

APPLICATION NO.	P22/S3105/FUL & P22/S3106/LB
APPLICATION TYPE	FULL APPLICATION & LISTED BLDG CONSENT
REGISTERED	23.8.2022
PARISH	HENLEY-ON-THAMES
WARD MEMBERS	Ken Arlett, Kellie Hinton, Stefan Gawrysiak
APPLICANT	Gramdale Property Investments
SITE	6 Duke Street Henley-on-Thames, RG9 1UP
PROPOSAL	The proposed works consist of a rear extension at first and second floor in line with the neighbouring properties to the north and south. The extension will redesign the existing flat, while also creating space for an additional residential flat. As part of these works the entrance to the residential properties would be moved to Duke Street. (As amended by plan to demonstrate cycle and bin storage and supported by Heritage Statement submitted 19 December 2022) (As amended by plans and documents submitted 01 March 2023 to better reveal heritage importance of building) (Further amended by plans 2023-04-26 to re-arrange internal layout to better retain historic fabric) (As amplified by additional information - noise report received 04 July 2023).
OFFICER	Marc Pullen

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 These applications are both referred to Planning Committee as the recommendations made by your officers' conflicts with the views of Henley-on-Thames Town Council.
- 1.2 The application site (which is shown on the OS extract attached as **Appendix A**) lies within the built-up town centre of Henley-on-Thames. The site is accessible via Duke Street and Tuns Lane, to the rear. 6 Duke Street is grade II listed and lies within the Henley Main conservation area.
- 1.3 These applications seek planning permission and listed building consent for extensions and alterations to 6 Duke Street to redesign the existing flat and create an additional flat. To the rear extensions are proposed at both first and second floor. The shopfront will be altered to provide a new door to serve both flats.
- 1.4 This report sets out the justification for officers' recommendations to grant both planning permission and listed building consent having regard to the development plan and any other material planning considerations.

1.5 Reduced copies of the plans accompanying the application are attached as **Appendix B**. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **P22/S3105/FUL**

Henley-on-Thames Town Council – Object

- Recommend refusal on the grounds of over development being in conflict with SOLP policies DES5 in relation to lack of outdoor space and DES6 due to inadequate privacy for new residents of the proposed 1 bedroom flat in relation to the proximity of the garden for the Three Tuns pub.
- The committee is concerned that should the build go ahead, there would very quickly be complaints from the resident. Policies DES2 (enhancing local character) and CF1 (safeguarding community assets) would be breached if the pub had to limit noise. The proposed new flat would also reduce light for the pub garden.
- The lack of parking provision is a concern.
- The planning committee is strongly opposed to the application and specifically the comments of the Environmental Protection Team.
- It is not acceptable to simply double glaze a bedroom window and expect a resident to sleep with the windows closed on a hot summer's night. This represents a loss of amenity.
- Also, in the light of a general move towards greening, energy efficiency, renewable energy sources and passive ventilation, it is not acceptable to create a constant energy expenditure for the property by requiring permanent background ventilation and cooling.

Highways Liaison Officer (Oxfordshire County Council) – No objection

- Site is in a sustainable location, there are on-street controls within the vicinity to prevent indiscriminate parking and additionally within the vicinity of the site is a number of car parks.
- The proposal is unlikely to have a significant adverse impact on the highway network.

Environmental Protection Team (Air Quality) – No objection

- We have reviewed the information in this application from an air quality perspective and have no observations to make on the application

Environmental Protection Team (Noise) – No objection

- I have reviewed the plans and information supplied in the noise report prepared by Auricl Acoustic Consulting on 3 July 2023 and am satisfied that the enhanced glazing would bring the noise level to within the specified limits set out in BS:8223 2014. However, these levels would need to be confirmed on site should the planning permission be granted, and further mechanical ventilation be installed should the need arise. This further testing is also recommended by the acoustic consultant.
- Conditions recommended.

Waste Management Officer (District Council) – No objection

- Refuse and Recycling will be in the form of sacks, rather than wheeled bins owing to the lack of frontage, and for expediency as collections are along a busy street. Food will be in the form of a small green food caddy. The resident will need to present council branded sacks and food caddy tight against the building on Duke Street to ensure adequate space for the free movement of pedestrians. Sacks and caddy can be put out on the evening before collection, then the caddy must be brought back to a designated storage point, promptly following collection.
- Owing to issues with fly tipping; and complaints about the existing bin arrangements on Tuns Lane, the waste team shall object to any proposals for the storage or presentation of any waste on Tuns Lane.
- Following submission of revised plan – waste team are satisfied that measures to store waste within the flats is acceptable.

The Henley Society (Planning) – No comments

Neighbours (3)

- It will massively affect our pub garden with stopping any direct sun light and with new tenants moving I can guarantee they will complain about everything we do if the lounge and bedroom faces our garden.
- This proposed development will remove the light from the beer garden at the Three Tuns, and will also overlook said beer garden, which will inevitably lead to issues with noise and licensing. The right to light is the main issue and it is an ill-judged application.
- The proposed development does not provide information on shadowing and loss of daylight/sunlight to the only open area used by Three Tuns customers.
- The particular site circumstances in this case lead to an adverse impact on customers and the attractiveness of the PH more generally. This is a material consideration in this Town Centre location where adopted Policies promote vitality and business viability.
- The new occupants would be faced with noise, activity and lighting to their detriment.
- Results in harm to the setting of a Listed Building.

2.2 P22/S3106/LB

Henley-on-Thames Town Council – Object

- Recommend refusal on the grounds of overdevelopment and the holding objection from the Conservation Officer due to lack of information.

Conservation Officer (South and Vale) – Support

- Following revisions, the proposed works now preserve the historic fabric and interests of the building.
- Conditions recommended.

Historic England (South East) –

- On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

The Henley Society (Planning) –

- Details of window replacements facing Duke Street should be given

3.0 RELEVANT PLANNING HISTORY

3.1 N/A.

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
DES10 - Carbon Reduction
DES2 - Enhancing Local Character
DES6 - Residential Amenity
DES7 - Efficient Use of Resources
DES8 - Promoting Sustainable Design
ENV6 - Historic Environment
ENV7 - Listed Buildings
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)
EP3 - Waste collection and Recycling
H1 - Delivering New Homes
HEN1 - The Strategy for Henley-on-Thames
STRAT1 - The Overall Strategy
TRANS5 - Consideration of Development Proposals

5.2 Henley and Harpsden Neighbourhood Plan

ENV1 - Air Quality
SD1 - Minimising Carbon Emissions
SD1a - Fabric First Approach
SD3 - Local Character
H4 - Infill and Self-Build Dwellings
E4 - Employment and Residential above shops
T1 - Impact of Development on the Transport Network

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

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**
- **Impact on listed building**
- **Residential amenity**
- **Amenity of future occupants**
- **Waste management**
- **Parking / Highway safety**
- **Other matters**

6.2 **Principle of development**

The site lies within the town centre of Henley-on-Thames. Policy H1 of the South Oxfordshire Local Plan (SOLP) allows for new residential development within the built-up areas of Towns. Policy H4 of the joint Henley and Harpsden Neighbourhood Plan (HHNP) also supports residential development within the built-up limits of both settlements. Policy E4 of the HHNP supports new residential use above shops to enhance the vibrancy and vitality of the town centre and local economy.

6.3 **Design and character**

The Council's policies and guidance on design 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.

6.4 The proposed development results in some change to the shop front to facilitate the additional door which would serve the flats. Officers do not consider the alterations to the shop frontage to be harmful to the street scene, with many variations to shopfronts experienced along Duke Street. The primacy of the shopfront remains which is the important feature along Duke Street. The rear of this building has limited architectural interest and is difficult to observe from public vantage points. Notwithstanding its discrete siting, it is important to ensure that any extensions and alterations to the rear are sympathetic to the form and the appearance of the building and those nearby.

6.5 The rear extensions would result in a continuation of the existing sloping roof of no. 4 Duke Street with a projecting gable. The materials proposed would match the existing building, red brickwork to the rear and slate roofing tiles. The scale

of the additions is appropriate and does not overwhelm the building. Officers do not consider the development results in an overdevelopment of the site – a point that has been made by Henley-on-Thames Town Council. Each flat meets the minimum Nationally Designated Space Standards. Concerns have been raised that neither flat would have adequate private amenity space. Officers do not consider that within this town centre location close to local amenities the proposed development would need to provide private amenity space – this is not uncommon for flats within the town centre. The site lies within close proximity to local public areas of open space which the occupants could utilise.

- 6.6 The application site lies within the Henley Main conservation area. Accordingly, all development proposals within the conservation areas must conserve or enhance its special interests, character, setting and appearance. Officers are satisfied that the proposed development would have a limited impact upon the wider conservation area and that the design and scale of the proposal would not overwhelm or adversely impact upon the character and appearance of the building.
- 6.7 Officers are satisfied that the design and scale of the proposed extensions to 6 Duke Street would be acceptable and would not adversely harm the character or appearance of the property or the surrounding area. Furthermore, the proposed development would not adversely harm the conservation area and would conserve the overall appearance of the property, character of the area and the wider historic interests of the area.
- 6.8 **Impact on listed building**
The council's conservation officer initially raised an objection to the proposed development/works to the listed building since no Heritage Statement was submitted to demonstrate the impact on the listed building. Following the submission of a Heritage Statement the conservation officer raised objections to the development/works as, originally planned, it would have resulted in a great loss of original historic fabric including an original staircase. This was seen to have a substantial impact on the historic interest of the plan form of the building, and a less than substantial impact on the overall significance of the building. No objection was raised to the principle of the extension to the rear of the building or to the alterations to the shopfront.
- 6.9 Amended plans were subsequently submitted to address the conservation officer's objections, which preserves significant historic fabric and the legibility of the original floor plan. The conservation officer now supports the proposed development/works to the listed building subject to conditions which seek agreement of external materials and joinery details of all new windows and doors. The conservation officer does not consider that the proposed development would result in any adverse impact to the setting of nearby listed buildings.
- 6.10 **Residential amenity**
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.

- 6.11 The proposed development would introduce additional living accommodation to the rear of the property. The first floor living accommodation would not extend any further back from the rear of both no.4 and no.8 Duke Street and would therefore not result in any physical impact on these neighbours. At second floor the living accommodation would be recessed by 6.5 metres with an external terrace at a depth of approximately 4.5 metres – set 2 metres in from the boundary.
- 6.12 To the rear of the site is the pub garden of The Three Tuns public house. Beyond the public house is a two-storey building which is not in residential use. Officers are satisfied that the proposed development would not adversely impact the amenity of neighbouring residential properties.
- 6.13 The proposed development would allow for future occupants to overlook the garden of the public house – however officers do not afford the same level of protection to this garden given its public and periodic use. The occupants of the new flat to the rear would be within their own right to install curtains or blinds should they wish to maintain their privacy during the day and will be aware of the proximity to the public house prior to purchase or rental.
- 6.14 Further concern has been raised that the proposed development would result in a loss of daylight to those using the public house garden. Officers do not agree that the proposed development would adversely impact daylight. The public house garden is already in a compromised position, to the rear of a number of large two-storey terraced buildings. The proposed development would increase built form along the boundary to the east, which is already compromised in officer's opinion. The proposed development would not result in an obstruction to the south – which is where the garden currently benefits most from daylight and sunlight. In light of this assessment, officers are satisfied that the proposed development would not adversely impact upon the amenity of the public house and those using it.
- 6.15 **Amenity of future occupants**
Concerns have been raised locally that the future occupants would be adversely impacted by the operations of the public house. Officers have requested that an acoustic report is submitted to demonstrate measures that can be implemented to mitigate against noise impacts originating from the public house. This report details glazing measures which the council's environmental protection team have considered and agreed will be satisfactory in order to mitigate against adverse noise levels.
- 6.16 The council's environmental protection team recommend that a condition is imposed to ensure that the glazing installed is as per the acoustic report and that another condition is imposed which requires the internal noise levels to be confirmed within the structure once the development has been built but prior to

the first occupation of the development. These conditions would satisfy the council's concerns over noise impacts from the public house.

6.17 The council's air quality officer has considered the proposed development from an air quality perspective and does not consider the impacts to be adverse. As such, they raise no objection.

6.18 **Waste management**

The council's waste management team do not object to the proposed development as acceptable waste storage and disposable methods have been demonstrated. Waste will need to be presented on Duke Street, close to the building on days of collection.

6.19 **Parking / Highway safety**

No parking is proposed. The Local Highway Authority do not object to the proposed development citing the fact that the site is in a central location within the town and benefits from a high level of accessibility with many amenities, shops, services, employment opportunities and public transport links. 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 Local Highway Authority, the proposal is unlikely to have a significant adverse impact on the highway network.

Other matters

6.20 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 toward CIL and will be charged based on the net internal residential floor space provided.

6.21 Energy 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 additions are to the rear and cannot be orientated in any other way so as to limit greenhouse emissions. Regardless of this the applicant has demonstrated that measures will be undertaken to improve the energy performance of the building including providing improved insulation, improved airtightness, better glazing and smart meters.

7.0 **CONCLUSIONS**

7.1 **P22/S3105/FUL**

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, would ensure acceptable future occupants would be safeguarded from harm from noise and would not result in any adverse harm to the safety of the highway network.

7.2 **P22/S3106/LB**

Listed building consent should be granted. The proposed works to the listed building would protect the special interest of the building and meet the tests and requirements set out within national and local policy and guidance.

8.0 **RECOMMENDATIONS**

8.1 **P22/S3105/FUL – To grant Planning Permission subject to conditions
1 : Commence development within 3 years**

2 : Implement development in accordance with approved plans

3 : Schedule of Materials to be agreed in writing

4 : Glazing specification in accordance with acoustic report

5 : Noise levels to be confirmed on site prior to first occupation

8.2 **P22/S3106/LB – To grant Listed Building Consent subject to conditions
1 : Commence development within 3 years**

2 : Implement development in accordance with approved plans

3 : Joinery Details for all windows and doors to be agreed in writing

4 : Schedule of Materials to be agreed in writing

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