

Comments for Planning Application 21/00064/FUL

Application Summary

Application Number: 21/00064/FUL

Address: 21 Temple Street Oxford OX4 1JS

Proposal: Erection of a first floor rear extension with provision of access. Insertion of 1 no. window to rear elevation.

Case Officer: Tobias Fett

Customer Details

Name: None Stockmore St Residents' Association

Address: 20 Stockmore St Oxford OX4 1JT

Comment Details

Commenter Type: Amenity Group

Stance: Customer objects to the Planning Application

Comment Reasons:

- Effect on adjoining properties
- Effect on traffic
- Local plan policies
- Noise and disturbance

Comment: This application proposes to build a structure, supported on 'steels', which their drawings (1) indicate will be as high as the roofline of the original pub.

This will be built over what was originally the pub's garden (2), along almost the entire northern perimeter, and extending to the south across most of the site, overlooking the back gardens of the residents of Stockmore & Temple streets.

This new build will also block out much of the daylight to neighbours to the immediate north, especially the kitchen windows of No 5 Stockmore St and study bedrooms at the rear of 82 Cowley Rd (3). No suitable 45 degree evaluation appears to have been carried out.

The potential impact on privacy, access to daylight/ sunlight, overshadowing and sense of overbearing is significant.

Overall, the combination of built form and positioning of this application contravenes policies CP8 of the OLP and HP14 of the SHP.

Whilst employment generating developments are to be encouraged, the applicant does not adequately address issues that will arise from the proposed use, especially traffic, and to a lesser extent, ventilation.

'Dark Kitchens' being a relatively recent innovation, there have been few cases to reach the Planning Inspectorate and thus establish precedents. One that did so in 2019 helpfully explained how delivery apps work. A consequence is that 'riders are encouraged to wait around and near the premises' (4) . This can already be observed at Nando's on the corner of Temple St and Cowley Road, and at Taberu near the corner of Stockmore St and Cowley Road.

It is unfortunate that Temple Lounge has not negotiated some arrangement with Nando's to share their car park, which abuts the Lounge, as this would at least enable drivers to congregate off street.

As matters stand, in the applicants own words 'to access the first floor kitchens without the need to ingress via the ground floor restaurant' they will have to use the Stockmore St entrance. This is via a passage way only 1.5 metres wide, exiting a few yards from Atomic Burger and their delivery drivers.

The Inspector quoted above also cited traffic measurement figures (at para 20) where 'during any 15 minute period the maximum number of pickups from the site was 24, giving a maximum of 96 per hour and a total of 192 scooter movements per hour'. Pro-rating that survey, taken in an analogous context, to the current applicant's kitchens implies peak traffic of 86 movements per hour. In a street recently funded by the County Council to become a Low Traffic Neighbourhood.

The applicant claims there will be no change to noise or odour because the existing kitchen exhaust system will suffice, without providing any calculations to support this claim. The recent powerful new fan - installed without any record appearing with Building Regulations - makes excessive noise as it is. Opening any windows in the new kitchens will inevitably increase odours in a predominantly residential area.

In addition to raising traffic safety problems, scooter movements as they accelerate away to rush their delivery to customers will also increase noise, most noticeably at anti social times of an evening, 7 days a week.

In February 2021 a substantial new external steel fire escape type walkway and staircase was installed from the rear of the main building on Temple St over the roof of the smoking shelters right across the site, to exit by the passage to Stockmore St. When walked over this will also cause noise.

This dominant structure (5) appears to have been installed without either planning or building control involvement.

The Planning Inspectorate's solution to the untested amenity consequences of dark kitchens in the two cases we looked into was to allow permission on a temporary basis, with a review after a year.

But in both those cases that was for use in an existing building.

In this application, a building is being constructed specifically for the project. If this 'Sui Generis' (6) use is revoked after a trial period, what becomes of the building.

The SSRA notes that in 2014 Mr Choudhury applied to convert the attic of the Temple Lounge (7) and install living quarters up there, but was refused. He appealed. He lost the appeal. It will be hard to resist the conclusion that rather than leave these four rooms unused, they will inevitably become converted to a use for which permission would not normally have been given.

In a decision in December 2020 (8) Mr Choudhury was granted retrospective permission for the wooden smoking shelters themselves, over which the kitchens are to be built, only because 'Section 171B of the Town and Country Planning Act 1990 provides that where there is a breach of planning control consisting of building operations, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed'.

We are concerned this pattern of behaviour might be repeated.

References

(1) 21/00064/FUL doc EXISTING_AND_PROPOSED_ELEVATIONS-2471994

(2) The site image at 1.0 in the PLANNING_STATEMENT-2471990.pdf is incorrect, the red lined area being adjacent premises between Temple Lounge and Cowley Road; fortunately the block plan in EXISTING_AND_PROPOSED_FIST_FLOOR_LAYOUT._SITE_AND_BLOCK_PLAN-2486011 is correct.

(3) 93/00822/NF [plans missing at oxford.gov.uk/online-applications/propertyDetails]

(4) para 69 in <https://acp.planninginspectorate.gov.uk/ViewCase.aspx?Caseid=3206954&CoID=0>

(5) Picture supplied to case officer

(6) Following changed Regs on 1 September 2020 Use Classes A1-5 were revoked and A5 [the class cited in the Application Form] became 'Sui Generis'.

(7) 14/00725/FUL

(8) 20/02316/CEU