

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
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

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