
APPLICATION NO.	<u>P16/S2237/FUL</u>
APPLICATION TYPE	FULL APPLICATION
REGISTERED	27.6.2016
PARISH	HENLEY-ON-THAMES
WARD MEMBER(S)	Joan Bland Lorraine Hillier Stefan Gawrysiak Mrs Parminder Kaur
APPLICANT	Bell Street Baguettes, 73B Bell Street, Henley-on-Thames, RG9 2BD
SITE	
PROPOSAL	Change of use from A5 (hot food takeaway) to C3 (residential)
AMENDMENTS	None
OFFICER	Simon Kitson

1.0 INTRODUCTION

- 1.1 This application is referred to Planning Committee as the officers' recommendation conflicts with the views of the Town Council.
- 1.2 The existing property at 73 Bell Street (which is shown on the OS extract attached as Appendix A) is a mid-terrace, Grade-II listed building within the Henley Main Conservation Area. The building is currently in use as a hot food takeaway falling within Class A5 of the Town and Country Planning Use Classes Order.

2.0 PROPOSAL

- 2.1 This proposal seeks full planning permission for the change of use of the existing building from a hot food takeaway to a residential dwelling. Although the likely associated works are described in the submitted planning statement, no alterations are proposed at this stage, and they would be the subject of a further application for listed building consent.
- 2.2 The accompanying planning statement is attached as Appendix B. All associated documents and consultation responses 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 – Recommend refusal on the grounds of the loss of a small, affordable business unit in the town.

Highways Liaison Officer (Oxfordshire County Council) – No objections, subject to completion of a unilateral undertaking to amend the road traffic order.

Conservation Officer (SODC) – No objection to the principle of the change of use. Any required changes will be subject to further listed building consent and can be suitably managed and designed in line with the significance and special interest of the listed building. A subsequent application should be informed by a heritage appraisal and impact assessment.

4.0 **RELEVANT PLANNING HISTORY**

[P13/S2478/LDE](#) - Approved (30/09/2013)

Certificate of lawfulness for existing use as a hot food takeaway (A5 use)

[P13/S1925/LB](#) - Approved (16/08/2013)

Change of use of first floor from office use to residential use. (as amended by drawing 4A received on 31st July 2013).

[P13/S1810/FUL](#) - Approved (16/08/2013)

Change of use of first floor from office use to residential use (as amended by drawing 4A received on 31st July 2013).

5.0 **POLICY & GUIDANCE**

5.1 The Joint Henley and Harpsden Neighbourhood Plan (JHHNP);

Housing Strategy

Primary Housing Objectives H04

Policy H4 - Infill and self-build dwellings

Policy DSQ1 – Local Character

Policy T1 – Impact of development upon the transport network

5.2 South Oxfordshire Core Strategy policies;

CS1 - Presumption in favour of sustainable development

CSEN3 - Historic environment

CSHEN1 - The Strategy for Henley-on-Thames

CSQ3 - Design

5.3 South Oxfordshire Local Plan 2011 policies;

CF1 - Protection of recreational or essential community facilities

CF3 - Retention of shops

CON3 - Alteration to listed building

CON4 - Change of use of listed buildings

CON7 - Proposals in a conservation area

D1 - Principles of good design

D2 – Vehicle and bycycle parking

D3 – Plot coverage and garden areas

D4 – Privacy and daylight

G2 - Protect district from adverse development

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

T2 - Unloading, turning and parking for all highway users

South Oxfordshire Design Guide 2008

5.4 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

6.0 PLANNING CONSIDERATIONS

6.1 The main considerations in relation to this application are:

- the principle of the development
- the impact of the proposed change of use upon the character of the street scene and the wider conservation area
- the impact upon the special architectural and historic interest of the listed building
- the impact upon neighbouring amenity
- the impact upon the highway network, in terms of highway safety, access and parking provision.

Principle of development

- 6.2 It is noted that the Town Council raise objection to the loss of a small commercial unit in this location. However, officers contend that the building is not within a use or location specifically afforded protection by the Development Plan.
- 6.3 Although the site is within the town centre boundary, it is not within the primary shopping frontage defined within the Henley Town Centre Plan of the JHHNP. As such, the council would not seek to resist the loss of a retail or commercial unit in this location unless it comprises an ‘essential community facility’ as defined under Policy CF1 of the SOLP. The specific existing use is not ‘fundamental to the quality and convenience of everyday life’, as set out under paragraph 5.111 of the policy and, in any event, there remains a large number of food vending premises elsewhere within the town centre.
- 6.4 Even if the proposal were to be considered in terms of the loss of employment, the 40sq.m floorspace subject to the change of use is considerably under the 500 sq.m threshold requiring marketing under Policy E6 of the SOLP. Officers therefore consider that the principle of the change of use is acceptable.

Heritage Impact

- 6.5 A number of the buildings on this side of Bell Street are extremely old with more modern frontages that obscure their original construction. The council’s conservation officer considers that the ground floor of No.73 is likely to have had some form of commercial or working ground floor use for a significant period of time. This is consistent with the general pattern of development within the market town. However, although the change of this use to residential may affect the historic character of the building, other units along this part of Bell Street have been successfully adapted for residential use whilst retaining the shop frontage character and internal features of interest. This has helped preserve the overall character of the historic conservation area and the Conservation Team is satisfied that a suitable scheme can be achieved here.
- 6.6 If the committee are minded to grant consent for the proposed change of use, officers consider that a subsequent application for the internal and external alterations should seek to preserve any primary fabric and the historic shopfront character of the existing frontage. Provided that these points are adequately addressed, officers accept that the proposed change of use of the ground floor of the building would not detrimentally harm the special interest of the listed building.

Access and Parking

- 6.7 Policies T1, T2 and D2 of the SOLP require that there are no overriding highway objections for this form of development. Appendix 5 to the SOLP requires 1 parking space for this size of property and it is noted that the proposed dwelling would provide no off-street parking provision. However, the Highway Liaison Officer has raised no objections to the proposal on the basis that this is a sustainable site in terms of access to key services and facilities within walking and cycling distances. As such, the proposal would be an acceptable location for a “car free” development.
- 6.8 The recommendation below is subject to a unilateral undertaking (planning obligation) being provided by the applicant towards the cost of excluding the eligibility of the future occupiers of the development for parking permits within the locality. This measure would ensure that there would be no greater demand on on-street parking in the vicinity of the site compared to the existing situation.

Neighbouring amenity

- 6.9 Officers are satisfied that the proposed use would not have a materially greater impact upon the neighbouring properties than the current commercial use. Although there would only be limited private amenity space available for the new occupants, within the covered yard to the rear of the property, this is not uncommon within this type of built-up, sustainable town centre location and officers are satisfied that reasonable living conditions can be provided.

Community Infrastructure Levy (CIL)

- 6.10 The council's CIL charging schedule was adopted on 1 April 2016. 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. In this instance, there is no CIL payable as the proposal involves the conversion of an existing building with no increase in floorspace, and the building has been in continuous use for at least six months out of the last three years.

7.0 CONCLUSION

Officers are satisfied that the proposed change of use would not result in the loss of a commercial unit protected by employment or retail policies within the Development Plan. The proposal is also acceptable in terms of the impact upon the special architectural and historic interest of the listed building, its setting and the wider conservation area. Subject to the attached conditions,

8.0 RECOMMENDATION

- 8.1 **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 with Oxfordshire County Council to secure £2000 to amend the traffic regulation order so that the development shall be excluded from eligibility for parking permits, and the following condition:**

1. Commencement of development within three years.

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