

Agenda

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West Area Planning Committee

Date: **Tuesday 12 August 2014**

Time: **6.30 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

Mathew Metcalfe, Committee and Member Services Officer

Telephone: 01865 252214

Email: mmetcalfe@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Bev Clack	St. Clement's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Andrew Gant	Summertown;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

The quorum for this meeting is five members. Substitutes are permitted

HOW TO OBTAIN AGENDA

In order to reduce the use of resources, our carbon footprint and our costs we will no longer produce paper copies of agenda over and above our minimum internal and Council member requirement. Paper copies may be looked at the Town Hall Reception and at Customer Services, St Aldate's and at the Westgate Library

A copy of the agenda may be:-

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AGENDA

Pages

1 **APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

2 **DECLARATIONS OF INTEREST**

3 **BULLINGDON ARMS, 162 COWLEY ROAD: 14/01296/FUL**

1 - 24

The Head of City Development has submitted a report which details a planning application to convert the existing first floor flat into a bar area including roof terrace. Alterations to existing shopfront

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

- 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

4 **244 ABINGDON ROAD: 14/01890/FUL**

25 - 32

The Head of City Development has submitted a report which details a planning application to erect a single storey rear extension at first floor level.

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

- 1 Development begun within three year time limit
- 2 Develop in accordance with approved plans
- 3 Materials used in the exterior to match those of the existing

5 **WALTON CAFE, 67 WALTON STREET: 14/01642/FUL**

33 - 42

The Head of City Development has submitted a report which details a planning application to erect a single storey rear extension incorporating new ventilation. Formation of bin storage area to rear. Erection of railings to front boundary.

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

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

4. Extraction system to be installed as approved prior to development being brought into use and retained as approved thereafter
5. Operating hours: 8.30am – 11pm Monday – Saturday; 9am – 10pm Sundays
6. All windows/doors/rooflights in approved extension to be closed by 10pm
7. Details of final design of railings to be submitted and approved prior to commencement

6 12 - 15 BATH STREET: 14/01272/FUL

43 - 50

The Head of City Development has submitted a report which details a planning application to demolish the existing rear extensions and erect a part single-storey, part two-storey rear extensions.

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching
- 4 Landscape plan required
- 5 Landscape hard surface design - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Biodiversity
- 9 Flooding

7 PLANNING APPEALS

51 - 56

To receive information on planning appeals received and determined during June 2014.

The Committee is asked to note this information.

8 MINUTES

57 - 62

Minutes from 22 July 2014

Recommendation: That the minutes of the meeting held on 22 July 2014 be APPROVED as a true and accurate record.

9 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting:

1. Aristotle Lane: 14/01348/FUL: Replacement footbridge
2. 96 Woodstock Road: 14/01725/FUL: Student accommodation
3. Former Builders Yard, Collins Street: 14/01273/FUL: residential and employment
4. Former Filling Station, Abingdon Road: 13/02638/FUL; Residential

5. Former Paper Mill, Mill Street, Wolvercote: 13/01861/OUT
6. 117 Fairacres Road: 14/01012/FUL: Extensions
7. 9 Whitehouse Road: 14/01515/FUL
8. 21 Regent Street: 14/01601/FUL

10 DATE OF NEXT MEETING

The Committee NOTES the following future meeting dates:

Tuesday 9 September 2014 (Thursday 11 September if necessary)
Wednesday 8 October 2014 and (Thursday 9 October if necessary)
Wednesday 12 November 2014 and (Thursday 13 November if necessary)
Wednesday 10 December 2014 and (Thursday 11 December if necessary)

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

4. Public requests to speak

Members of the public wishing to speak must notify the Chair or the Democratic Services Officer before the beginning of the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

5. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated up to 24 hours before the start of the meeting.

Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

6. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

7. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

8. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

9. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

West Area Planning Committee

12 August 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 Oxford OX4 1UE

Ward: St Mary's

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

This application was heard at West Area Planning Committee on 22nd July 2014 where Members resolved to defer the application to allow for further information to be gathered relating to the capacity of the proposed roof terrace, details of an acoustic fence and opening hours.

The officer's report to the 22nd July 2014 committee can be found at **Appendix 1**.

Capacity of the Proposed Roof Terrace

1. The appropriate occupancy of the roof terrace would be determined by the fire safety risk assessment undertaken by the Fire Authority. This would take into account factors such as the area of the terrace¹, means of escape, widths of doors and escape routes (including stairs), direction of door-opening, and the occupancy limit for the whole premises. If persons on the roof need to exit via the ground floor then the numbers on the terrace will need to be included in the total capacity for the premises to avoid overcrowding of escape routes and exits. This will also be the case if those persons may re-enter the premises because, for example, it starts to rain.
2. Travel distances do not directly affect occupancy figures but they may have an effect on sub-division and protection of escape routes.
3. The Fire Authority cannot attach any conditions (including occupancy figures) to the premises licence, but if they have concerns regarding the fire safety arrangements they may deal with them separately under the *Regulatory Reform (Fire Safety) Order 2005*.
4. If the Fire Authority is consulted as part of a Building Regulations application they can make formal comments at that stage, or decide to take action under the Order when the premises are in use. At this planning application stage however no figure is yet available.

Details of an Acoustic Fence

5. Acoustic fences were originally introduced to reduced road traffic noise and the main standards are BS EN 1794-1 and BS EN 1793-1 / BS EN 1793-2. These fences are now being used however for a wide range of purposes – the pub sector being one with the increase in noise complaints coming after the smoking ban was introduced. They can offer noise reduction of up to 32dB in lab tests but even a 10dB reduction in levels offers a halving of what the human ear can actually hear.
6. An acoustic fence does not form part of the planning application as submitted;

¹Table C1 Floor space factors' in Appendix C: Methods of measurement, Approved Document B Volume 2 – Buildings other than dwelling houses, The Building Regulations

it was a recommendation by officers to mitigate any potential noise spillage. Exact details are to be sought via a condition prior to the use commencing. The fence would be intended to be located where the roof steps up.

Opening hours

7. As detailed in the officers report (Appendix 1) it is recommended that the roof terrace be used no later than 23.00hrs. A condition is recommended to this effect.
8. The premises licence (full copy attached at **Appendix 2**) is quite specific on what times licensable activities can take place and the proposed roof terrace would form part of these activities and the premises licence.
9. The opening hours of the premises are:

Monday to Thursday: 10:00 hours to 01:00 hours the following day
Friday to Saturday: 10:00 hours to 03:00 hours the following day
Sunday: 10:00 hours to 00:00 midnight

Times the licence authorises the carrying out of licensable activities:

Live music:

Monday to Thursday: 10:00 hours to 01:00 hours the following day
Friday to Saturday: 10:00 hours to 02:00 hours the following day
Sunday: 10:00 hours to 23:00 hours
Provided indoors only

Recorded music, other entertainment similar to music or dancing, provision of facilities for dancing:

Monday to Thursday: 10:00 hours to 01:00 hours the following day
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Late night refreshment:

Monday to Thursday: 23:00 hours to 01:00 hours the following day
Friday to Saturday: 23:00 hours to 03:00 hours the following day
Sunday: 23:00 hours to 00:00 midnight

Provided indoors only

Sale of alcohol:

Monday to Thursday: 10:00 hours to 01:00 hours the following day
Friday to Saturday: 10:00 hours to 02:30 hours the following day
Sunday: 10:00 hours to 00:00 midnight

Licensable activities are permitted from the end of normal licensed hours on New Year's Eve to the beginning of normal licensed hours on New Year's Day.

The finish times for regulated entertainment (except live music), late night refreshment and the sale of alcohol may be extended by one hour on the following days, following 7 days' notice to the police and subject to their consent:

St. David's Day

St. Patrick's Day

St. George's Day

St. Andrew's Day

Maundy Thursday

Christmas Eve

Friday, Saturday, Sunday and Monday of Bank Holiday weekends

Up to 12 other occasions per year (with 14 days' notice to the Police and subject to their consent)

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

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- 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:

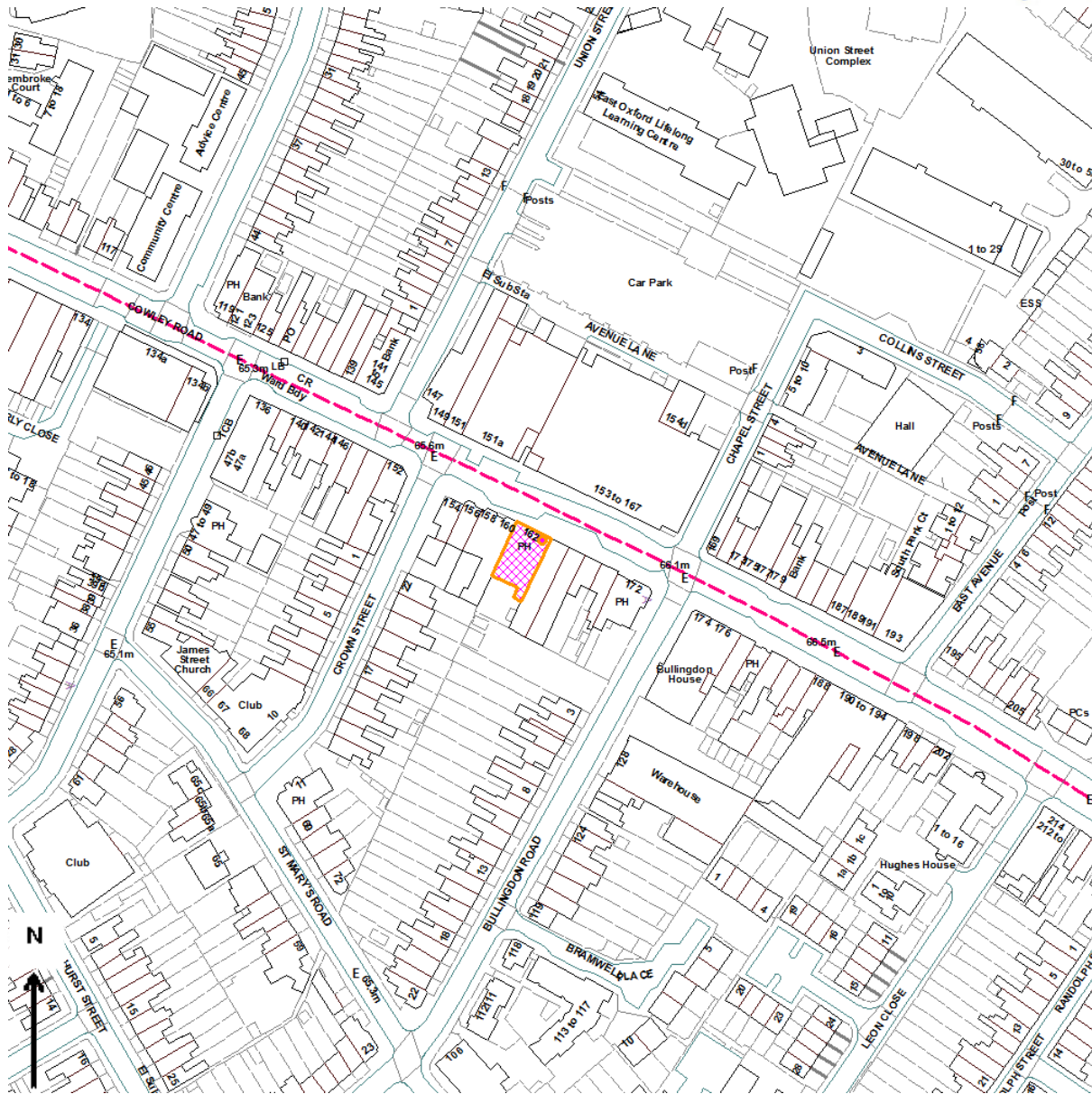
Contact Officer: Lisa Green

Extension: 2614

Date: 9th July 2014

Appendix 1

14/01296/FUL - Bullingdon Arms



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Ordnance Survey 100019348

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Appendix 2

**The Licensing Act
2003
(Premises licences and club
premises certificates) Regulations 2005
Regulation 33, 34 and Schedule
12
Part A**

**Premises Licence
*Oxford City Council***

Premises Licence Number

12/04059/TRPREM

Part 1 – Premises Details

Postal address of premises, or if none, Ordnance Survey map reference or description, including Post

Town, Post Code

Art Bar

162 Cowley Road

Oxford, OX4 1UE

Telephone number 01865 244516

Where the licence is time limited the dates

Not applicable

Licenable activities authorised by the licence

Live music

Recorded music

Other entertainments similar to music or dancing

Provision of facilities for dancing

Late night refreshment

Sale of alcohol

Time the licence authorises the carrying out of licensable activities

Livemusic:

Monday to Thursday: 10:00 hours to 01:00 hours the following day
Friday to Saturday: 10:00 hours to 02:00 hours the following day
Sunday: 10:00 hours to 23:00 hours
Provided indoors only

Recorded music, other entertainments similar to music and dancing, provision of facilities for dancing:

Monday to Thursday: 10:00 hours to 01:00 hours the following day
Friday to Saturday: 10:00 hours to 02:30 hours the following day
Sunday: 10:00 hours to 00:00 midnight
Provided indoors only

Late night refreshment:

Monday to Thursday: 23:00 hours to 01:00 hours the following day
Friday to Saturday: 23:00 hours to 03:00 hours the following day
Sunday: 23:00 hours to 00:00 midnight
Provided indoors only

Sale of alcohol:

Monday to Thursday: 10:00 hours to 01:00 hours the following day
Friday to Saturday: 10:00 hours to 02:30 hours the following day
Sunday: 10:00 hours to 00:00 midnight

Licensable activities are permitted from the end of normal licensed hours on New Year's Eve to the beginning of normal licensed hours on New Year's Day.

The finish times for regulated entertainment (except live music), late night refreshment and the sale of alcohol may be extended by one hour on the following days, following 7 days' notice to the police and subject to their consent:

- St. David's Day
- St. Patrick's Day
- St. George's Day
- St. Andrew's Day
- Maundy Thursday
- Christmas Eve
- Friday, Saturday, Sunday and Monday of Bank Holiday weekends

Upto 12 other occasions per year (with 14 days' notice to the Police and subject to their consent)

The opening hours of the premises

Monday to Thursday:	10:00 hours to
01:00 hours the following day	
Friday to Saturday:	10:00 hours to
03:00 hours the following day	
Sunday:	10:00 hours to 00:00 midnight

On days when the times for licensable activities are extended, the premises shall close at the end of licensable activities.

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On and off sales

Part2

**Name,(registered)address,telephonenumberandemail(whererelevant)ofholderofpremis
eslicence**

DLG BarsLimited
133ACityRoad
London
EC1V1JB

Tel:07811209061

**Registerednumberofholder,forexamplecompanynumber,charitynumber(wherapplicab
le)**

08270134

**Name,addressandtelephonenumberofdesignatedpremises
supervisorwherethepremi
seslicence authorisesforthesupplyofalcohol**

PaulAndrzejWilliams

**Personallicensenumberandissuingauthorityofpersonallicenceheldbydesignated
premises supervisorwherethepremiseslicenceauthorisesforthesupplyofalcohol**

Personallicensenumber: 12/01267/PER

LicensingAuthority:

OxfordCityCoun

cil

Annex1–Mandatoryconditions

1. No supply of alcohol may be made under the Premises Licence;
 - (a) at a time when there is no Designated Premises Supervisor in respect of the Premises Licence,
 - or
 - (b) at a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made or authorised by a person who holds a Personal Licence.
3. Where this licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority, with the following exceptions: a) premises where the premises licence authorises plays or films b) any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 to the Private Security Industry Act 2001 (premises being used exclusively by a club with a club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or c) any occasion within paragraph 8(3)(d) of Schedule 2 to the Private Security Industry Act 2001.
4.
 - 1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means anyone or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children-
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to -
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or

reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on -

- (i) the outcome of a race, competition or other event or process, or
- (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in

association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

5. The responsible persons shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
6. The responsible persons shall ensure that free tap water is provided on request to customers where it is reasonably available.
7. (1) The premises licence holder or club premises certificate holders shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such other age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
8. The responsible persons shall ensure that -
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 – Conditions consistent with the Operating Schedule

9. Children under the age of 18 must be supervised by a responsible adult at all times.
10. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.
11. The maximum number of persons (including staff and entertainers) allowed at the premises shall not exceed 430, subject to the following maximum occupancies:
 - a. Rear bar: 280 persons
 - b. Front bar: 150 persons
12. The management shall exercise control over the passage of persons through the various parts of the premises to ensure the above occupancy limits are not exceeded.
13. Noise emanating from the premises as a result of regulated entertainments shall not exceed the following levels, as measured 1 metre from any residential dwelling:
 - a. Front of premises up to 00:00 midnight: 53 dB(A)
 - b. Front of premises after 00:00 midnight: 50 dB(A)
 - c. Rear of premises up to 00:00 midnight: 45 dB(A)
 - d. Rear of premises after 00:00 midnight: 42 dB(A)
14. The noise limiters shall be set so as to maintain the maximum level as follows at all times when regulated entertainment takes place:
 - a. Front bar: 88 dB(A)
 - b. Rear bar: 102 dB(A)
15. Noise emanating from the premises as a result of regulated entertainments shall be inaudible in adjacent or adjoining properties.
16. Combustible materials must not be stored in the basement cellar.
17. The premises shall operate a dispersal policy, which shall include the following details:
 - a. Prominent, clear notices shall be displayed at all exits and in the beer garden requesting that customers respect the needs of local residents and leave the premises and the area quietly.
 - b. At the end of operating hours, staff will ensure that all customers are not causing an nuisance and have moved away from the vicinity of the premises.
 - c. The volume of background music shall be reduced between regulated entertainment finishing and the premises closing.
 - d. Patrons will be able to call a taxi from within the premises.
 - e. All staff will be informed of and trained in the dispersal policy.

18. A minimum of 3 Door Supervisors, all individually registered with the Security Industry Authority, shall be on the premises at all times between 21:00 and closing time on days when the premises are open for any licensable activity after midnight
19. No person under 18 shall be admitted to, or allowed to remain on the premises between 22:00 hours and 06:00 hours
20. Prominent, clear notices shall be displayed at all exit points to advise customers that the premises fall within an Alcohol Free Zone.
21. No persons shall be admitted to the premises after 01:00 hours on Monday to Thursday, or after 02:00 hours on Friday to Sunday.
22. An incident log book shall be kept electronically at the premises. Copies of this will be made available to the Police upon request.
23. The Licence Holder or Designated Premises Supervisor shall become a member of the Pubwatch scheme and a representative shall attend Pubwatch meetings.
24. No persons shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage.
25. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
26. Prominent, clear notices shall be displayed at every public entrance stating the actual operating hours of the premises.
27. The current CCTV system shall be maintained. Recordings shall be kept for a minimum of 31 days and be made available to the Police or Local Authority upon request.
28. At the time of installation or upgrading of any CCTV system it shall comply with the current and relevant Thames Valley Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004).

Annex 3-Conditions attached after a hearing by the licensing authority

Not applicable

Annex4-Plans

Seeattachedsheet(1xA1plan)

West Area Planning Committee

12 August 2014

Application Number: 14/01890/FUL

Decision Due by: 27th August 2014

Proposal: Erection of single storey rear extension at first floor level.

Site Address: 244 Abingdon Road, **Appendix 1**

Ward: Hinksey Park

Agent: Mr Robert Pope

Applicant: Mr A Hussain

Application called in – by Councillors Bob Price, Pat Kennedy, James Fry, Van Coulter, John Tanner and Saj Malik, for the following reasons; concerns of overdevelopment of the site and the impact on neighbouring amenities such that the application should be discussed by members.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered acceptable in design terms and will form an appropriate visual relationship to the main dwelling and the site context, whilst having respect to the character of the area. The proposal will not result in any significant detrimental impacts on neighbouring amenities currently enjoyed therefore the proposal is considered to comply with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and policies HP9 and HP14 of the Sites and Housing Development Plan Document.
- 2 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 three year time limit
- 2 Develop in accordance with approved plans
- 3 Materials used in the exterior to match those of the existing

Main Local Plan Policies: Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS18- Urban design, town character, historic environment

Sites and Housing Plan

HP9- Design, Character and Context

HP14 - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

14/00065/INV- Alleged unauthorised rear extension- Case closed, no breach of planning control 19.2.14

Representations Received:

Third Parties:

Three neighbour comments have been received; with comments summarised below as,

- Object to effect on adjacent properties
- Effect on privacy
- Concerns over the height of the proposal
- Blocking of some sunlight
- Detrimental to livelihood (potential rents)
- Inaccurate drawings have been provided
- Over development of the site
- Not enough car parking spaces
- Increased flood risk as a result of the garden being covered.

Officers Assessment:

Site Description and Proposal

1. The application site comprises of mid terraced 'villa' style, three storey property situated on the west of Abingdon Road, south of Oxford City Centre. The property is set back from the road by a small front garden and benefits

form a rear garden which extends westward to meet with the boundary of the rear garden of number 1a Norreys Avenue.

2. The property has recently, and still is, undergoing substantive renovations involving internal and external alterations to bring the property up to modern living standards. As part of these works a 3m single storey rear extension was constructed sometime earlier in the year, under the allowances of Part 1, Class A of the General Permitted Development Order, as amended.
3. The application is seeking planning permission for the erection of a single storey rear extension, at first floor level, above the ground floor extension built under 'permitted development'.

Design:

4. The extension is proposed to extend from the existing rear wall of the first floor outrigger by 2m to include a bay window to match that as existing. The roof profile of the outrigger will be maintained and will result in a mono pitch roof decreasing from 6.5m from just below the original ridge sloping down to 4.7m at the eaves.
5. The bay window has been designed to replicate that of the existing and has the same proportions of the neighbouring window. The materials are proposed to match that of the existing in terms of the finish to the walls, roof and windows.
6. Policies CP1 and CP8 of the Oxford Local Plan 2001-20016 state that development proposals should respect the character and appearance of the area and use materials of a quality suitable and appropriate to the nature of the development and its sites and surroundings. Policy HP9 of the Sites and Housing Plan furthers this policy aim and states that permission will only be granted for development which responds to the overall character of the area where the layout and density of the scheme must also respect the site context.
7. Officers should make it clear that the existing single storey rear extension has been constructed under 'permitted development' and therefore is not included for consideration as part of this report's assessment. Neighbouring comments have been received objecting on the grounds of overdevelopment of the site and the covering of available amenity space potentially leading to flood risk; these comments can be given little weight as they relate to development undertaken under householder 'permitted development' rights.
8. In design terms the first floor extension is considered to form an appropriate visual relationship with the main dwelling which respects the character and appearance of the area by replicating the bay window style and maintaining the same palette of materials, as proposed. Officers consider that the proposal is appropriate to the site, layout and context and does not result in an overdevelopment of this already generously proportioned family size

dwelling. The proposal is therefore considered to accord to policies CP1 and CP8 of the Oxford Local Plan and policy HP 9 of the Sites and Housing Development Plan Document.

Impact on Neighbouring Amenities:

9. Policy HP 14 of the Sites and Housing Plan relates to both the protection and maintenance of privacy and neighbouring amenities for those of the present and also future occupiers of the site, in terms of any overlooking loss of privacy or potential loss of light.
10. Objections have been received on the grounds of concerns regarding the blocking of light reaching rooms in the neighbouring property and an effect on privacy. Officers have applied the 25/45 degree guide (as detailed in Appendix 7 of the Sites and Housing Plan) to this proposal which shows that the first floor extension will slightly clip the 45 degree line when taken in the horizontal plane, at the corner edge of the of the extension indicating that a limited level of loss of light to the adjacent room may be possible. However the formation of the bay window is such that glazing is on the side of the bay and level of light will be able to pass through it.
11. The orientation of the property is mostly west facing therefore the sun will pass over the property from front to back during the course of the daylight hours. The extension to the rear at first floor level will not result in any additional impact on any overshadowing or loss of light to the adjacent properties given this orientation as the rear gardens here will remain unaffected and still receive evening sunlight.
12. Officers do not consider that the proposal results in any detrimental impact any loss of privacy or amenity. No additional overlooking will occur as a result of this proposal as no additional windows are proposed and any views maintained will be those to the rear, down the garden, as previously existed. The cheeks to the bay window are glazed but will be of such a small size and at an angle which would make any direct overlooking into the neighbouring garden very difficult, if not impossible.
13. Having regard to the comments received during the consultation period of this application and the policy guidelines, officers consider that the proposal is not likely to result in any significant level of loss of light or any loss of privacy to the detriment of neighbouring amenities. The proposal is therefore considered to comply with policy HP14 of the Sites and Housing Plan.

Conclusion:

14. Officers consider that the proposal is acceptable in design terms and will form an appropriate visual relationship to the main dwelling and the site context,

whilst having respect to the character of the area. The proposal will not result in any significant detrimental impacts on neighbouring amenities currently enjoyed therefore the proposal is considered to comply with policies CP1 and CP8 of the Oxford Local Plan 2001-2016 and policies HP9 and HP14 of the Sites and Housing Development Plan Document. Officers therefore recommend that planning permission be approved subject to the conditions suggested at the header of this report.

Background Papers: None

Contact Officer: Hannah Wiseman

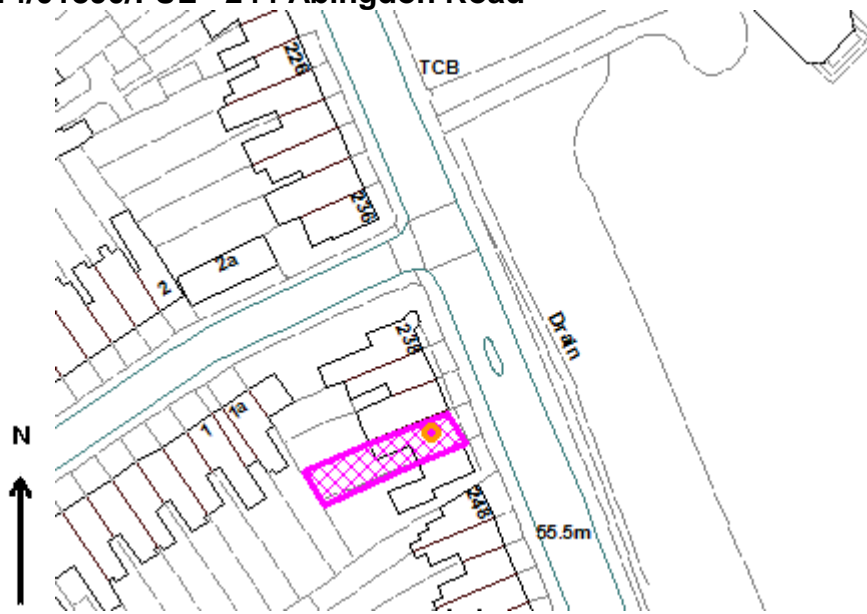
Extension: 2241

Date: 30th July 2014

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Appendix 1

14/01890/FUL - 244 Abingdon Road



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Ordnance Survey 100019348

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WEST AREA PLANNING COMMITTEE

12 August 2014

Application Number: 14/01642/FUL

Decision Due by: 11 August 2014

Proposal: Erection of single storey rear extension incorporating new ventilation. Formation of bin storage area to rear. Erection of railings to front boundary.

Site Address: Walton Café, 67 Walton Street – **Appendix 1**

Ward: Jericho And Osney

Agent: Mr Simon Sharp, JPPC

Applicant: Mr Melih Tanyeri-Aladag

Application called in by Councillors Pressel, Fry, Smith and Malik due to concerns about the potential noise, smell and parking implications for occupiers of nearby dwellings.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed rear extension and front boundary treatment would be of a form, scale and appearance such that they would preserve the special character and appearance of the Jericho Conservation Area. Subject to the imposition of conditions, the proposals are not considered to be likely to have a significant adverse impact on neighbouring residential amenity taking account of the existing lawful use of the premises and the site's mixed-use context. As a consequence, the proposals are considered to comply with the requirements of all relevant policies of the development plan with no material planning considerations indicating otherwise.
- 2 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:-

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

- 4 Extraction system to be installed as approved prior to development being brought into use and retained as approved thereafter
- 5 Operating hours: 8.30am – 11pm Monday – Saturday; 9am – 10pm Sundays
- 6 All windows/doors/rooflights in approved extension to be closed by 10pm
- 7 Details of final design of railings to be submitted and approved prior to commencement

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
CP19 - Nuisance
RC6 - Street Specific Controls
HE7 - Conservation Areas

Core Strategy

CS18 - Urban design, town character, historic environment

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance
This application is in or affecting the Jericho Conservation Area.

Relevant Site History:

Single storey rear extension to form store - 80/00586/NF | Status: **Approved 30.06.1980**

Change of use from retail shop to hot food take-away - 03/00476/FUL | Status: **Refused 03.06.2003**

Alterations to shop front including new fascia, awning and replacement fenestration - 13/02007/FUL | Status: **Approved 12.09.2013**

Application to certify that existing use as cafe and hot/cold takeaway is lawful - 13/02978/CEU | Status: **Approved 23.12.2013**

Erection of a single storey rear extension incorporating 1no. louvre. Formation of bin storage area to rear. Erection of railings to front boundary - 14/01082/FUL | Status: **Withdrawn 09.06.2014**

Representations Received:

Five third party objections have been received citing the following concerns:

- Until recently the premises only traded as a daytime business that mainly produced cold snacks and baguettes. The current proposals would cause extreme distress to occupiers of the flats above if allowed to trade into the evening;
- Cooking fumes as well as noise from staff and diners will affect the enjoyment of the flats above so that occupiers would not be able to open their windows in summer;
- The proposed extension shows a set of bi-folding doors indicating that these would be open during warmer months allowing noise from dining and music to cause a real disturbance to neighbours;
- Use of the rear garden for dining and drinking, which is clearly intended, would exacerbate the noise impacts even further;
- The area is predominantly residential and it would introduce an anti-social use and level of disturbance;
- There are many families living in the neighbouring houses and all of the noise would have a real impact on their quality of life;
- The proposals could give rise to increased parking pressure within surrounding roads.

Statutory and Internal Consultees:

Environmental Development – Some reservations expressed as to how noise from the vertical extract will impact on occupants of 1st and 2nd floors of No. 67 and 3rd floor of No. 68. However, it is unlikely that the levels would be appreciably above the existing background noise levels and on that basis no objection is made.

Local Highway Authority – No objection.

Officers' Assessment:

Application Site and Locality

1. The application site relates to an existing café/restaurant premises set over the ground and basement floors in a three storey mid-terrace building within the Walton Street shopping area of Jericho. The premises traded for many years as a shop (Class A1) though obtained lawfulness through the passage of time as a café and take-away in December 2013. Separate self-contained flats form the upper floors of the application building. The remainder of the terrace comprises mainly three storey town houses though the Brasserie Blanc restaurant occupiers the ground floor of a building at the northern end of the terrace on the corner with Juxon Street. The southern end of the terrace is formed by the three storey 1960's era former Jericho Health Centre with residential accommodation at upper levels. A parking court accessed from Cranham Street served the Health Centre and wraps around the back

of the properties in the terrace so that it is adjacent to their rear gardens. The site lies within the Jericho Conservation Area.

2. The application site can be seen in its context on the site location plan attached as Appendix 1.

Description of Proposed Development

3. The application seeks consent for the erection of a single storey extension to the rear of the building as well as the formation of a bin storage area. Walls and railings are also proposed to the front boundary of the premises alongside the public footway.

4. Officers consider the following to be the main planning issues relevant to the determination of this case:

- Design and Appearance;
- Impact on Neighbouring Properties;
- Parking.

Design and Appearance

5. Policies CP1 and CP8 of the Local Plan require new development to be of a high quality that responds appropriately to the form, scale, layout and design detailing of its context. Policy CS18 of the Core Strategy reflects these requirements by seeking development of good quality urban design that enhances the townscape and historic environment. Of greatest relevance however is policy HE7 of the Local Plan which requires development within conservation areas to preserve or enhance their special character and appearance. This policy requirement is consistent with Government guidance which places great emphasis on the preservation of heritage assets as part of achieving sustainable development.

6. Whilst the application site is within a conservation area it does not follow that all of the buildings surrounding and adjoining it are of particular architectural merit. Indeed the adjoining former Health Centre building is a rather utilitarian 1960's construction which detracts from the character and appearance of the area. From the front the application building is relatively traditional featuring a rendered front façade and mansard type roof with modestly proportionated pitched roof dormer windows. Some of the fenestration on the upper floors is also more traditional given its sliding sash windows. The building itself however is something of an anomaly in the wider terrace in that it is neither in the same form or scale as the town house properties adjoining it to the north yet clearly distinguishable from the 1960's era Health Centre building to the south. From the rear the building has retained less of its traditional appearance with unsympathetic modern fenestration and flat roof extensions where the brick type and bonding does not tie in well with that of the building's original walls. The brickwork to the rear is also noticeably darker than the buff brick used to construct the rear walls of the rest of the town houses in the terrace which also marks it out as something of an anomaly. Notwithstanding this, many of the other houses in the terrace have been altered and/or extended to the rear over the years with single storey additions as well as dormer windows in the roofslopes having been constructed so that the original uniformity no longer exists.

7. The existing single storey rear extension to the building is poor quality and its

replacement is, in principle, welcomed. The extension proposed projects approximately halfway down into the rear garden which is not considered to be excessive in design terms given that other larger extension exist elsewhere within the terrace. As a result, sufficient garden space would remain to preserve the lower-key backland character of the terrace whilst ensuring that the extension is not so significant in depth to appear as an awkward projection off the main building. The extension itself is of a more contemporary flat roof form though constructed using red brick to match the main building. In addition, since the proposed extension is modest in height, it would not detract from the views of the majority of the original building from outside the site. Furthermore, the extension would have a limited impact on the wider conservation area as a result of its location to the rear of the building. Consequently officers are satisfied that, in this respect, the proposals would preserve the special character and appearance of the Jericho Conservation Area.

8. Turning to the front walls and railings proposed, officers would support the introduction of this type feature in Jericho given its historic precedent within the area for use in demarcating the public and private land. However, to ensure that the proposed railings are of a type that is historically characteristic of the area, a condition is recommended requiring final details of their design to be submitted and approved by the Council prior to commencement of development. The Highway Authority has not raised a concern about any constriction of the footway in this location given the sufficient footway width that would remain.

9. To facilitate the conversion of the premises from a café to a restaurant, significant new extraction systems are proposed. Amongst other things this results in the installation of an inlet louvre and large flue to the rear wall running up above the eaves line of the building to allow emissions to be dispersed at a high level. Such a flue is not likely to prove to be an attractive feature. However, taking a pragmatic approach and affording significant weight to the need to protect neighbouring occupiers from unpleasant emissions, officers would not object to this element of the proposals given that the flue is to be located to the rear of the building thus having limited impact on the appreciation of the wider conservation area.

10. Consequently officers have concluded that, subject to further details of the proposed railings, the development would preserve the significance of the conservation area as a heritage asset such that the proposals are considered to accord with the requirements of all relevant development plan policies and Government guidance.

Impact on Neighbouring Properties

11. Policies CP1 and CP10 require new development to adequately safeguard the amenity enjoyed by surrounding properties. Policies CP19 and CP21 of the Local Plan state that development will not be granted where they give rise to unacceptable noise and nuisance that cannot be adequately controlled by condition(s). Policy RC12 of the Local Plan is specific to food and drink outlets and adds that the City Council will impose any conditions necessary to limit their adverse impacts.

12. The existing premises benefits from a lawful use as a café with ancillary take-away facility. This means that it can be used to provide any type of café or restaurant with no consent required from the Council as local planning authority. As local

planning authority the Council therefore has no control over the premises' operations provided they remain with the same use class. This planning application is simply seeking to extend the premises to the rear to create a larger restaurant. No change of use is therefore proposed and only the impact of the proposed additional floor space should be assessed as part of this application.

13. There are existing flats in the building above the premises as well as in the upper floors of the adjoining building. Three storey town houses are to the north of the site with their rear gardens running parallel to that serving the application premises. It is clear from the representations received from third parties that the recent café operations were not causing undue nuisance to occupiers of nearby dwellings. However it seems that the premises closed early in the evening and mainly served snacks and cold foods. It also appears as if the rear garden was not regularly used for customer seating. Given that the café use has now been confirmed as lawful by the Council via the certificate granted in December 2013, the operations could be extended longer into the evening and regular use made of the rear garden for dining all without being subject to planning control. There may however be implications under Environmental Health legislation if significant nuisance was being caused.

14. In considering this application weight should be afforded to this existing situation and fallback. Notwithstanding this it is clear that the proposed extension would help facilitate a more intensive use of the premises with the consequent potential for additional disturbance for neighbouring properties. In particular, the rear extension proposed would provide a notable increase in space for seating with much of this seating being provided within what is effectively a residential garden environment. In officers' view, seating within the building itself is unlikely to give rise to significant noise when windows and doors are closed. However it is only reasonable to expect that there would be many occasions when the proposed rear bi-fold doors and rooflights would be opened, particularly in warmer weather. This would be likely to cause noise spillage from the restaurant.

15. Officers therefore take the view that, provided the dining takes place within the restaurant building itself and does not extend into unsociable hours, the increase in noise and disturbance caused as a result of the proposed extension would not be materially above that which could already take place from the building. Officers are also mindful that, whilst there are residential properties in the immediate site surroundings, account should be taken of the mixed use context of the Walton Street area where some noise is associated with the vitality and character of the area.

16. Notwithstanding this, officers recognise that outside eating and drinking, particularly likely during summer evenings, would potentially have an intrusive impact on the enjoyment of the relatively quiet nearby residential gardens. To a lesser but still material extent, dining within the extended premises itself would also give rise to noise for neighbours when windows and doors are left open. Such impacts are likely to increase as a result of the development proposed and it is therefore officers' view that it is entirely appropriate and proportionate for the Council to exercise control over such effects through the use of planning conditions. In this respect Government guidance makes it clear that planning permission should not be refused where the adverse impacts of a development can be satisfactorily controlled through the use of planning conditions. Officers have been mindful of this guidance in reaching their

recommendation.

17. Having considered this matter carefully, officers are of the view that any significant adverse effects of the proposed development on neighbouring dwellings can be appropriately controlled by conditions. In this case officers have recommended conditions restricting any outside drinking and/or dining by customers (including the provision of tables and chairs), the closing of all windows and doors in the proposed extension by 10pm as well as limiting its operating hours until 11pm Mondays-Saturdays and 10.30pm on Sundays. These conditions would give the Council a level of control over the use of the premises which at present it does not benefit from. Subject to these conditions, officers are satisfied that the proposals would not result in a material increase in noise and disturbance for neighbouring dwellings above and beyond that which could already occur lawfully at the premises.

18. Some concern has been raised by third parties about the potential for noise and smells from the extraction system to affect the enjoyment of the upper floor flats. A noise impact assessment has been carried out by consultants for the applicant which concludes that the proposed extraction system would not give rise to noise noticeably above the current background levels. The Council's Environmental Development officers concur with these findings. Similarly Environmental Development officers do not raise a concern with respect to smells and find the system proposed to be suitable for the use intended. However, to ensure that the system proposed is installed and retained fully operational, officers recommend an appropriately worded condition in this respect.

19. Consequently officers have concluded that, subject to the recommended conditions, the living conditions enjoyed by occupiers of nearby dwellings would be adequately safeguarded in accordance with the requirements of policies CP1, CP10, CP19 and CP21 of the Local Plan.

20. A dedicated bin storage area is also proposed to the rear of the garden with direct access out into the yard. This would prevent unsightly bin storage on the footway and provide an improvement to the appearance of the yard given that the bins would be enclosed and protected from view. Officers support this approach.

Parking

21. The premises does not benefit from any off-street parking in common with other shops, cafes and restaurants in the locality. Policy TR3 of the Local Plan requires an appropriate level of car parking as part of new development up to maximum standards set out in Appendix 3. The site is located within the designated transport central area (TCA) where dedicated parking provision is not supported as it encourages further car use despite the existence of excellent public transport alternatives. As a result officers are not concerned about the lack of parking provision given that this approach supports wider sustainability objectives and complies with the requirements of development plan policy. No dedicated cycle parking provision is shown though this is in common with other similar restaurants in the locality. In any event, there is not sufficient space to satisfactorily accommodate such a facility without compromising the appearance of the streetscene or rear garden area.

Conclusion:

22. The development proposed is considered to be of a form, scale, layout and appearance such that it would preserve the special character and appearance of the Jericho Conservation Area. Furthermore, subject to the imposition of the recommended conditions, the proposals would not be likely to have a significant adverse effect on neighbouring residential amenity. Consequently officers have concluded that the proposals are in accordance with the requirements of all relevant development plan policies such that Members are recommended to approve the application subject to the conditions listed at the beginning of this 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

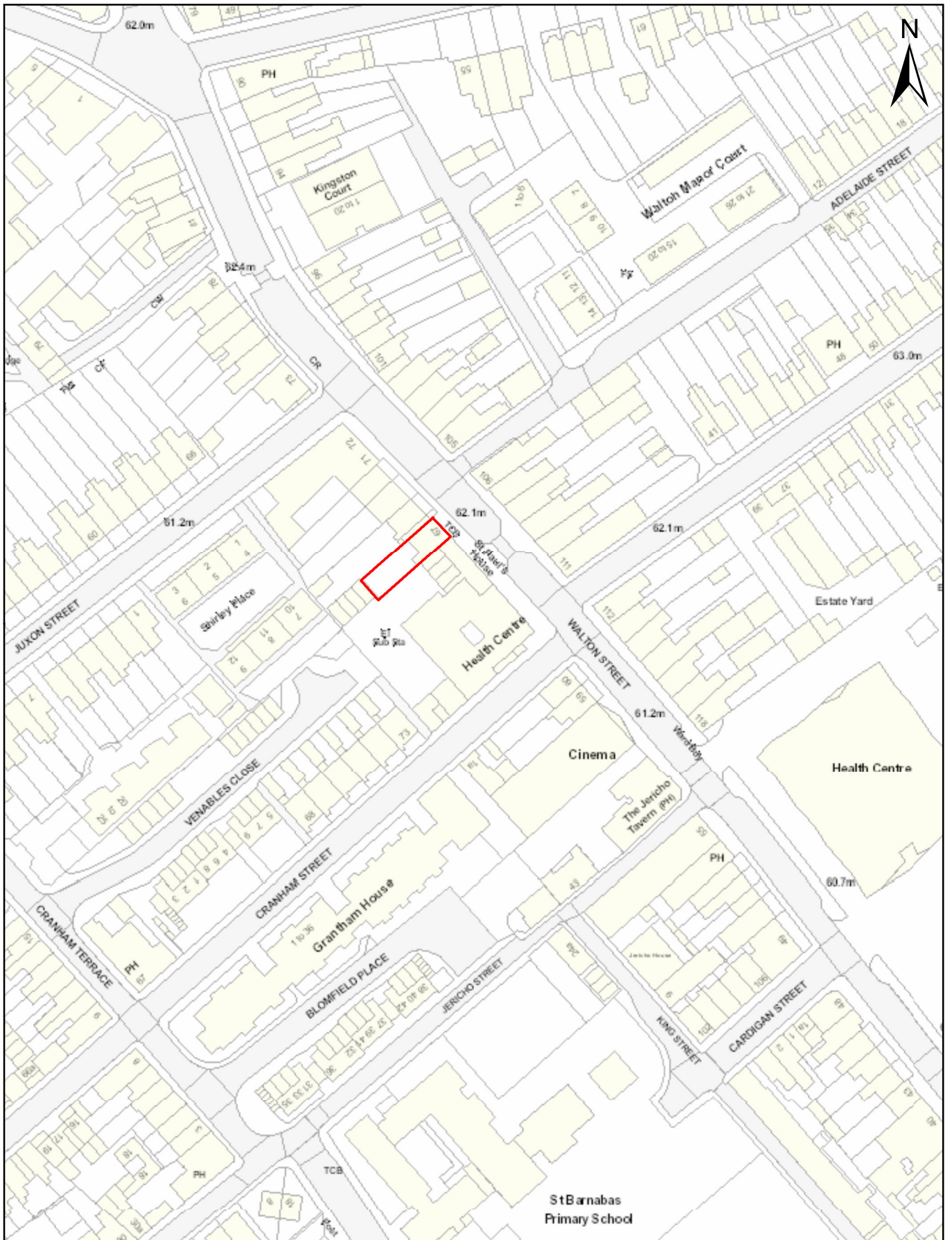
80/00586/NF
03/00476/FUL
13/02007/FUL
13/02978/CEU
14/01082/FUL
14/01642/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 31 July 2014

Appendix 1



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Walton Cafe, 67 Walton Street

Scale (printed to A4): 1:1,250

0 10 20 30 40
Metres

Date: 31/07/2014

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West Area Planning Committee

12 August 2014

Application Number: 14/01272/FUL

Decision Due by: 10 July 2014

Proposal: Demolition of existing rear extensions and erection of part single-storey, part two-storey rear extensions.

Site Address: 12, 13, 14 and 15 Bath Street, **Appendix 1**

Ward: St Clement's

Agent: Purcells

Applicant: St. Catherine's College

Application Called in- by Councillors Clack, Brown, O'Hara and Lygo.

Reason for call in: the extent of the renovation and redevelopment should be considered at Committee

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions are considered to be an appropriate form of development which relate well to the existing dwellings. The proposals are considered to preserve the character of the St Clement's and Iffley Road Conservation Area. The trees within the site can be adequately protected, and there is scope for Biodiversity improvements as part of the development. The proposal is therefore in accordance with the policies of the Oxford Local Plan 2001-2016, the Core Strategy and 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 - matching
- 4 Landscape plan required
- 5 Landscape hard surface design - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Biodiversity
- 9 Flooding

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP10** - Siting Development to Meet Functional Needs
- HS19** - Privacy & Amenity
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees

Core Strategy

- CS18** - Urban design, town character, historic environment
- CS11** - Flooding
- CS12** - Biodiversity

Sites and Housing Plan

- MP1** - Model Policy
- HP9** - Design, Character and Context
- HP14** - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

The application site falls within the St. Clement's and Iffley Road Conservation Area.

Relevant Site History:

None

Representations Received:

24 Boulter Street: Objects due to effect on the adjoining properties, effect on the character of the area, effect on privacy. There are trees on the site contrary to what is stated on the application form, these are visible from Boulter Street, are part of the landscape and are home to birds and other wildlife. They provide a degree of privacy. I hope the Planning Committee will demand an explicit statement that all these trees will be retained. Concerned that St Catherine's is redeveloping these properties to sell on the open market.

Statutory and Internal Consultees:

Oxford Civic Society:

This extension and development of a terrace of houses by St Catherine's College involves first floor extensions with windows looking to the gardens. In the existing site plan there are 6 trees, which provide privacy for neighbours in the terraced houses and gardens in the next street; these also exist, faintly, in the proposed plan, but we urge certainty before the application is approved that the all these trees will be retained.

Highways Authority

No Objection

Oxfordshire County Council Environmental Services

All extensions / developments which increase the size of the hard areas must be drained using SUDs methods, including porous pavements to decrease the run off to public surface water sewers and thus reduce flooding. You should carry out soakage tests to prove the effectiveness of soakaways or filter trenches.

Determining Issues:

- External appearance
- Effect on the Conservation Area
- Trees and Biodiversity
- Flooding

Officers Assessment:

Site Description and Proposal

1. The application is seeking planning permission for the demolition of the existing single storey extensions and first floor original outriggers and replacement with part single and part two storey extensions at the rear of 12, 13, 14 and 14 Bath Street. The site is a row of terraced houses situated at the northern end of Bath Street between the Bath Street Mosque and St Catherine's House, which is purpose-built student accommodation. The grounds of St Catherine's House extend to the rear of the gardens of 13-15 Bath Street, and are between the rear gardens of Boulter Street and the site. The site is within the St Clement's and Iffley Road Conservation Area.
2. The terrace is a row of individual houses owned by St Catherine's College. The application is part of a scheme to refurbish the properties which are occupied as individual houses. The existing single storey extensions are 5.7 metres in depth, and 2.5 metres wide. The proposed single storey extensions are 3.9 metres in depth and will extend across the width of each house, with a glazed roof over the single storey element. The first floor outriggers are 2.8 metres in depth and 2.4 metres wide. The proposed first floor extensions will be 3.85 metres in depth and 2.1 metres wide. The resulting houses will have two bedrooms, a bathroom relocated to the first floor, and on the ground floor a larger kitchen, dining

and living space. In addition it is proposed to steam clean the front of the building to remove the masonry paint, repoint as necessary and repair stone window sills. The refurbished houses will be used in accordance with the long standing residential use, which is typically for visiting fellows and academic staff. There will not be any change of use involved as a result of this extension.

External Appearance

3. Policy CP1 of the Local Plan and Policy CS18 of the Core Strategy require new development to show a high standard of design. The application is proposing to treat the four houses as one entity, as originally built, so that a comprehensive scheme can be achieved. The proposed extensions are considered to be well designed and relate well to the original buildings in terms of design, scale and bulk. The ground floor extensions do not extend as far as the existing extensions to the building, and there is only a 1.05 metre extension beyond the existing at first floor level. It is proposed to use materials which match the existing houses, such as slate on the roof, and to use dark buff bricks to match the existing house. The application is considered to comply with the policies which seek to ensure development is of a high quality.

Effect on the Conservation Area

4. The site is situated within the St Clement's and Iffley road Conservation Area. Policy HE7 of the Local Plan and CS18 of the Core Strategy seek to ensure development is well related to its historic environment and policy HE7 only permits development which "*preserves or enhances the special character and appearance of the conservation area or their setting.*" The proposed extensions are situated at the rear of the houses, and cannot be seen from public views. The proposed extensions as discussed above is considered to be well related to the existing houses and are therefore considered to preserve the character of this part of the Conservation Area. The removal of external masonry paint to the street frontage and restoration of the original brickwork is welcomed.

Trees and Biodiversity

5. There are trees within the application site. Public representations have been made raising concerns about the trees and requesting their retention. A tree survey has been submitted with the application. Policies NE15 and NE16 of the Local Plan seek to ensure that any loss of trees will not have an adverse impact on public amenity. The survey has been examined by the Planning Service's Tree Officer who concluded that the trees to be removed are of low quality and value, the removal of which will not have a significant harmful effect on public amenity in the area. It is proposed to remove 3 apple trees, 1 Tree of Heaven, 1 cypress, 1 tree cotoneaster, 1 ash, 1 juniper, 1 goat willow and 1 white flowering cherry. It is proposed to retain 1 dawn redwood, 1 whitebeam, 2 birch, 1 cherry, 3 cypress and 1 ginkgo. The trees which it is proposed to retain can be protected during construction by the imposition conditions accordingly.

6. Moreover the NPPF seeks to provide a net enhancement to biodiversity

through sustainable development where appropriate whilst, policy CS12 of the Core Strategy indicates that *“opportunities will be taken (including through planning conditions or obligations) to: ensure the inclusion of features beneficial to biodiversity within new developments throughout Oxford.”* In this instance an appropriate provision would be 1 integrated bat roosting tube in the southern aspect of each new extension. Again a condition can be imposed to the permission to achieve this outcome, and to accord with the Core Strategy policy.

Flooding

7. The site is situated within a Flood Zone. A flood risk assessment is included with the application that indicates that the floor is to be set no lower than existing floor levels and that flood proofing of the development has been incorporated. The incorporation of these flood prevention measures ensures that the proposal complies with policy CS11 of the Core Strategy. In addition the Local Drainage Authority has suggested that drainage from the development be compatible with the principles of Sustainable Urban Drainage Systems (SUDS) to attenuate the run-off of rain water. It is considered reasonable for any grant of planning permission to be conditional on SUDS compliant drainage in order to reduce the rate of run off and the risk of flooding in accordance with Policy CS11 of the Core Strategy.

Conclusion

8. The proposed extensions are considered to be of an appropriate design and scale, which will preserve the appearance and character of the St Clement's and Iffley road Conservation Area. The trees which are proposed to retain within the site can be protected through the construction of the development. The scheme incorporates measures to reduce the risk of flooding, and a condition requiring the development to be compliant with the principles of SUDs to reduce the risk of run-off contributing to flooding is being added. The proposal is therefore considered to comply with the relevant policies as detailed above. The application is therefore recommended for approval.

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 14/01272/FUL

Contact Officer: Sian Cutts

Extension: 2186

Date: 31 July 2014

Appendix 1

14/01272/FUL - 12, 13, 14 And 15 Bath Street

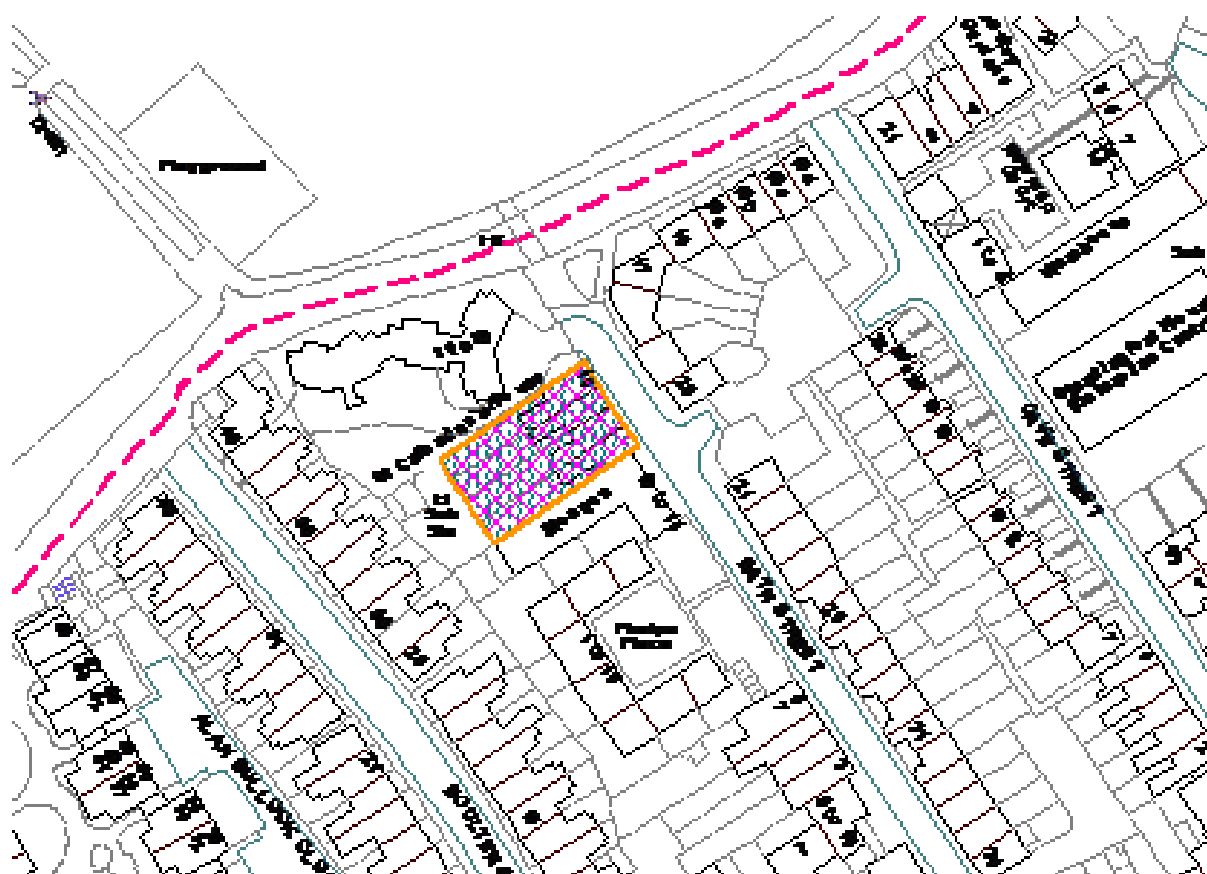
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Monthly Planning Appeals Performance Update – June 2014

Contact: Head of Service City Development: Michael Crofton-Briggs

Tel 01865 252360

1. The purpose of this report is two-fold:
 - i. To provide an update on the Council's planning appeal performance; and
 - ii. To list those appeal cases that were decided and also those received during the specified month.

Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 30 June 2014, while Table B does the same for the current business plan year, ie. 1 April 2014 to 30 June 2014.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	19	33.0	7 (54%)	12 (27 %)
Dismissed	38	67.0	6 (46%)	32 (73%)
Total BV204 appeals	57	100.0	13 (100%)	44 (100%)

**Table A. BV204 Rolling annual performance
(1 July 2013 to 30 June 2014)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	6	55	4 (57%)	2 (50%)
Dismissed	5	45	3 (43%)	2 (50.0%)
Total BV204 appeals	11	100	7 (100%)	4 (100%)

**Table B. BV204: Current business plan year performance
(1 April 2014 to 30 June 2014)**

All Appeal Types

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C	Appeals	Performance
Allowed	23	32%
Dismissed	48	68%
All appeals decided	71	100%
Withdrawn	3	

**Table C. All planning appeals (not just BV204 appeals)
Rolling year 1 July 2014 to 30 June 2014**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during June 2014.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during June 2014. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

Table D

Appeals Decided Between 01/06/2014 And 30/06/2014

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
 RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
13/01376/FUL	14/00012/REFUSE	COMM	REF	DIS	05/06/2014	JEROSN	Avis Rent A Car Ltd 1 Abbey Road Oxford Oxfordshire OX2 0AD	Demolition of existing buildings. Erection of 9 x 3 storey, 4 bed dwelling houses (Use class C3)
13/02630/FUL	14/00015/REFUSE		REF	DIS	10/06/2014	HHLNOR	Land Rear Of 2-14 Jack Straws Lane Headington Oxford OX3 0DL	Erection of 2 x detached, two-storey, 5-bed dwellinghouses (Use Class C3). Provision of car parking, access and private amenity space.
13/02350/FUL	14/00013/REFUSE	DELCOM	PER	DIS	10/06/2014	JEROSN	Land Adjacent Thames Wharf 3 Roger Dudman Way Oxford Oxfordshire OX1 1AG	Erection of 9 student study rooms on 3 floors adjacent to Thames Wharf, East of Fiddler's Island stream, together with pedestrian footbridge to the Thames Towpath, 1 disabled car parking space, bin and cycle stores.
06/01796/CND3	13/00075/REFUSE	DELCOM	REF	DIS	18/06/2014	NORTH	Lady Margaret Hall Norham Gardens Oxford Oxfordshire OX2 6QA	Details submitted in accordance with condition 10 (landscaping) of planning permission 06/01796/FUL.
13/03211/FUL	14/00019/REFUSE	DEL	REF	ALW	24/06/2014	COWLEY	1 Dodgson Road Oxford Oxfordshire OX4 3QS	Erection of a single storey side extension.

Total Decided: 5

Enforcement Appeals Decided Between 1/06/2014 And 30/06/2014

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS – Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
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Total Decided: 0

Table E

Appeals Received Between 01/06/2014 And 30/06/2014

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; **TYPE KEY:** W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

DC CASE	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
13/02762/FUL	14/00034/REFUSE	DEL	SPL	W	The Chequers 17A Beaumont Road Oxford Oxfordshire OX3 8JN	QUARIS	Demolition of existing flat roofed porch and erection of new pitched roof porch. Erection of raised decking area over beer garden at rear of public house with provision of new access to restaurant.
13/03355/FUL	14/00028/REFUSE	COMM	PER	H	5 Farndon Road And 19 Warnborough Road Oxford Oxfordshire OX2 6RS	NORTH	Erection of single storey side extension, extensions at basement level. (Additional Information)
14/00184/FUL	14/00030/NONDET	DEL	REF	W	St Dominic Hall Hollow Way Oxford Oxfordshire	COWLYM	Temporary change of use for two years of existing car parking area to car washing facility, erection of means of enclosure to car wash bays, machinery housing, office and waiting room building.
14/00246/FUL	14/00029/REFUSE	DEL	REF	H	47 Lonsdale Road Oxford OX2 7ES	SUMMT	Side two storey and rear single storey extension. (Amended plan)
14/00730/FUL	14/00031/REFUSE	DEL	REF	W	42 Downside Road Oxford Oxfordshire OX3 8HR	QUARIS	Erection of 1 x 1-bed dwelling (Use Class C3) at rear of 42 Downside Road.
14/00850/FUL	14/00032/REFUSE	DEL	REF	H	22 Linkside Avenue Oxford Oxfordshire OX2 8HY	WOLVE	Erection of two storey rear extension including extension to roof.

Total Received: 6

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WEST AREA PLANNING COMMITTEE

Tuesday 22 July 2014

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Canning, Cook, Gant, Price, Tanner, Coulter, Brandt and Paule.

OFFICERS PRESENT: Michael Crofton-Briggs (Head of City Development), Murray Hancock (City Development), Fiona Bartholomew (City Development), Michael Morgan (Law and Governance) and Sarah Claridge (Committee and Member Services Officer)

20. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Benjamin (substitute Councillor Brandt) and Councillor Clack (substitute Councillor Paule).

Councillor Price declared he had to leave at 7.15 and would be substituted by Councillor Coulter for the remaining agenda items.

21. DECLARATIONS OF INTEREST

Councillor Gotch declared a pecuniary interest in item 125 Harefields 14/01255/CEU (refer minute 28) and would leave the room for that item.

22. PLANNING SERVICES IMPROVEMENT ACTION PLAN

The Head of City Development submitted a report (previously circulated, now appended) which detailed the progress made on the Planning Services Improvement Action Plan.

Councillor Tanner asked when the Committee will be able to decide if the Roger Dudman Way building should be occupied?

The Head of City Development explained that Oxford University had volunteered to submit an Environmental Impact Statement (EIS), and once it was received it would be consulted on, only then will a decision be recommended to the Council or Committee.

The voluntary EIS is likely to be submitted in September or October 2014, once it had been submitted information will be presented to Members of the Committee outlining the future process and timeframe.

The Chair indicated that the Save Port Meadow campaign group were happy with the speed of the work done so far and wanted the process to be done properly rather than rushed. They would prefer that consultation happened in the autumn (when people were around) rather than the summer.

Councillor Price asked how officers planned to review the actions in September 2014 and the need for a clear action plan in the future.

The Head of City Development indicated that he would bring details of this to the next Steering Group.

The Committee resolved to note the Action Plan.

23. 16 CRICK ROAD, OXFORD - 14/00962/FUL

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application for the erection of two storey extension to rear and side elevations. Erection of a single garage. Roof alterations, insertion of 1 no dormer window and 2 no velux windows to rear roof slope and rear gable projection. Re-arranged parking. New gate and railings to street frontage.

The Planning Officer presented the report and stated that the application was for a single garage not a double as written in the report.

In accordance with the criteria for public speaking, the Committee noted that Sarah Coleman spoke against the application.

Councillor Cook asked whether there was a basement extension, the Planning Officer confirmed there was.

Councillor Gant asked whether the wooden panel on the garage was to be maintained the Planning Officer stated it wasn't as the new design had a pitched roof. It was asked that the design elements on the garage be reproduced and conditioned.

The Committee felt there was significant gap between the houses to warrant approval.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- (1) Development begun within time limit
- (2) Develop in accordance with approved plans
- (3) Brick samples
- (4) Further details of railings
- (5) Arch – Implementation of programme
- (6) Landscape plan required
- (7) Tree Protection Plan (TPP) 1
- (8) Tree protection measures
- (9) SUDs
- (10) Biodiversity
- (11) Obscure glass
- (12) Design and materials of barge boarding on garage to be reproduced

24. LAND OFF OSNEY LANE, OXFORD - 14/01160/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for a temporary change of use from land to public car park for a period of 2 years (amended description).

The Planning Officer presented the report and indicated that the application should be conditional on the construction of the Westgate Shopping Centre and that the car park should be open for a maximum of 2 years.

Councillor Tanner asked if we could condition a pricing regime as the proposal was for much cheaper car parking than is currently available in city council car parks. The Planning Officer said that a planning condition wasn't possible to regulate pricing.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- (1) Development begun within time limit
- (2) Develop in accordance with approved plans
- (3) Car park only to operate while Westgate is closed
- (4) Drainage layout
- (5) Construction management plan
- (6) Car park management plan
- (7) Design and operation of the access junction
- (8) Open for a maximum of 2 years
- (9) Only to go ahead if Westgate is built.

25. 162 COWLEY ROAD, OXFORD - BULLINGDON ARMS - 14/01296/FUL

Councillor Price left and was substituted by Councillor Coulter.

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for conversion of existing first floor flat into bar area including roof terrace. Alterations to existing shopfront.

In accordance with the criteria for public speaking, the Committee noted that Peter McIntyre and Lisa Boshier spoke against the application and Paul Williams spoke in favour of it.

Councillor Cook asked what decibel the sound fencing would be able to restrict. The Planning officer said she didn't know but had been assured by the Environmental Health Officers that what was proposed would be adequate. Councillor Brandt asked how many people would the roof top bar accommodate? The Planning Officer could not confirm this detail.

The Committee resolved to DEFER the planning application so that officers could seek more information on the noise impact on neighbouring properties and the number of people the roof top bar would accommodate.

26. TRAVIS PERKINS, CHAPEL STREET, OXFORD - 14/00992/FUL

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for a change of use of part of site to carwash (Sui Generis).

The Planning Officer presented the report and reminded the Committee the application was only for one year.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- (1) Temporary use
- (2) Hours of operation
- (3) Drainage

27. ELSFIELD HALL, 15-17 ELSFIELD WAY, OXFORD - 13/03454/CT3

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application for the demolition of existing Cadets building. Erection of 17 residential units (6 x 3-bed houses, 1 x-3 bed flat, 10 x 2-bed flats), together with revised access, 35 car parking spaces, cycle parking, bin stores, community garden/play area and landscaping. Change of use of existing office building to Cadets use. (Additional information) (Amended Description).

The Planning Officer presented the report and recommended several additional conditions:

Construction management plan
Public art
Management of car park – site residents only
Development only for affordable housing.

In accordance with the criteria for public speaking, the Committee noted speakers comments for and against the application.

Councillor Tanner asked if the proposal would cause the neighbouring gardens to be over-shadowed? The Planning Officer explained that the sun path assessment concluded that the boundary was a reasonable distance for an urban environment and the relationships were satisfactory.

The Committee sought clarification on the controlled parking zone (CPZ). Officers explained that the site's residents would not be eligible to park in the Five Mile Drive or Harefield Rd parking zones, however they would have sole right to park in the on-site parking provide.

The Chair asked whether soft planting on the gable end of the development was possible, however Officers felt that to condition this would be unreasonable.

The Committee resolved to APPROVE the planning application subject to the following conditions:

- 1) Development begun within time limit
- 2) Develop in accordance with approved plans
- 3) Samples
- 4) Biodiversity enhancement
- 5) Tree protection plan
- 6) Arboricultural method statement
- 7) No felling, lopping, cutting
- 8) Service Plan
- 9) Site arrangements

- 10) Exclude from CPZ
- 11) Landscape carry out after completion
- 12) SUDS/Surface water drainage
- 13) Contaminated land
- 14) Secure by design
- 15) Road Safety Audits
- 16) Landscape Plan required
- 17) Sustainability measures to meet 20%
- 18) Noise reduction measures carried out in accordance with submitted details
- 19) Air quality measures
- 20) Construction management plan
- 21) Public art
- 22) Management of car park – site residents only
- 23) Development only for affordable housing.

28. 125 HAREFIELDS - 14/01255/CEU

Councillor Gotch left the room.

The Head of City Development submitted a report (previously circulated, now appended) which detailed a planning application to certify that the existing subdivision of dwelling into 1x1 bed flat and 1x2 bed maisonette was a lawful development.

The Committee resolved to SUPPORT that the subdivision was a lawful development.

29. PLANNING APPEALS

The Head of City Development submitted a report (previously circulated, now appended) which detailed the planning appeals received and determined during June 2014.

The Planning Officer said there were 3 more decisions made since the list was published:

The footbridge on White hill Road – appeal allowed

Extension at 5 Farndon Road/Warnborough Road – appeal dismissed

Extension at 22 Lakeside – appeal allowed with costs against the Council

The Committee agreed to note the report on planning appeals received and determined during June 2014.

30. MINUTES

The Committee resolved to APPROVE the minutes of the meeting held on 24 June 2014 as a true and accurate record.

31. FORTHCOMING APPLICATIONS

The Committee resolved to NOTE the list of forthcoming applications.

- Former Builders Yard, Collins Street, Oxford – 14/01273/OUT – Employment and residential
- Former Filling Station, Abingdon Road, Oxford – 13/02638/FUL – Residential
- Former Paper Mill, Mill Street, Wolvercote, Oxford – 13/01861/OUT – Residential
- 12-15 Bath Street – 14/01272/FUL – Extensions
- 67 Walton Street – 14/01642/FUL – Extension to restaurant
- 117 Fairacres Road – 14/01012/FUL

32. DATE OF NEXT MEETING

The Committee noted the next meeting would be on Tuesday 12th August.

The meeting started at 6.30 pm and ended at 8.20 pm