

East Area Planning

1 February 2012

**Application Number:** 11/02937/VAR

**Decision Due by:** 26th January 2012

**Proposal:** Application to vary condition 3 (opening hours) and 6 (no bell ringing) of planning permission 08/02532/FUL to allow evening services (twice yearly) and ringing of bells before church services on Saturdays (5.30pm) and Sundays (10.30am) and for weddings, funerals and feast days

**Site Address:** 34 Ferry Road Oxford Oxfordshire OX3 0EU

**Ward:** Marston Ward

**Agent:** N/A

**Applicant:** Rev Stephen Platt

Called in by Councillors Clarkson, Sinclair, Humberstone, Hazell and Darke on grounds relating to local concerns about noise nuisance and the need for local concerns to be aired in public.

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## Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal to vary conditions 3 [opening hours] and 6 [no bell ringing] of planning permission 08/02532/FUL is considered to be acceptable having regard to the limited additional opening hours proposed and the limited extent of the proposed bell ringing. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in both the adopted Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 A number of letters of objection have been received from other third parties and the comments made have been carefully considered. However it is the case that the day to day operation of the church is lawful by virtue of planning permission 08/02532/FUL and that the application seeks only to vary two conditions of that permission relating to hours of use and bell ringing. It is considered that appropriately worded conditions can be imposed on any new planning permission that would impose controls and limitations on the additional hours of opening and the time limit for bell ringing and in this way would minimise any potential nuisance to neighbouring occupiers. In particular, the condition relating to bell ringing (which is set out in full in the

report) would limit the extent of bell ringing to very short periods of time for specific instances and also the cumulative duration throughout the week so that the potential for the variation to result in any unacceptable nuisance is severely restricted.

- 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 Use of building
- 2 Hours of opening including night service
- 3 Travel Plan
- 4 Bell ringing

**Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP10** - Siting Development to Meet Functional Needs

**CP19** - Nuisance

**CP21** - Noise

**HS19** - Privacy & Amenity

**Other Material Considerations:**

None

**Relevant Site History:**

72/25902/FUL: Change of use from mission church to art studio and production of graphic signs. Approved

86/00042/FUL: Change of use from art studio and workshop to private dwelling. Approved

91/00242/NX: Extension to time to change the use from art studio and workshop to dwelling. Approved

08/02532/FUL: Change of use from Class B1 use to Class D1 Place of Worship. Approved

09/01380/FUL: Erection of front porch, single storey side extension and dormer window. Installation of cupola on frontage and cross bell tower. Approved.

### **Representations Received:**

24 letters of objection. The main points raised can be summarised as follows:

- Additional noise and disturbance, possibly late at night with midnight mass proposed
- Ferry Road is a very quiet road
- The tolling of bells is not part of the general character of the area
- Residents already suffer from the parking issues and noise that the church creates
- Approving this application would allow bell ringing on any day of the year on any number of occasions
- No bell ringing was a condition of the planning permission and this situation should not be allowed to change
- The church should not bring conflict into the community it serves
- The vast majority of the church congregation lives elsewhere
- Night services, if restricted to two per year, would be acceptable
- Greater clarity is required as to the proposed changes and an idea of the likely noise levels
- A small minority, consisting of non-residents, should not be allowed to cause distress to residents.

16 letters of support. The main points raised can be summarised as follows:

- Bells would add character and community to the neighbourhood
- This is a modest request and the amount of opposition is disproportionate
- The bells would only be rung at sociable times
- Suggest that the permission be granted on a trial basis to enable an assessment to be made when the bells are actually in situ
- The bells should be hand rung and not electronically rung
- The church have improved what was a poorly maintained building and turned it into an attractive place of worship

### **Issues:**

- The extant permission
- Noise and disturbance

### **Officers Assessment:**

#### Site location and description

1. The application site lies on the north side of Ferry Road and comprises a modest, brick building which fronts directly onto the pavement together

with an adjacent bell tower. The property dates back to approximately 1911 when it was erected as a mission church for the Anglican Parish of Marston. The mission was adjoined by a church hall which is now 32 Ferry Road and used as a car repair business.

2. The property served as an Anglican place of worship from 1911 until the 1950's when it was superseded by the newly built St. Michael's Church in Marston Road. It was then rented by a Pentecostal congregation until 1972 when it was sold by the Church of England and planning permission was granted to use the building as an art studio and small workshop.
3. Ferry Road is characterised by primarily residential development of varying sizes and styles.

### The Proposal

4. The application seeks to vary 2 conditions of the 2008 permission which allowed the change of use of the building from Class B1 Business use to Class D1 Place of Worship.
5. Condition 3 of the 2008 permission states that the church shall only be open to the public during the hours of 8 am and 9 pm on any day. The current application seeks to vary that condition to allow evening/night services to take place twice a year at Christmas [6/7 January] and Easter [variable date] on the Russian Orthodox Calendar.
6. Condition 6 of the 2008 permission states that no ringing of bells shall take place at the premises unless otherwise agreed in writing by the Local Planning Authority. The current application seeks to vary that condition to allow bell ringing for 2/3 minutes before the Saturday evening service at 5.30 pm and the Sunday morning service at 10.30 am and also to allow bell ringing to take place for weddings, funerals and feast days. The background to this is that the church has received a gift of four bells from the Diocese of Voronezh in Russia.

### The Extant Permission

7. In March 2009 planning permission was granted for the change of use of 34 Ferry Road from B1 use to D1 use, specifically a place of worship. Since that time, the premises have been renovated and improvements and extensions carried out. The building has been used as a place of worship for some considerable time and no complaints have been received by the City Council's Environmental Health Team in respect of the operation of the Russian Orthodox Church.

### Noise and Disturbance

8. Policy CP19 of the adopted Oxford Local Plan states that planning permission will be refused for development proposals that cause unacceptable nuisance and where such nuisance is controllable,

appropriate planning conditions will be imposed.

9. In much the same way, policy CP21 of the local plan states that planning permission will be refused for development which will cause unacceptable noise and that easily enforceable conditions will be imposed to control the operation of development proposals to minimise any adverse impact as a result of noise and its transmission.
10. Church bells are intended to be heard and to announce the beginning of a church service or other celebration. In this case, the applicant has explained that in the Orthodox Church, bells are fixed in position and chimed rather than swung. He goes on to say that this method, together with the small size of the bells, means that the noise produced is quieter than traditional English pealing bells and that the proposed bells are equipped to be rung using an electronic mechanism with automatic clappers striking the bells from inside.
11. Planning and Environmental Health officers have carefully considered the comments made by local residents and the aspirations of the applicant in terms of the running of the church. Whilst it appears reasonable for the church to install its gift of bells and to ring them on certain occasions, it is important to ensure that adequate controls are retained over bell ringing to ensure it does not unacceptably impact upon the residential amenities enjoyed by neighbouring residents. The following condition is therefore recommended which would limit both the overall number of occasions the bells can be rung and the duration of individual bell ringing sessions.
  - “Bell ringing shall be carried out only between the hours of 10.25 and 6.00 pm on Sundays and 9.25 and 6.00 pm on Mondays to Saturdays. The bells shall be rung for a total period of 15 minutes per seven days [Sunday to Saturday] and for no more than 3 minutes on any single occasion”.
12. As regards the proposal to introduce evening/night services twice a year at Christmas and Easter, officers do not consider this would unacceptably disturb or disrupt the amenities enjoyed by neighbouring residents.
13. A number of the comments received against this proposal refer to problems associated with the siting of the church in a residential area, the increased traffic and parking issues and the noise and disturbance that the church activities cause to the local community. Officers wish to stress that use of 34 Ferry Road as a place of worship is established by virtue of the 2008 planning permission and the current application seeks only to vary condition 3 [opening hours] and condition 6 [no bell ringing] of that permission.

### **Conclusion:**

14. The proposal to vary conditions 3 [opening hours] and 6 [no bell ringing] of planning permission 08/02532/FUL is considered to be acceptable having regard to the limited additional opening hours proposed and the

short extent of the proposed bell ringing. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in both the adopted Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

### 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.

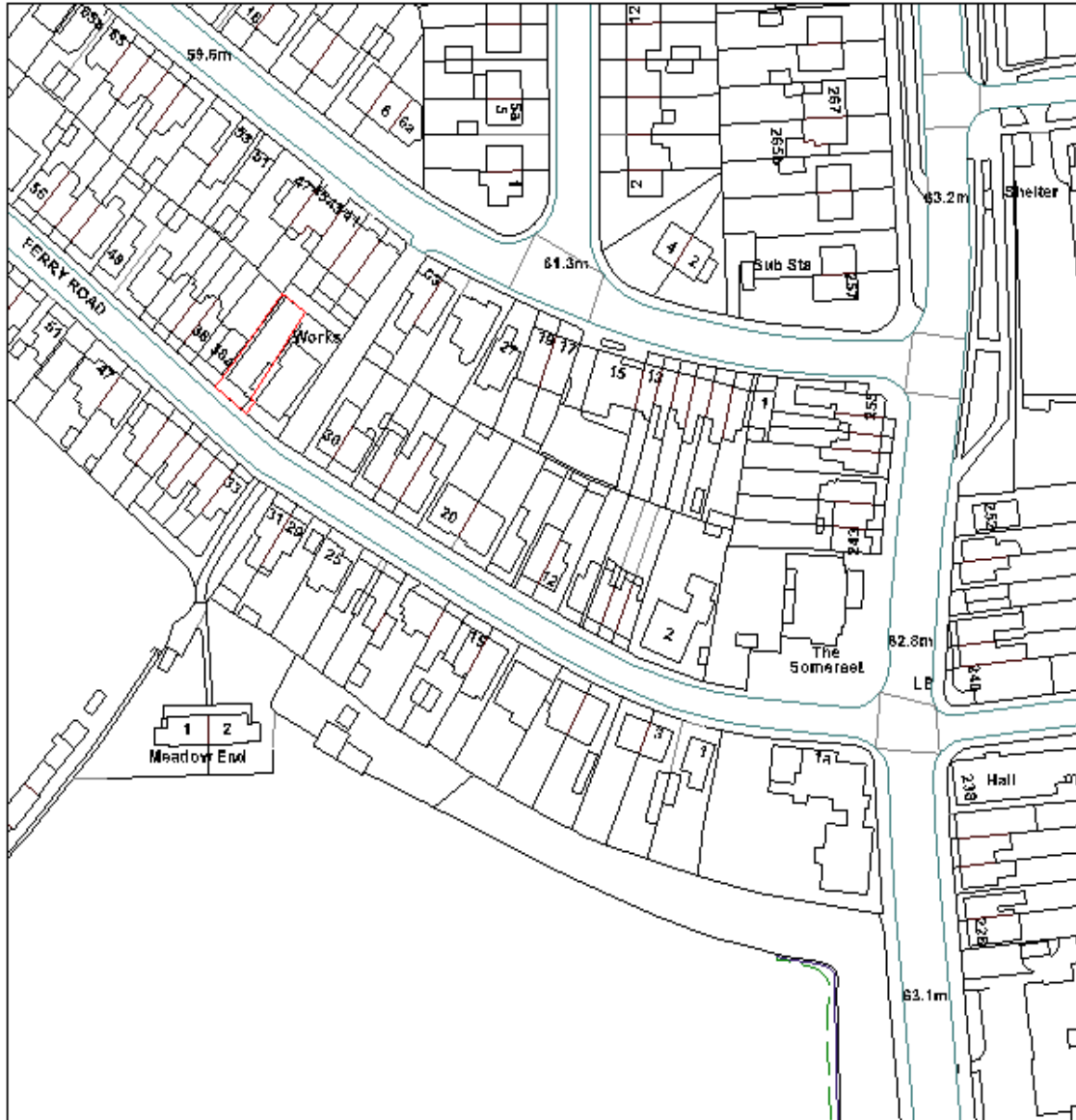
### **Background Papers:**

08/02532/FUL  
11/02937/VAR

**Contact Officer:** Angela Fettiplace  
**Extension:** 2445  
**Date:** 16th January 2012

# Appendix 1

## 34 Ferry Road, Oxford



Scale: 1:1250



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Ordnance Survey 100019348.

Organisation	Not Set
Department	Not Set
Comments	
Date	19 January 2012
SLA Number	Not Set

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