) to residential - two 2 bed flats (C3 Use).

At No.2A Boston Road:

[P18/S1758/FUL](#) – Approved (18/07/2018)
Proposed conversion of existing office building to a pair of semi-detached dwellings comprising a 2-Bed unit and a 1-Bed unit.

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposed development is not Schedule 1 or 2 development as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 so an Environmental Impact Assessment is not required.

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

CF1 - Safeguarding Community Facilities
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
EMP3 - Retention of employment land
EP3 - Waste collection and Recycling
H1 - Delivering New Homes
H11 - Housing Mix
H3 - Housing in the towns of Henley-on-Thames, Thame and Wallingford
HEN1 - The Strategy for Henley-on-Thames
STRAT1 - The Overall Strategy
STRAT5 - Residential Densities
TRANS5 - Consideration of Development Proposals

5.2 Joint Henley & Harpsden Neighbourhood Plan

DQS1 – Local Character

H4 – Infill and self-build dwellings

T1 – Impact of development on the transport network

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016) – Section 7 – Plots & Buildings & Technical Guidance Part 7 – Building Conversions

5.4 National Planning Policy Framework and Planning Practice Guidance

5.5 Other Relevant Legislation

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 planning issues relevant to this application are whether the development would:

- involve the loss of an essential community facility;
- result in the unacceptable loss of employment land;
- be in accordance with the Council's Housing Distribution Strategy;
- preserve or enhance the character of and appearance of the Henley – Reading Road Conservation Area;
- respect the living conditions of neighbouring residential occupiers and would provide suitable living conditions for future occupiers;
- result in an acceptable off-street parking arrangement for the resultant dwellings and avoid any conditions prejudicial to highway safety;
- provide an acceptable mix of market housing; and
- give rise to any other material planning considerations.

6.2 Loss of Essential Community Facility

Henley Town Council have raised concerns about the loss of an essential community facility. The SOLP 2035 Policy CF1 has introduced a new definition of “essential community facilities and services**”:

“** Facilities under Use Class F2 Local Community Uses (shops smaller than 280m² and without another shop in 1,000 metres, a hall or meeting place for the principal use of the local community, outdoor sport or recreation locations, and swimming pools or skating rinks), Use Class F1 Learning and non-residential institutions, and the following Sui Generis uses: drinking establishments, cinemas, concert/dance/bingo halls, theatres.” Dental surgeries now fall outside this definition.

6.3 The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which came into force on 1st September 2020, reclassifies dental surgeries under Class E. After 31st July 2021 planning permission would no longer be required to change the use of the application premises to other uses within that use class. This includes shops; financial and professional services; restaurant & cafes; offices, research & development, light industrial; other clinics & day nurseries; and gyms.

Use Class from 1 September 2020	Use Class until 31 August 2020 and for the purpose of interpreting permitted development rights to 31 July 2021	Permitted change until at least 31 July 2021
<p>Class E Commercial, Business and Service</p> <p>Shops, restaurants, financial and professional services, indoor sport, recreation or fitness, not involving motorised vehicles or firearms, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity.</p>	<p>A1 - Shops (part) Shops, retail warehouses, post offices, ticket and travel agencies, sale of cold food for consumption off premises, hairdressers, funeral directors, hire shops, dry cleaners, internet cafes</p>	<p><u>Temporary permitted change (3 years) to a flexible use falling within A2, A3, B1 (e.g. where a condition prevents operation of the UCO), public library, gallery, exhibition hall, museum, clinic or health centre (interchangeable with notification) see also 2019 Order</u></p> <p><u>Permitted change of A1 or mixed A1 and dwellinghouse to C3 (subject to prior approval) (see also 2018 Order, and 2020 Order)</u></p> <p><u>Permitted change to D2 (subject to prior approval)</u></p> <p><u>Permitted change from A1 to mixed use (A1 or A2 & up to 2 flats); and from mixed use (A1 & up to 2 flats) to A1 or A2</u></p>
	<p>A2 -Financial and professional services (Banks, building societies, estate and employment agencies, professional services (not health or medical services))</p>	<p><u>Temporary permitted change (3 years) to a flexible use falling within A1, A3, B1, (e.g. where a condition prevents operation of the UCO), public library, exhibition hall, museum, clinic or health centre (interchangeable with notification) see also 2019 Order</u></p> <p><u>Permitted change of A2 or mixed A2 and dwellinghouse to C3 (subject to prior approval) (see also 2018 Order, and 2020 Order)</u></p> <p><u>Permitted change to D2 (subject to prior approval)</u></p> <p><u>Permitted change from A2 to mixed use (A1 or A2 & up to 2 flats); and from mixed use (A1 & up to 2 flats) to A1 or A2</u></p>
	<p>A3 – Food and drink Restaurants and cafes</p>	<p><u>Temporary permitted change (3 years) to a flexible use falling within A1, A2, B1, (e.g. where a condition prevents operation of the UCO), public library, gallery, exhibition hall, museum, clinic or health centre (interchangeable with notification) see also 2019 Order</u></p> <p><u>Temporary permitted change of use to a use for the provision of takeaway food, including class A5 (from 24 March 2020 to 23 March 2021, subject to notification)</u></p>
	<p>B1 – Business a. Office other than a use within Class A2 b. Research and development of products or processes c. For any industrial process (which can be carried out in any residential area without causing detriment to the amenity of the area)</p>	<p><u>Permitted change to B8</u></p> <p><u>BI(a) office permitted change to C3, See also 2020 Order</u></p> <p><u>Temporary permitted change (3 years) to a flexible use falling within A1, A2, A3, (e.g. where a condition prevents operation of the UCO), public library, gallery, exhibition hall, museum, clinic or health centre (interchangeable with notification) see also 2019 Order</u></p> <p><u>Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)</u></p>
	<p>D1 - Non-residential institutions (part) Clinics, health centres, creches, day nurseries, day centre</p>	<p><u>Temporary permitted change (3 years) to a flexible use falling within A1, A2, A3, B1 (interchangeable with notification) see also 2019 Order</u></p>
	<p>D2 – Assembly and leisure (part) Gymnasiums, indoor recreations not involving motorised vehicles or firearms</p>	<p><u>Permitted change to state-funded school or registered nursery (and back to previous lawful use) (subject to prior approval)</u></p> <p><u>Temporary permitted change (3 years) to a flexible use falling within A1, A2, A3, B1 public library, gallery, exhibition hall, museum, clinic or health centre (interchangeable with notification) see also 2019 Order*</u></p>

- 6.4 In addition, the applicant has provided information about the availability of other dental practices serving the town, including the professional opinion of another dental practitioner, whom considered taking on the premises, that there is a lack of ‘patient need’ for another dental practice in Henley. In the light of the above fallback position and the lack of patient need, officers consider that there are insufficient grounds to resist the proposed change of use under the SOLP Policy CF1.

6.5 Loss of Employment Land

The SOLP Policy EMP3 seeks to retain employment land and will only permit change of use to non-employment uses if:

- i) the applicants can demonstrate that any employment use is no longer viable; or
- ii) it is evidenced that there is no market interest in the site following one year of active and effective marketing; or
- iii) the development would bring about significant improvements to the living conditions of nearby residents, or to the environment. In assessing this, the Council will consider whether there is a realistic prospect of mitigating the detrimental effects of continuing employment use.

6.6 The applicant has provided information to demonstrate that the previous dental practitioner used a specialist accounting practice for the dental sector to market the premises from 2017. The applicant purchased the premises in 2018 and attempted to find a new practitioner to take the lease without success due to the aforementioned market saturation. Officers note that this marketing was not for wider employment use as at that time, the premises would have fallen within the old D1 use class and planning permission would have been required to change to employment uses under the 'B' use classes. Therefore, it would not have been reasonable to expect the applicant to undertake marketing for uses for which planning permission may not have been granted.

6.7 The application site is tightly bound by No.134, a residential property on its north-western side and by No.2A, which has planning permission for change of use from offices to residential, following the granting of prior approval in 2015. It is clear that the proposed residential use of No.136 would be more compatible with these predominantly residential surroundings than many of the aforementioned alternative uses under the Use Classes Order that the premises could be converted to without planning permission. The Council would not be able to exert any planning control over matters such as the hours of operation, deliveries, or soundproofing of any of these future uses, so there is considerable potential for disturbance and inconvenience to existing residents. In contrast, through the planning conditions listed below, the Council can secure obscure glazing and cycle stands for the proposed residential use.

6.8 Officers recognise that there would be some conflict with the requirements of Policy EMP3 criteria i) and ii) in that the viability of the premises and the marketing that has been carried out to date only relates to its use as a dental surgery. However, officers consider that the proposal would satisfy criterion iii) and would offer significant improvements to the living conditions of nearby residents compared with alternative unrestricted uses that could be taken up under permitted development rights. On this basis, the loss of a relatively small amount of employment floorspace (154 square metres) would be acceptable.

6.9 Housing Strategy

The SOLP 2035 Policy STRAT1 sets out the overall strategy for the District. It seeks to focus most major new development at allocated housing sites and the growth point of Didcot with Henley, Thame and Wallingford also being a focus for development and regeneration. Infill development on this existing residential site within the built-up area of Henley would be supported in principle by the SOLP 2035 Policy H3 and the JHHNP Policy H4. It is noted that the new dwellings would be provided through a conversion, rather than a new build development, which would nonetheless accord with the aims and objectives of the housing strategy.

6.10 Historic Environment

The SOLP 2035 Policy ENV6 explains that proposals for new development should be sensitively designed and should not cause harm to the historic environment. The SOLP 2035 Policy ENV8 states that proposals for development within or affecting the setting of a conservation area must conserve or enhance its special interest, character, setting and appearance. The SOLP 2035 Policy DES1 seeks to ensure that all new development is of a high-quality design subject to a series of criteria. The SOLP 2035 Policy DES2 states that 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.

- 6.11 The physical changes to the premises would include a single storey flat-roofed rear extension of four square metres in area infilling part of the existing rear courtyard. This would be a subservient addition that would be enclosed between the existing two storey outshot and the rear extension at No.134 and as such would not be a prominent addition. The new ground floor openings at the rear would not give rise to any discernible loss of privacy to adjoining residents. The rooflights would represent minor interruptions to the rear roof slope and so would not interfere with the purposes of the Article 4 Direction to restrict changes to the front roof slopes. These could be subject to a planning condition to ensure that they would be flush-fitting.

- 6.12 The changes to the public-facing elevations would involve the removal of the shop front and large side window and their replacement with sash windows and the addition of a door on the side elevation. The open frontage would be enclosed by low level railings, inside which the cycle stands would be installed. Officers note that the corner premises are of differing appearance to the residential properties on the remainder of the terraces. There is precedent for the residential conversion of one of the end of terrace properties through the granting of planning permission [P15/S3142/FUL](#) at 153 Reading Road, which lies about 90 metres from the site, within the same conservation area and Article 4 Direction. Officers consider that the physical changes to the elevations and frontage would be similar to those carried out at those premises. A planning condition could be imposed to ensure that joinery and railing details are agreed prior to their installation. As such, the proposal would preserve the character and appearance of the conservation area in accordance with the above policies.

6.13 Residential Amenity Impact

The SOLP 2035 Policy DES6 relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, daylight and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting.

- 6.14 The proposed change of use to two flats would be a more compatible use with surrounding residential properties in relation to the overall level of activity when compared with a potential future use under Class E. The single storey extension would be located within part of the courtyard already enclosed by the extension at the rear of No.134 and so would not result in any discernible loss of light or outlook. The existing north-west-facing windows, which would serve a bedroom in the upper floors flat, already overlook the rear of the adjoining properties. However, the applicant has agreed to a planning condition so that they would be obscure glazed prior to residential occupation, which would represent an improvement to the existing privacy situation. The proposal would therefore comply with the aims and objectives of Policy DES6.

- 6.15 The retained courtyard area would provide 18 square metres of private outdoor amenity space for the ground floor flat and there would be no private outdoor amenity space available to the upper floors flat. Both of these would be below the 50 square metres recommended minimum standard for two-bedroom properties, as set out in Section 7 of the SODG 2016. However, given that the site lies within easy walking distance of Henley Town Centre where there is convenient access to public open space, officers consider that the shortfall in private amenity space would be acceptable to accord with the spirit of the SOLP 2035 Policy DES5. The size of the flats would comply with the Nationally Described Space Standards, as required by the SOLP 2035 Policy H11.
- 6.16 Access and Parking
The SOLP 2035 Policy TRANS5 seeks to ensure that all new development would provide a safe and convenient access for all users of the highway. Paragraph 109 of the NPPF explains that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.17 Henley Town Council and local residents have raised concerns about the absence of any off-street parking for the premises and the difficulties of being able to park on-street in this area. The Highways Liaison Officer (HLO) accepts the data provided in the applicant’s Transport Statement that the traffic generation and notional parking for the use of the premises as a dentist surgery is greater than that of the proposed flats. There are parking restrictions in place within the vicinity of the site around the junction of Reading Road and Boston Road in the form of double-yellow lines to prevent indiscriminate and/or obstructive parking occurring. Although there are parking bays provided along the A4155 Reading Road, these are not allocated and are available to use by all residents. Parking occurs on Boston Road on both sides of the carriageway, however, there is sufficient space for a vehicle to travel along its length.
- 6.18 In the expert opinion of the HLO, the location of the proposal is ideally suited to a ‘car-free’ development. This is due to the site being within practical walking distance of a railway station and bus stops and is near several local shops and facilities. The proposed cycle storage could be secured by a planning condition. Accordingly, future occupiers would be provided with other travel options, other than the use of private motor vehicles. Although it is recognised that parking is at a premium nearby, there is no evidence to demonstrate that highway safety or severe cumulative road impacts would occur via the proposal.
- 6.19 The applicant has commissioned a ‘Parking Beat Survey’, which surveyed the following streets in the vicinity: Reading Road, Perpetual Park Drive, Quebec Road, Marmion Road, Harpsden Road, Western Avenue, Boston Road and Niagara Road. The full results are included within the applicant’s Transport Statement, however, the summary is copied below. This demonstrates that there is sufficient unrestricted on-street parking capacity in the vicinity to accommodate any additional demand that might be introduced by the proposed flats.

Total spaces	Sunday 7 June 2020 (00.30 hrs)			Monday 8 June 2020 (00.30 hrs)		
	Occupied	Spaces	Stress	Occupied	Spaces	Stress
257	203	54	79%	192	65	75%

Table 7.1: Parking stress results

6.20 Officers are also mindful that if the premises were to change to any of the alternative uses under Class E (shops; financial and professional services; restaurant & cafes; offices, research & development, light industrial; other clinics & day nurseries; and gyms) then these may result in either a material increase or a material change in the character of traffic in the vicinity of the site and it would not be possible to secure any on-site cycle parking to support those uses. Whilst officers accept that some of these uses may result in less demand for on-street parking at night-time, they are more likely to attract customers and a higher frequency of deliveries where those driving would be less familiar with the surroundings than future residents of the proposed flats would be. This means that they would be more likely to park indiscriminately and may result in a greater likelihood of obstructive parking occurring during the daytime when Reading Road is more congested. Under these circumstances, officers consider that any highway safety risk from the proposed development would be no greater than from alternative uses of the site and as such there are insufficient grounds to resist the application on grounds of lack of parking and increased congestion.

6.21 Housing Mix

The SOLP 2035 Policy H11 explains that in order to meet the needs of current and future households, the mix of housing should have regard to the Council's latest evidence, monitoring and delivery and Neighbourhood Development Plan evidence where applicable for the relevant area. The current evidence (the Oxfordshire SHMA 2014) found a shortfall in smaller units and recommended for most units to be 2 and 3 bedrooms. The proposal would provide 2-bedroom units and so would be in accordance with this aspect of the policy.

6.22 Other material planning considerations

Policy DES8 of SOLP states that all new development, including building conversions, refurbishments and extensions, should seek 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. Given that this is a conversion to an existing building, with limited alterations proposed, the ability to improve upon the carbon and energy performance of the building without harming the conservation area is restricted. In any event, the conversion would have to be carried out to meet Part L of the Building Regulations.

6.23 **Community Infrastructure Levy**

The application is CIL liable at a rate of £150 per square metre (index linked), 25% of which would go to Henley Town Council due to the made neighbourhood plan.

6.24 **Pre-commencement conditions - none**

7.0 **CONCLUSION**

7.1 The application proposal would comply with the relevant Development Plan Policies and it is considered that, subject to the recommended conditions, the proposed development would be acceptable in principle, would preserve the character and appearance of the Henley-Reading Road Conservation Area and would not harm the residential amenity of adjoining residents. The development would provide acceptable living conditions for future occupiers of the proposed flats and an appropriate housing mix and would not result in conditions prejudicial to highway safety.

8.0 **RECOMMENDATION**

8.1 **Grant Planning Permission subject to the following conditions:**

- 1 : Commencement of development within 3 years**
- 2 : Development in accordance with approved plans**
- 3 : Obscure glazing to north west facing windows**
- 4 : Rooflights (specified cill level & flush fitting)**
- 5 : Cycle Parking to be provided in accordance with the approved plans**
- 6 : Joinery and Railing details to be agreed**

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