
APPLICATION NO.	P20/S0510/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	7.2.2020
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett Kellie Hinton Stefan Gawrysiak
APPLICANT	Mr Andrew Morgan
SITE	Land to rear of 16 Reading Road, Henley-on-Thames, RG9 1AG
PROPOSAL	Erection of a three storey building to provide three 1-bedroom flats (Daylight and Sunlight report received 29th May 2020; amended elevation received 23rd June 2020, clarifying external materials to be used for the stair core).
OFFICER	Simon Kitson

1.0 **INTRODUCTION**

- 1.1 This application was deferred at the 21st October 2020 Planning Committee meeting, in order for members to undertake a site visit.
- 1.2 The application site (**attached** at Appendix A) is comprised of a redundant area of land to the rear of no 16 Reading Road, a historic, mid-terrace building located within a built-up thoroughfare through Henley town centre. The adjoining properties have retail frontages, with a large number of residential developments above and behind. The site is not within a designated area. The Henley Main Conservation Area runs along the properties at the opposite side of Reading Road.
- 1.3 In 2016, planning permission was granted for the change of use of the ground floor of no. 16 to retail, with residential uses at the upper storeys and the erection of a flat-roofed second floor roof extension. No changes were proposed to the rear service area which is within the application site.
- 1.4 Later in 2016, planning permission was granted for the erection of a block of 3 1-bed flats within the rear service yard of no. 16. The new flat-roofed building would have a south-east facing stepped lightwell, to allow natural light to the flats and a cladded stairwell to the rear, with a curved roof. This was followed in 2017 by an amended scheme, again for 3 x 1-bed flats joining the party wall 18-20 Reading Road.
- 1.5 Henley Town Council raised no objection to either of the previous applications. Copies of the previous decisions are **attached** at Appendix B.

2.0 **PROPOSAL**

- 2.1 The previous consents expired in March 2020 after the current proposal was submitted. Full planning permission is sought for a re-submission of the same scheme approved under P17/S0193/FUL.
- 2.2 The proposal again seeks consent for 3 residential flats with pedestrian access via a shared pathway to the west which also serves the existing flats at nos. 6A to 6D. The residences would be served by balconies within an internal stairwell to the south of

the building. No parking provision is provided, and residential permit exclusions would apply as there is an extant Unilateral Undertaking with the County Council.

- 2.3 The proposed site plans, elevations and floor plans are **attached** as Appendix C. 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 – Objection

- Recommend refusal on the grounds that the development would be overbearing and unneighbourly, with no parking provision and insufficient fire escape routes.
- Issues raised over the adequacy of the BRE Light Survey

- 3.2 Air Quality – No objection, subject to provision of sustainable travel packs, gas-fired boiler emission minimum standards and provision of cycle parking.

3.3 The Henley Society (Planning) – Objection

- This proposal would be an over-development and unneighbourly. There is also concern re the lack of parking and accessibility for emergency vehicles.

3.4 Neighbour Objections (7)

- The proposal is an overdevelopment of the site
- There would be a detrimental impact upon all surrounding properties, due to the visibility of the upper storey from the neighbouring gardens and living accommodation, possible losses of privacy as a result of the stairwell and losses of daylight.
- The construction would be logistically impossible and the flats would not benefit from much natural light
- The proposed materials would be out-of-keeping with the character and appearance of the area
- There would be parking issues as the proposal does not incorporate parking provision and residential permits are in short supply.
- There are access and fire safety concerns
- There is no space for dedicated cycle parking

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P17/S4123/NM](#) - Approved (21/12/2017)

Non material amendment to application ref. P16/S2571/FUL - amend south east elevation from facing brick to white render (Erection of 3 x 1-bed flats)

[P17/S0193/FUL](#) - Approved (17/03/2017)

Erection of 3 x 1-Bed Flats related to P16/S2571/FUL

[P16/S3185/NM](#) - Approved (17/10/2016)

Non-material amendment to application ref. P16/S0181/FUL - amend the front bay window from brick to white render finish, and amend the rear second floor extension from brick to red hanging tiles.

[P16/S2571/FUL](#) - Approved (12/10/2016)

Erection of 3 x 1-Bed Flats.

[P16/S2171/NM](#) - Approved (20/07/2016)

Non-material amendment to planning permission P16/S0181/FUL for new roof light to bedroom of second floor flat, amend cill height to kitchen window of second floor flat, amendment to retail unit shop frontage, amendments to ground floor.

[P16/S0181/FUL](#) - Approved (15/03/2016)

Rear second floor roof extension (flat roof dormer), new shop frontage and internal alterations. Change of use at first floor from restaurant to residential. Ground floor to remain as retail (revised plans received 16th March 2016, amending fenestration detail at second floor level)

[P05/E0845](#) - Approved (26/09/2005)

Change of use and extension of first floor from B1 office to C3 residential use and development of 4 flats. Single storey extension to provide disabled toilet. Provision of parking for the flats. (Amendment to P04/E1196).

5.0 ENVIRONMENTAL IMPACT ASSESSMENT

5.1 Not applicable for this application.

6.0 POLICY & GUIDANCE

6.1 Since the previous planning committee meeting, the South Oxfordshire Local Plan 2035 has been adopted. This replaces all South Oxfordshire Core Strategy 2027 and South Oxfordshire Local Plan 2011 policies referenced in the previous report.

The following policies are now most relevant to the determination of this application:

South Oxfordshire Local Plan 2035 (SOLP)

HEN1 - The Strategy for Henley-on-Thames

H1 - Delivering New Homes

H3 - Housing in the towns of Henley, Thame and Wallingford

DES1 – Delivering High Quality Development

DES2 – Enhancing Local Character

DES5 – Outdoor Amenity Space

DES6 – Residential Amenity

DES10 - Carbon Reduction

6.2 Joint Henley and Harpsden Neighbourhood Plan (JHHNP) Policies:

H4 – Infill housing

DQS1 – Local character

6.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

6.4 National Planning Policy Framework and Planning Practice Guidance

6.5 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.

7.0 PLANNING CONSIDERATIONS

7.1 The planning issues that are relevant to these applications are:

- The acceptability of the principle of the development
- The impact on the character and appearance of the surrounding area
- The impact upon air quality
- The impact on the amenity of neighbouring occupiers
- Highway considerations
- Energy efficiency

7.2 Principle of development

Policy HEN1 of the SOLP and Policy H4 of the Henley and Harpsden Joint Neighbourhood Plan (JHHNP) both support the principle of infill and redevelopment schemes in the built-up limits of Henley, provided that the proposal does not conflict with the National Planning Policy Framework or any other Development Plan policies. The principle and all residual impacts were previously considered acceptable by both the Planning Authority and Henley Town Council. Although these consents have recently expired it is a pertinent fact that the proposals were assessed against similar Development Plan policies to those which apply now.

7.3 Design and character

The proposal would redevelop a fully enclosed yard area to the rear of 16 Reading Road, which does not perform any particular function in connection with any commercial property or provide any meaningful amenity space for a residential one. Although most of this space would be developed by the proposed scheme, the agent proposes that outdoor spaces and natural light would be provided by means of a south-east facing light well and cascading balconies.

7.4 Although the amount of private amenity space for each flat would fall well short of the 50-100 sq.m recommended for new dwellings under Section 7 of the SODG, both this document and Policy DES5 of the SOLP allow a flexible approach, taking into account local context and the characteristics of the area. As noted within the previous delegated reports, the property is within a sustainable, walkable location with good access to parks and a range of other key facilities. On the basis that the majority of surrounding residential development, including the recent approvals to the rear of no.14 Reading Road, have similar private amenity standards, officers do not object to this aspect of the proposal.

7.5 The scale and design are identical to the previous approval at the site. Whilst the overall form of the building and elements of its external finish contrast in some ways with the developments fronting the historic Reading Road frontage, there are a variety of architectural forms, flat-roofed properties and higher density apartment schemes within the locality, all of which make efficient use of land within this sustainable town centre location without causing harm to the historic character of the wider town. Officers remain of the view that the building, which would have no significant visibility from any public vantage points, would not cause material harm to the character of the area or the historic significance of the conservation area which lies further to the east.

7.6 Whilst issues are raised regarding fire escapes and the amount of natural light provided for the occupants of the flats, any scheme would still need to comply with Building Regulations irrespective of whether planning consent is granted. Officers have been provided with a document from the approved building inspector for the previous approvals confirming that the schemes complied with all aspects of the Building Regulations 2010. Should there subsequently be any conflicts if planning permission is

granted, this would be a matter for the applicant to resolve. Any material changes to the approved scheme would require formal consent from the council and these would be subject to the same statutory public consultation requirements.

7.7 Air quality

The site falls within an Air Quality Management Area (AQMA). This was also the case at the time of the previous consented scheme. Officers recommend that a boiler emission condition is attached in line with the Air Quality Team's recommendations. The cycle parking recommendation is addressed within the transport section of this report.

7.8 Neighbouring amenity

The neighbour objections to the previous scheme focussed on party wall issues, construction access difficulties, structural impacts and the potential for unauthorised parking within the grounds of the adjacent property.

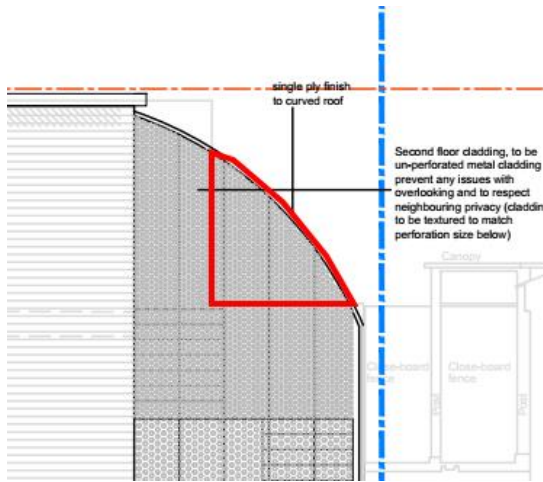
7.9 Under the consultation for the current identical proposal, some of the same issues are raised again but the primary concerns relate to the impact upon neighbouring amenity. The occupants of the neighbouring dwellings argue that the upper storey of the building would be highly visible, with overbearing impacts including losses of daylight, sunlight and privacy.

7.10 In response to the objections, the applicant commissioned a professional Daylight and Sunlight Report (MES Building Solutions, 13th May) which assessed the proposal against the 2011 Building Research Establishment (BRE) guidelines on Planning for Daylight and Sunlight. The study found that all windows assessed at the Reading Road Flats 6A – 6D would continue to benefit from adequate daylight and sunlight as measured against the BRE criteria. It also concluded that 50% of the properties' amenity areas would continue to benefit from at least 2 hours sunlight at the spring equinox. Whilst objections to the content of the professional report have been received, officers do not have evidence directly contradicting the findings.

7.11 It is accepted that the recently constructed dwellings to the side of 14 Reading Road have two rooflights potentially affected by the proposed development. However, according to the permission for these (P15/S2873/FUL) both windows serve bathrooms rather than habitable rooms afforded protection under the guidelines.

7.12 It is accepted that the proposed development would be visible from the neighbouring properties at 6A to 6D to varying degrees. Whilst there is an absence of demonstrable harm in terms of daylight and sunlight, the perceived enclosure of the neighbour's amenity areas and consequent level of harm is a matter of judgement. The most directly affected properties were visited over the course of the application.

7.13 Officers note that the stairwell serving the building would be separated from the neighbouring garden areas by a communal walkway and that much of the proposed development would be screened from view by the existing building at no. 18. Based on the submitted plans, an area of the proposed curved stairwell measuring at least 1.9 sq.m would be directly visible from the patio and kitchen at Flat 6b to the south. However, their living room is also served by openings facing to the west from which the view would be largely unaffected.



Officers recognise that the development would alter the view from no.6b and also to a lesser degree the view from the living accommodation and gardens at the other flats with openings facing towards the north-east. However, the loss of a private view is not in itself a material planning consideration and it is not agreed that this feature would be overly dominant or result in the severe level of enclosure suggested by the neighbours.

- 7.14 Whilst it is appreciated that the building would be in close proximity to the shared site boundary, officers consider that the projecting curved section of roof would not be so visually intrusive that it would impact harmfully upon the outlook from the neighbouring garden areas or any windows serving primary living accommodation. The windows inspected were either at oblique angles relative to the proposed flats, largely obscured by existing features or would continue to benefit from a reasonable amount of visible daylight. Officers consider that these properties would continue to have a level of openness consistent with this type of built-up town centre location. It is accepted that the materials, comprising a mixture of single ply roof, metal cladding and white rendered flank walls, are perceived to be visually-incongruous. Though their appropriateness in design terms is a subjective matter, this is not directly relevant to neighbouring amenity considerations.
- 7.15 With regard to privacy, the upper portions of the stairwell which would be visible from the neighbouring properties would be opaque in order to avoid any overlooking. The lower portions of the cladding would be perforated. Officers do not consider that any other aspect of the development would have the potential to impact upon neighbouring privacy. With this measure in place, officers consider, on balance, that the proposal is not in conflict with the relevant parts of SOLP Policy DES6.
- 7.16 **Highway safety**
The proposal is intended to be car free and the site is within a highly sustainable town centre location with convenient access to a range of key services and facilities. There are also public transport connections easily accessible.
- 7.17 The Local Highways Authority raised no objection to the previous applications, provided that the applicant entered into a unilateral undertaking (UU) with the County Council in order to exclude the properties from automatic eligibility for parking permits under the Road Traffic Order. This would prevent the dwellings from adding to on-street parking pressure on the street. Following the 2016 resolution to grant planning permission, the applicant completed a UU. Oxfordshire County Council (OCC) has confirmed that this is still valid today as it is attached to the land rather than a specific consent. OCC are content that this will continue to apply to any future development within the site and

have confirmed that no further action would be required by the applicant other than to provide the property addresses post construction.

7.18 Whilst it has been suggested that occupants may attempt to park on private land belonging to other neighbouring properties, this is a private civil matter and not within the Council's control.

7.19 Under the previous approved applications, the absence of designated cycle parking was noted. Officers however concluded that the site is in walking distance of key services and public transport links. Cycles could be stored within the flats should the need arise. There have been no changes in the circumstances of the site and on this basis, officers do not consider that there are sufficient grounds to refuse the application on transport grounds.

7.20 **Energy Efficiency**

Since the adoption of the new Local Plan, all development proposals for the erection of new dwellings are now required to demonstrate a higher standard of energy efficiency in accordance with SOLP Policy DES10. The requirement is for developments to achieve at least a 40% reduction in carbon emissions compared with code 2013 Building Regulations base case.

7.21 For applications registered before 1st April 2021, the Council accepts energy statements with supporting SAP calculations as a condition of consent rather than requiring this to be resolved up front. The applicant consents to the standard conditions being imposed. For the avoidance of doubt, these require the Council's agreement over the energy efficiency measures prior to the commencement of any works on site.

7.22 **Community Infrastructure Levy (CIL)**

This proposal is CIL liable at a rate of £150 per square metre (index linked).

8.0 **CONCLUSION**

8.1 The current development proposal continues to be in broad accordance with the relevant development plan policies and national planning guidance. Officers consider that the development would not cause any significant harm to the character and appearance of the site or the surrounding area. The proposal is also acceptable in terms of the impact upon the local highway network having regard to the sustainability of the location. On balance, officers consider the impact upon the amenity of the neighbouring occupiers to be acceptable, subject to the recommended privacy condition.

9.0 **RECOMMENDATION**

Grant Planning Permission subject to the following conditions:

1. **Commencement of development within three years**
2. **Development to be implemented in accordance with the approved plans**
3. **Materials to be as on plan, unless otherwise agreed in writing**
4. **Prior to first occupation, the privacy measures shown of the approved plans shall be implemented and retained as such thereafter.**
5. **Any gas fired boilers shall meet a minimum standard of <40 mgNO_x/kWh**

- 6. Prior to the commencement of the development hereby approved, an Energy Statement demonstrating how the development will achieve at least a 40% reduction in carbon emissions compared with code 2013 Building Regulations and details of how this will be monitored shall be submitted to the local planning authority and approved in writing.**
- 7. Prior to first occupation, all carbon reduction energy efficiency measures shall be implemented in accordance with the Energy Statement hereby approved and a Verification Report shall be submitted to the Local Planning Authority and approved in writing.**

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