

Application Number: 14/00884/FUL

Decision Due by: 21st May 2014

Proposal: Erection of a single storey rear extension to form a larger mortuary and formation of new ramped access to rear

Site Address: 142 - 144 Oxford Road Cowley Oxford Oxfordshire
(Site Location Plan – Appendix 1)

Ward: Cowley Marsh Ward

Agent: LF Architecture Ltd

Applicant: Dignity Funerals

Application Called in – by Councillors – O’Hara, Fry, Kennedy and Tanner for the following reasons – various, including amenity and increased sound.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will form an acceptable visual relationship with the existing building and local area, will not have an unacceptable effect on the current and future occupants of adjacent properties and continues to provide an adequate level of parking. Concerns over noise can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8, CP10, CP19, CP21 and TR3 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.
- 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.
- 3 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.

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
- 4 Measures to limit noise [from refrigeration / condenser units]

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan (SHP)

MP1 - Model Policy

HP9_ - Design, Character and Context

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

10/03378/FUL - Erection of single storey rear extension.. PER 21st January 2011.

Representations Received:

1 Havelock Road: Object – increase in noise due to additional refrigeration units, vehicles and activity.

1A Havelock Road: Object – inappropriate location for enlarged mortuary, loss of privacy and amenity, increase in noise and disturbance as well as pollution from increased levels of diesel fumes and cigarette smoke. Detrimental to highway safety, loss of light, insufficient parking, effect on community.

1B Havelock Road: Object – Increase in noise and disturbance, light pollution, detrimental effect on security, increased risk of distress from increased visibility of deceased persons when being transported up proposed ramp.

Statutory and Internal Consultees:

Environmental Development: Propose condition to limit noise from condensing units.

Local Highway Authority: No objection.

Issues:

Principle

Visual impact

Effect on adjacent occupiers

Noise

Parking and highway safety

Drainage

Officers Assessment:

Site description

1. The application site No 142-144 Cowley Road comprises a two-storey building with side vehicle access and rear car parking. The building has been extended to the rear under application 10/03378/FUL. The use of the property is presently a funeral parlour, a use that has been accepted as lawful since 2008.

Proposals

2. Permission is sought to further extend the property on the ground floor to the rear to facilitate a larger mortuary and the refrigerated storage of a larger number of cadavers. A new ramp is proposed to facilitate the movement of trolleys from ambulances to the interior of the building. An existing condensing unit on the rear of the property will be repositioned on the south west side wall, whilst the new fridges will be served by a new condensing unit on the rear wall of the proposed extension.
3. It is understood that the rationale behind the proposal is to centralise the refrigeration and embalming operations, with existing branches continuing to provide associated services.

Principle

4. No change of use is proposed and the proposal is to develop and improve an existing commercial operation. The application site fronts onto a main arterial route into Oxford and is easily accessible from the eastern bypass. The surrounding area, whilst mixed, is characterized by a high level of traffic and commercial activity. The location is therefore suitable for further policy compliant commercial development and permission should not be withheld unless the development will result in an unacceptable level of harm.

Visual impact

5. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
6. The proposed development would not be easily visible from the public domain. Whilst it would be visible from surrounding properties, including dwellings, the single storey nature of the proposals is not out of scale with the plot or existing building and subject to a condition of planning permission to control the appearance of materials used in the build, is not considered to be materially out of character with the surrounding local area, and complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on adjacent occupiers

7. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.
8. The proposal complies with the 45-degree guidance and because of its scale and position relative to adjacent residential property will not have a material effect on adjacent occupiers in terms of overshadowing, overbearing or overlooking and complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.
9. However the increased capacity of the site can be expected to result in an increased level of activity, including vehicle movements and activity outside of normal commercial hours as ambulances bring deceased persons to the enlarged facilities. This will result in an increased level of noise, which is assessed below.

Noise

10. Along with the policies set out above, Policies CP19 and CP21 of the OLP state that permission will be refused for development that causes unacceptable nuisance and noise and that where such nuisance is controllable, appropriate conditions will be imposed.
11. Three new fridges are proposed, each with a capacity of 4, so the total storage capacity on site will increase by 12. Information from the applicant's agent suggests that most traffic movements are within general business hours and relate to the movement of the deceased from hospitals, to/from other local branches and directly to funerals, as well as staff and Doctor vehicle

movements, whilst out of hours movements are unlikely to materially increase for the reasons outlined below.

12. When a person passes away at home there is a legal requirement for two Doctors to check the deceased. As such, the deceased is usually taken to the local/nearest funeral home so that the local Doctors can attend.
13. If necessary, the deceased would then be brought to the Cowley branch the following day during office hours.
14. Where the Cowley branch is the local branch, the situation would be the same as currently exists. The majority of out of office hours vehicle movements will therefore occur when a local deceased person is removed from home to the funeral home via private ambulance, as is currently the case.
15. There is also the potential for an increase in noise from the additional condensing unit. Whilst background noise levels in the area are relatively low, it is considered prudent and reasonable for any grant of planning permission to be conditional on noise levels from the two units not rising above an acceptable level to ensure the development complies with Policies CP19 and CP21 of the OLP and HP14 of the SHP.

Parking and highway safety

16. Policy CP1 of the OLP states that permission will only be granted for development that is acceptable in terms of access, parking and highway safety whilst TR3 refers to Appendix 3 of the OLP for maximum car parking standards.
17. The application states that there will be no change to the existing parking situation, however it is noted that the extension will occupy part of the existing area to the rear. A site visit indicated that there was a relatively low level of parking on site, and that cars were parked across the rear of the site to avoid obstructing ambulance movements. On this basis, the proposed extension would not materially affect the level of compliant parking on site, although it may restrict the opportunity for site users to “double park” in tandem behind other vehicles. The parking area to the front of the property will be unaffected.
18. As previously set out, the proposed development will increase the storage capacity on site and may increase vehicle movements on site, particularly during business hours. However the increase in parking demand is likely to be low and on balance, and on the above basis, the development provides an appropriate level of parking on the site and complies with Policy CP1 of the OLP and the Sites and Housing Plan.
19. No change is proposed to the access arrangements and the vehicular access between 144 and 146 Oxford Road is set back some 5 metres from the highway. On this basis, there will be no material effect on highway safety.

Drainage

20. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
21. The development will not add to the level of non-porous surfaces on the site, the proposals will not result in an unacceptable risk of flooding and therefore comply with Policy CS11 of the Core Strategy.

Conclusion:

- 22. The development will form an acceptable visual relationship with the existing building and local area, will not have an unacceptable effect on the current and future occupants of adjacent properties and continues to provide an adequate level of parking. Concerns over noise can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8, CP10, CP19, CP21 and TR3 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.**

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: 14/00884/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 17th July 2014

Appendix 1

14/00884/FUL - 142 - 144 Oxford Road



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