

WEST AREA PLANNING COMMITTEE

13 December 2011

Application Number: 11/02537/FUL

Decision Due by: 29th November 2011

Proposal: Installation of new extracting system and external ducting.

Site Address: 10 Park End Street, **Appendix 1.**

Ward: Carfax Ward

Agent: N/A

Applicant: Mr Sajjad Malik

This application is required to be determined by Committee as the applicant is a Councillor of Oxford City Council.

Recommendation: Approval

Reasons for Approval

- 1 The external elements of the proposed extraction system are located on the roof of the existing building and therefore hidden from public views whilst being located away from existing residential properties such that no significant harm to amenity will result. The proposal is therefore considered to comply with policies CP1, CP8, CP19 and CP21 of the Oxford Local Plan 2001-2016.
- 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.

Conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Noise Levels

Main Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP19 - Nuisance

CP21 - Noise

Oxford Core Strategy 2026

CS18 - Urban design, town character, historic environment

Other Policy documents.

PPS1 – Delivering Sustainable Development

PPG24 – Planning and Noise

Relevant Site History:

00/00961/NF - Change of use of ground floor from retail (A1) to food & drink (A3) – Permitted October 2000

11/02123/FUL - Change of use from restaurant (A3) to a restaurant and take-away (A3 and A5 mixed use) and extension of opening hours from 10am until 1am every day – Permitted October 2011

Statutory and Internal Consultees:

Oxford City Council Environmental Development: Potential for extract ventilation system to cause disturbance to neighbouring properties; the attenuation measures implemented will reduce noise and odour to acceptable levels; condition suggested restricting noise levels.

Officers Assessment:

Background to Case.

1. The application site relates to the recently opened 'Bodrum' Turkish cuisine restaurant/take-away premises located on Park End Street. The premises has just recently received planning permission to become a mixed use (A3/A5 – restaurant/take-away) and this permission has now been implemented.
2. As part of the modernisation of the premises associated with the recent planning permission the restaurant requires a new ventilation/extraction system to release fumes safely from the kitchen area. This application seeks permission for the external works connected with the installation of this extraction system.
3. Officers consider the principle determining issues in this case to be appearance and impact on amenity.

Appearance.

4. The external development associated with the new extraction system is minor in scale, replaces an existing similar unit and will be located on a flat roof element behind the main three storey building. Consequently it will not be visible from public vantage points and will have no impact on the character and appearance of the surrounding area.

Impact on Amenity.

5. The extraction system proposed replaces an existing system. Consequently

there is a unit already located in a similar position on the outside of the rear of the building which has not given rise to any complaints to the Council. In addition, Park End Street now has very few residential properties and those that still exist are at upper storey level and tend to be associated with operation of the restaurants and bars on the ground floor of the buildings. The Council's Environmental Health team raise no objection to the proposals subject to an appropriate condition restricting noise levels. On this basis, officers consider that no material harm to residential amenity would be likely to result from the proposal.

Conclusion.

6. The proposed development is considered to have no adverse impact on the character and appearance of the surrounding area or materially harm existing levels of nearby residential amenity. The proposal therefore complies with all relevant policies of the development plan and officers recommend approval accordingly.

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.

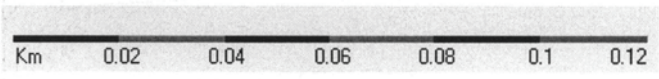
Background Papers: 00/00961/NF, 11/02123/FUL & 11/02537/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 28th November 2011

APPENDIX 1



- 11/02537/FUL
- 10 PARK END STREET

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