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Planning Statement

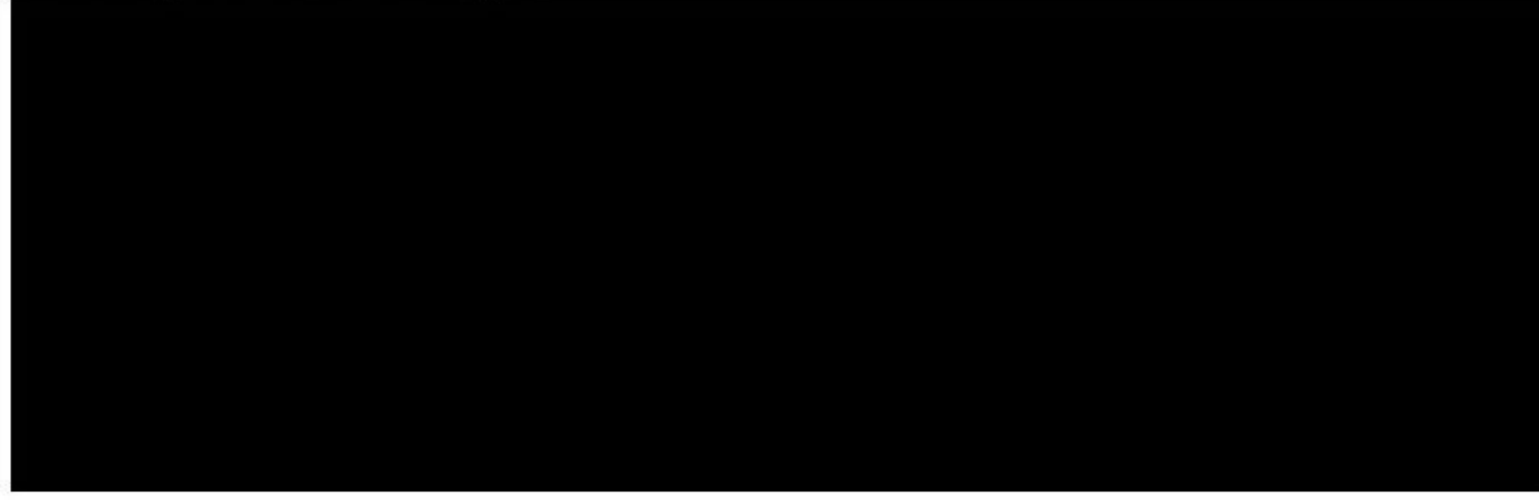
The Bullingdon, 162 Cowley Road, Oxford

Prepared on behalf of:

Agim Hasaj, The Bullingdon

February 2021

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1.0 Introduction

- 1.1 This Statement has been prepared in support of a planning application seeking full planning permission for a proposed expansion and refurbishment of The Bullingdon, 162 Cowley Road, Oxford, OX4 1UE (“**the site**”). This Statement has been prepared by Strutt & Parker on behalf of Agim Hasaj, owner of The Bullingdon (“**the applicant**”).
- 1.2 The purpose of this Statement is to outline the background to the proposed scheme and the justification for the development in the context of relevant planning policy.
- 1.3 This Planning Statement should be read in conjunction with the accompanying plans and technical reports submitted in support of this planning application, namely:
- Covering letter, prepared by Strutt & Parker;
 - Completed application form and certificates, prepared by Strutt & Parker;
 - Noise Assessment (ref. 403.11371.00001, version 2), prepared by SLR Consulting;
 - Design Statement, prepared by Hudson Architecture;
 - Existing OS Plan and Site Plan (Dwg. No. 19_053 – S_001), prepared by Hudson Architecture;
 - Existing Floor Plans and Roof Plan (Dwg. No. 19_053 – S_002), prepared by Hudson Architecture;
 - Existing Elevations and Sections (Dwg. No. 19_053 – S_003), prepared by Hudson Architecture;
 - Proposed OS Plan and Site Plan (Dwg. No. 19_053 – PLA_001), prepared by Hudson Architecture;
 - Proposed Floor Plans and Roof Plan (Dwg. No. 19_053 – PLA_002), prepared by Hudson Architecture; and
 - Proposed Elevations and Sections (Dwg. No. 19_053 – PLA_003), prepared by Hudson Architecture.

2.0 Site and Surroundings

- 2.1 The application site is located in the centre of Cowley District Centre, within the administrative boundary of Oxford City Council (OCC). The site comprises an independent live venue and cocktail bar.
- 2.2 The site is located on Cowley Road, which is an arterial road approximately 1 mile east of Oxford City Centre.
- 2.3 The Bullingdon is surrounded by residential and commercial buildings. Tesco is situated opposite the site, along with several other retail shops and residential flats in the surrounding area north, south, east and west of the site.
- 2.4 The rear roof area of The Bullingdon has a doorway and is used for informal storage, and is currently underutilized. There are no properties overlooking the terrace, although there are residential dwellings located in close proximity to the rear of the site. There are high 2-storey walls either side of this existing roof area, consisting of the external walls of numbers 160 and 164 Cowley Road.
- 2.5 The ground floor of the building is currently used as a bar and music venue, while the first floor is used as an office area/bar manager's facility and as a changing/green room for music acts performing at the site.
- 2.6 There are five bus stops on Cowley Road within 280m of the site, making it easily accessible via public transport (services 1, 5, 10, 11, 12, N1, N10, U5BrookesBus and U6). These bus services provide connections to Oxford City Centre, Blackbird Leys, Greater Leys, Watlington, John Radcliffe Hospital, Oxford Brookes University and New Marston.
- 2.7 The site is within the designated Cowley Road 'View Cone', but is not subject to any specific environmental, landscape or heritage designations. There are no listed buildings in close proximity and the site is within flood zone 1 (low risk).

3.0 Proposed Development

3.1 A detailed description of the proposed development is set out below:

Proposed expansion and refurbishment of The Bullingdon including first floor rear extensions, the creation of a first floor external seating area, and the addition of two upper storeys to contain office space.

3.2 This full application is seeking to expand and refurbish the live venue and bar/club by proposing the addition of two floors and an outside terrace space. The increased height will provide space for offices, toilets, an additional indoor bar area and an outdoor terrace for the bar on the first floor.

3.3 The existing ground floor layout will remain unchanged except for minor internal alterations to meet fire safety requirements. The first floor level currently consists of offices and a kitchen. This would be converted into a bar area, with internal seating and toilets, plus the external seating area to the rear. A flat roof extension would be added at the end or rear-most part of the building at first floor level, to accommodate the kitchen and a changing area for staff and musicians – also allowing the latter to take to the stage on the ground floor via an external staircase, rather than having to walk through customers in the downstairs bar area. The second floor would then become the offices which are currently on the first floor, for use by the bar management staff and the owner of the building.

3.4 Full details of the proposals are set out in the drawings and Design Statement submitted as part of this application.

4.0 Planning History

4.1 The site has 4 relevant planning applications, as listed below (newest to oldest):

- **14/01296/FUL**

Conversion of existing first floor flat into bar area including roof terrace. Alterations to existing shopfront.

Approved in Part /Split Decision August 2014

- **00/00731/NF**

Alterations and extension including new ' shop front ' and stores at rear.

Withdrawn August 2001

- **97/01922/NF**

Retention of new frontage to public houses at Bullingdon Arms Public House.

Approved March 1998

- **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).

Approved November 1995

5.0 Planning Policy

- 5.1 This section outlines the key planning policy considerations relating to the proposed development at both the local and national level.
- 5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that local planning authorities should determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.3 At the national level, relevant policy and guidance is set out within the National Planning Policy Framework (“**NPPF**”) published February 2019 and the associated Planning Practice Guidance (“**PPG**”).
- 5.4 The Development Plan (and associated guidance) for Oxford City Council currently comprises of the Oxford Local Plan (adopted in June 2020).
- 5.5 An explanation of how the proposed development complies with the relevant local and national planning policies and guidance is set out in the following section of this Statement.

Oxford Local Plan 2036

- 5.6 The Oxford Local was adopted in June 2020, covering the period 2016 to 2036. This Plan carries full weight when considering policies relevant to the proposed development.
- 5.7 The site falls within the Cowley District Centre. This is defined as an ‘Area of Change’.
- 5.8 Policy AOC2 (Cowley Centre District Centre) states planning permission will be granted for new development where it delivers one or more of a number of criteria, including making more efficient use of land through infill and taller development, and supporting new employment on upper floors.

- 5.9 Policy V1 (Ensuring the vitality of centres) states that planning permission will be granted for the development of town centre uses (retail, leisure, entertainment, office, arts, culture and tourism) within the defined city, district and local centre boundaries, provided the use is appropriate to the scale and function of each centre and reflects its distinctive character.
- 5.10 Policy DH1 (High quality design and placemaking) states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 5.11 Policy DH2 (Views and building heights) seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will be granted for developments of appropriate height or massing, as demonstrated by the following criteria, all of which should be met:
- a) design choices regarding height and massing have a clear design rationale and the impacts will be positive;
 - b) any design choice to design buildings to a height that would impact on character should be fully explained; and
 - c) it should be demonstrated how proposals have been designed to have a positive impact through their massing, orientation, the relation of the building to the street, and the potential impact on important views including both in to the historic skyline and out towards Oxford's green setting.
- 5.12 Policy RE2 (Efficient use of land) states planning permission will only be granted where development proposals make efficient use of land. Development proposals must meet a number of criteria:
- a) The density must be appropriate for the use proposed;
 - b) The scale of development, including building heights and massing, should conform to other policies in the plan. It is expected that sites at transformation hubs and

within the city and district centres in particular will be capable of accommodating development at an increased scale and density;

- c) Opportunities for developing at the maximum appropriate density must be fully explored; and
- d) Built form and site layout must be appropriate for the capacity of the site.

5.13 Policy RE8 (Noise and Vibration) states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent measures to the continued operation of existing uses.

National Planning Policy Framework

- 5.14 The Government published the revised NPPF on 19th February 2019. The NPPF came into force with immediate effect for plan making and decision taking, replacing the previous 2012 NPPF. The Framework is a material consideration in the determination of development proposals.
- 5.15 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Policies in paragraphs 7 to 217, taken as a whole, constitute the Government's view of what sustainable development means in practice. The Framework sets out 'three dimensions' to sustainable development: economic, social and environmental. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The Minister in the foreword to the NPPF states that "*sustainable development is about positive growth – making economic, environmental and social progress for this and future generations*" and that "*development that is sustainable should go ahead, without delay*".

- 5.16 The presumption in favour of sustainable development is at the heart of the NPPF and should be seen as a ‘golden thread’ running through both plan making and decision taking.
- 5.17 Paragraph 11 of the NPPF states that *“for decision taking this means:*
- *approving development proposals that accord with an up-to-date development plan without delay; or*
 - *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 5.18 Section 6 of the NPPF relates to building a strong and competitive economy. Paragraph 80 states that *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.
- 5.19 Section 7 then addresses the vitality of town centres with paragraph 85 making it clear that local authority planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- 5.20 Paragraph 122 of the Framework explains that planning policies and decisions should support development that makes efficient use of land, taking into account a number of criteria (not listed here).
- 5.21 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- *“will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

5.22 Paragraph 180 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (among other criteria):

- a) *“mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.”*

6.0 Scheme Justification

- 6.1 This section of the Statement provides justification for the proposed development in the context of relevant planning policies.

Principle of proposed expansion

- 6.2 As set out in policies AOC2 and RE2, the Council will grant planning permission for new development that makes more efficient use of land through infill and taller development, supporting new employment on upper floors. Policy RE2 in particular expects sites within district centres, such as Cowley District Centre, to be capable of accommodating development at an increased scale and density. This application is seeking additional floorspace and height to accommodate enlarged entertaining areas for The Bullingdon and more functional office areas. The proposal is therefore making more efficient use of the site for the purpose of creating new leisure and employment floor space, complying with local policies AOC2 and RE2.
- 6.3 Further, policy V1 states planning permission for retail and entertainment development uses will be granted within district centre boundaries, which this site and the proposed development comply with. The expanded and refurbished Bullingdon will still be of an appropriate scale in the context of Cowley Road and the wider district centre and this application will help secure the future success of this iconic local venue, which in turn will contribute towards the vitality of this part of Oxford.
- 6.4 Finally, the proposed development is supported by the objectives of the NPPF and, specifically, paragraph 80 which seeks to create the right conditions in which businesses can invest, expand (our emphasis) and adapt, while placing significant weight on the need to support economic growth and productivity.

Design and appearance

- 6.5 The adjacent building to the north-west side (No.160 Cowley Road) is 4-storeys high at the front and 2-storeys high to the rear, both with a flat roof. The other side of the application site (No. 164 Cowley Road) is a 2-storey building with a dual-pitched roof

to the street elevation and flat roof to the rear. Therefore, the proposed addition of two storeys above the existing Bullingdon should be considered acceptable in this context because the resulting building will not exceed the height of surrounding properties, including the recently approved Tesco redevelopment on the opposite side of Cowley Road which would far exceed the height of numbers 160 and 162 (our site) once built out – as shown on the submitted proposed elevations and sections drawing.

- 6.6 The development will be constructed from matching external brickwork and new high quality zinc cladding and fascias at the upper-most level. It is therefore submitted that the development will be of a high quality design that harmonises with the local vernacular and will enhance the local distinctiveness of The Bullingdon.
- 6.7 The building profile of the expanded Bullingdon will not extend beyond the outline of the neighbouring building, 160 Cowley Road, both in terms of overall height and building depth. The resulting building will therefore have minimal to no impact on the existing 'View Cone' that extends along Cowley Road towards the city centre.
- 6.8 The proposed massing, orientation, and the relationship of the building to the street will complement and blend well with the form and character of other developments along this section of Cowley Road, with the latter two aspects (orientation and relationship to the street) effectively remaining unchanged. As a result of the above observations, it is considered that the proposals comply with policies DH1 and DH2.

Noise

- 6.9 As set out under section 4 of this statement (Planning History), a previous planning application was submitted for this site (ref. 14/01296/FUL) for the conversion of the existing first floor flat into a bar area including a new roof terrace to the rear, and alterations to the existing shopfront. This was approved in part, but the decision was split with the new roof terrace being deemed unacceptable at that time due to a lack of evidence or information to satisfy the Council that potential noise impacts could be adequately mitigated. While the form and detailed design of the external seating area proposed under this latest application does not replicate the previously refused scheme, the need to fully consider potential noise impacts and, if necessary, mitigation remains just as relevant.

- 6.10 SLR Consulting were appointed by the applicant to undertake a noise assessment at the site and to recommend solutions to mitigate any noise impacts that could arise as a result of the outside terrace seating area being constructed.
- 6.11 SLR Consulting concluded that during daytime hours, the proposed roof terrace would not cause a significant increase of noise levels in the external amenity areas of the closest Noise Sensitive Receptors – properties along Crown Street, Bullingdon Road and the neighbouring apartments on Cowley Road. Furthermore, the total cumulative level would remain below the limit stipulated for amenity space in BS8233:2014. During daytime hours, noise from the roof terrace would not cause a significant exceedance of the internal ambient noise limits for habitable rooms as stipulated in BS8233:2014. Finally, during night-time hours, noise from the roof terrace would not cause an exceedance of the internal ambient noise limits for bedrooms. It was therefore concluded that the noise impact from the proposed roof terrace/seating area will not be significant or cause harm to surrounding residents. This is partly because of the existing background noise environment in this part of Cowley, but also because of the first floor extension being constructed at the end of the terrace that will assist in containing the spread of any noise within the site.
- 6.12 The above conclusions demonstrate that the proposed development will comply with policy RE8 (noise and vibrations). This is however subject to any music from speakers installed to serve the outdoor seating area being turned off by 11pm, which the applicant is happy to adhere to and would be willing to accept a planning condition to ensure this time limit can be enforced
- 6.13 On the basis of the above, it is considered that noise will not harm the amenity of local residents or the surrounding area and that specific noise mitigation measures are not necessary to make the development acceptable in planning terms. Full details can be found within the Noise Assessment that accompanies this application.

Cultural significance

- 6.14 The proposed expansion of the venue will allow it to continue contributing to the culture of the local and regional areas. The Bullingdon is situated in the most multicultural area

of Oxford, with 20.5% of households being within the Black, Asian and Minority and Ethnic (BAME) group, compared to 8.5% in Oxford City as a whole. Further, 26.5% of Cowley households contain multiple ethnicities compared to 10.6% of households on average in Oxford, with 28.4% of local residents being born outside the UK compared to 14.1% in the wider city. In short, Cowley is a diverse and multicultural part of Oxford with The Bullingdon playing a key role in fostering these qualities and providing cultural opportunity.

- 6.15 While Oxford ranks highly for its participation in the arts, the Oxford City Council Culture Strategy states *“Adults from black and minority ethnic communities continue to have lower levels of engagement with the arts than white adults”*. The Bullingdon is at the heart of the Cowley community and offers a diverse program of events to cater to this underserved sector of Oxford’s population. No other venue in the county programs, hosts or encourages the type of events that The Bullingdon does. It is therefore essential that the venue can continue to thrive, particularly when emerging from the latest Covid-19 lockdown, which the proposed expansion will support.
- 6.16 The importance, value and cultural significance of The Bullingdon has been recognised by numerous people. Anneliese Dodds MP, Shadow Chancellor, stated in August 2020 *“The Bullingdon is a great asset to Oxford. Over many years it has built a huge reputation for events attracting a diverse audience in terms of age, genre, gender, ethnicity and sexual orientation. The Bullingdon gives opportunities to emerging talent that is not available elsewhere, while building the reputation for exciting and innovative performance that helps the venue prosper”*. Further, Cllr Craig Simmons, Lord Mayor of Oxford, has described The Bullingdon as *“An iconic venue whose programme of events not only accurately reflects the cultural diversity and richness of East Oxford, but is a key contributor to it”*.
- 6.17 Diversity is at the heart of The Bullingdon, with 55% of the staff having a BAME background, and 40% identifying as LGBTQ+. In 2019, The Bullingdon hosted 15 LGBTQ+ specific events, all of which sold out, and attracted a total of 8,000 people. The Director at Haute Mess, Reem Moskovitz, emphasises this by stating *“The Bullingdon team have been incredibly supportive. Their staff have utmost commitment to learn the intricacies of providing a queer safe space. Our events have formed a*

queer community in Oxford. With nowhere else to host these events, its loss would result in a devastating impact”.

- 6.18 Following on from the above, it is clear that The Bullingdon is of considerable cultural significance for a diverse variety of groups, while continuing to be a cornerstone of Oxford’s music scene and the last truly independent venue. Due to Covid, The Bullingdon has only been able to trade for 10 days since March 2020. By being able to expand and in particular having the new outside space/terrace, the business will be able to trade more frequently through any ongoing restrictions and will continue to contribute to the cultural richness of the area.
- 6.19 The proposed project is looking to be supported by the Arts Council as it falls within the relevant parameters for an application to this organisation.
- 6.20 As a final but somewhat unrelated point, the Heads of Licencing at Oxford City Council and Thames Valley Police have previously encouraged this development as it will remove some smoking areas from the street.

Green credentials

- 6.21 The Bullingdon is able to boast considerable green credentials and has adopted the objective of reducing their environmental impact. For example, the business has been using renewable electricity for the last 2 years and has signed into a new contract for 2 years of renewable energy and carbon neutral gas.
- 6.22 Further, instead of using single-use plastic within the business, the venue has Polycarbonate drinking vessels and bar areas use glass. These are all washed in environmentally friendly cleaning agents and are able to be used repeatedly.
- 6.23 The water served at The Bullingdon comes in a can, rather than plastic to allow easier recycling. There are also multiple recycling bins for glass, paper, cans and plastic.
- 6.24 The proposed expansion of The Bullingdon is estimated to increase waste by an estimated 10%, but 9% of this waste will be recycled.

Special Saturation Policy for Licensing

- 6.25 While the licensing of The Bullingdon is not a material planning consideration, we felt it would be helpful to briefly address the cumulative impact of the number of licensed premises in East Oxford on alcohol related disorder and antisocial behaviour in the context of the Special Saturation Policy (“SSP”), as this may be of interest to officers. The SSP restricts the expansion of certain types of licensed premises in the City centre and East Oxford so as not to add to the existing impact on the surrounding streets. The effect of the SSP is to create a rebuttable presumption that applications for premises in these areas will normally be refused, although it does not prohibit applications being made – typically referring to applications for club premises certificates or material variations to existing licences or certificates.
- 6.26 While the justification for any material variation to the existing licence for The Bullingdon will be dealt with through the separate Licensing procedure, it is our understanding that the SSP is currently subject of a review and that the presumption against expanding existing venues may not currently carry full weight as a result. In any case, the applicant has been informed by the licensing team at Thames Valley Police that additional leisure/entertainment space could be supported in this area as East Oxford may not become more saturated in the context of new student accommodation developments being approved, including on Iffley Road, and the redevelopment of the Tesco site opposite The Bullingdon which also consists of new student accommodation. On the basis of the above, it is considered that the proposed expansion will be relative to the growing local population and will not result in increased alcohol related disorder or antisocial behaviour. Further details will be set out in the future Licensing application.

7.0 Conclusion

- 7.1 This Statement has been prepared in support of a full planning application to extend and refurbish The Bullingdon, 162 Cowley Road, Oxford. This Statement has been prepared by Strutt & Parker on behalf of Agim Hasaj.
- 7.2 This Statement and the accompanying application documents demonstrate that the principle and design of the development is acceptable and in accordance with local policies AOC2, DH1, DH2, RE2, V1 and RE8, as well as national planning policy. The expansion of existing employment-generating and leisure facilities, particularly within the city's district centres is encouraged by the Council and it is considered that this application makes best use of an existing site, increasing the density of the site at an appropriate scale. Most importantly, the proposals will sustain this existing icon of the Cowley area and allow it to continue contributing towards the vitality of this district centre.
- 7.3 The submitted Noise Assessment demonstrates that noise from the proposed external seating area will not cause a significant exceedance of the internal ambient noise limits during either the day or night time subject to music from speakers being turned off by 11pm, meaning surrounding residents will not experience increased noise disturbance over and above the existing background environment.
- 7.4 It is therefore respectfully submitted that this application for the extension and refurbishment of The Bullingdon should be approved without delay.