

West Area Planning Committee

22nd July 2014

Application Number: 14/01296/FUL

Decision Due by: 14th July 2014

Proposal: Conversion of existing first floor flat into bar area including roof terrace. Alterations to existing shopfront

Site Address: Bullingdon Arms 162 Cowley Road (Site plan at **Appendix 1**)

Ward: St Marys Ward

Agent: Mr David Grundy

Applicant: Mr Olgan Gunduz

Application Called in – by Councillors – van Nooijen, Kennedy, Rowley and Clack for the following reasons – loss of managers flat

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as specified

- 4 Acoustic fence/barrier
- 5 Hours of use
- 6 Additional door top of stairs

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP20 - Lighting
CP21 - Noise
RC13 - Shop Fronts

Core Strategy

CS18_ - Urb design, town character, historic env

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

70/23061/A_H - Extension to form new lavatories at Bullingdon Arms Public House. PER 14th July 1970.

95/00723/NF - Erection of single storey rear extension and change of use from public house (Class A3) to public house and night-club (Classes A3 and D2) at Bullingdon Arms Public House (Amended plans). PER 8th November 1995.

96/00671/NF - Variation of condition 6 on 95/723/NF to allow new bar and night-club to open until 02.00 hours at Bullingdon Arms Public House. REF 31st July 1996.

97/01663/A - Externally illuminated fascia sign. High level hanging sign at Bullingdon Arms Public House. PER 23rd March 1998.

97/01922/NF - Retention of new frontage to public houses at Bullingdon Arms Public House. PER 23rd March 1998.

98/01094/VF - Variation of Condition 6 of permission 95/723/NF to extend opening hours to 02.00am at Bullingdon Arms Public House. PER 27th April 1999.

00/00184/NF - Deletion of condition 6 of planning permission 95/723/nf to permit existing use without restriction on opening hours. REF 15th April 2000.

00/00551/VF - Variation of condition 6 of permission 95/723/NF to extend opening hours until 02.00am. PER 28th July 2000.

00/00731/NF - Alterations and extension including new 'shop front' and stores at rear.. WDN 30th August 2001.

00/00732/A - Illuminated fascia and hanging sign. WDN 30th August 2001.

06/00862/VAR - Variation of condition 6 of permission 95/00723/NF to permit opening until 4.00 on the morning after Friday and Saturday evenings. PER 29th June 2006.

07/01114/VAR - Relaxation of condition 1 attached to planning permission 06/00862/VAR to allow extended opening hours until 04:00 on the morning after Friday and Saturday evenings on a permanent basis.. PER 17th July 2007.

Representations Received:

17 Oxford Road: first floor terrace will cause noise and disturbance to the domestic properties to the rear therefore, the application should be refused or conditioned as to the hours of use.

38 Rectory Road: additional noise; increase in people on the Cowley Road and side streets in the evenings; late night disturbance from people leaving drinking establishments; increase in traffic and create need for more car parking spaces; this is still a residential area and the more we create larger drinking places, the more people will travel to this area to drink.

21 Crown Street: object to the use of the roof; overlooking garden and house; unacceptable noise levels; internal soundproofing of the pub has been good especially since the management have listened to our complaints; they now take active steps to remind people to close doors (especially in the summer) and to speak and move quietly when loading or unloading equipment in the car park at night or in the early morning; the pub has been good about not bottling up after 11pm or before 7am; openable windows would allow noise to escape the building; vents for air conditioning would be a problem if they are motor powered;

Cllr Simmons on behalf of local residents: as well as the additional noise and nuisance this extension would create it also falls foul of the Saturation Policy.

2 Crown Street: increased noise at night; yet another drinking space, along a stretch of road where arguably there are already too many venues focused around alcohol, or supplying alcohol alongside other activities;

60 James Street: outside noise, whether music or voices, carries a long way in our area and we are already constantly woken at night and disturbed in the evenings.

Statutory and Internal Consultees:

Head Of Environmental Development,

Issues:

New shop front
Loss of flat
Roof terrace

Officers Assessment:

Site Description

1. The application site lies on the southern side of Cowley Road between Crown Street and Bullingdon Road. It comprises the Art Bar formally the Bullingdon Arms public house.

Proposal

2. The application is seeking permission for the insertion of a revised shop front, conversion of first floor manager's flat and use of the rear roof area as an outdoor area/roof terrace.

Assessment

New shop front

3. Policy RC13 of the Oxford Local Plan 2001-2016 states planning permission will only be granted for new shop fronts whose design and materials respect the style, proportions and character of the existing building and enhance the streetscene.
4. Shop fronts should be proportionate to the building as a whole and the fascia should be proportionate to the shop front. The shop front should always be seen as an integral part of the whole facade of the building. New shop fronts offer an important opportunity to enhance the visual appearance of the streetscene and therefore a high standard of design is required.
5. The existing framing to the left hand side of the entrance door is to be removed and replaced with new folding sliding three panel glass timber framed doors with solid lower panels. The existing front door is to be refurbished. To the right hand side of the entrance door the main vertical mullions are retained with three new panel windows above the cill.
6. The new shop front is considered an improvement on the existing which is becoming outdated. It rationalises the entrance into one and allows for

one half to be opened up entirely. The existing fascia is retained however due to the design of the new windows the front appears to have more verticality.

Loss of flat

7. The use of the flat within the building for a manager in connection with the bar would be part of the bar in planning terms and would not require further planning permission to convert it to part of the bar. However, if it were a separate unit of accommodation with no links to the bar then a change of use would be required.
8. The manager's flat is an ancillary use to the primary use as a bar and therefore consent is not required for its change of use.

Roof terrace

9. It is proposed to use roughly a third of the roof area to create a roof terrace to allow patrons to sit out and essentially smoke but to also allow patrons to sit outside as currently there is no external space associated with the bar. The area to be used is closest to the rear of the building. The existing openings and windows are to be altered to create patio doors off an internal seating area and an external counter/service area is to be created.
10. Currently on the roof there is a lot of large ducting/pipe work which will severely restrict the use of the whole roof. There is a step up beyond which is the majority of the ducting. Some ducting is on the lower section and this will be boxed and used as seating/tables.
11. There are concerns regarding the likely noise from patrons using the terrace which could adversely impact on the residents of Crown Street. Given the limited space available; its location close to the rear of the building and some distance from the edge; on the understanding that there are no noise generating activities on the open terrace area; the sound integrity of the existing ground floor music venue is not compromised; a further door is installed with self-closing devices at the top of the stairs to form a "sound lobby" and an acoustic fence is erected across the open end of the proposed development encapsulating the existing plant/vents on the roof and the open areas at each side then the impact on the residents of Crown Street will be minimal.
12. The use, hours of use (no later than eleven o'clock is recommended), additional door and acoustic fence can all be dealt with via conditions should Members be minded to approve the scheme.
13. The limited space available will also limit the numbers allowed out in the area, and this is controlled via other means i.e. the fire service.

Conclusion:

14. Members are recommended to approve the application subject to the conditions listed and suggested in the officers' report.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 9th July 2014

Appendix 1

14/01296/FUL - Bullingdon Arms



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Ordnance Survey 100019348

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