

Comments for Planning Application 21/00452/FUL

Application Summary

Application Number: 21/00452/FUL

Address: Bullingdon Arms 162 Cowley Road Oxford Oxfordshire OX4 1UE

Proposal: Demolition of first floor. Erection of a part three storey extension from first floor to create 4no office units (Use Class E(g)(i)) to front of building. Creation of first floor extension to rear of building and formation of roof terrace first floor level. Alterations to shop front. Formation of staircase and insertion of 1no. door to rear elevation

Case Officer: Tobias Fett

Customer Details

Name: Mr Peter McIntyre

Address: 21 Crown Street, Oxford, Oxfordshire OX4 1QG

Comment Details

Commenter Type: Neighbours

Stance: Customer objects to the Planning Application

Comment Reasons:

- Effect on adjoining properties
- Effect on privacy
- Noise and disturbance

Comment: I object to the proposed expansion of the Bullingdon Arms at 162 Cowley Road: in particular to the construction of a roof garden to the rear of the property.

The effect would be calamitous for residential properties to the rear of the building and most especially to those closest to the venue. The proposed terrace would be at the end of our immediate neighbour's garden, a few metres from the back of our house and just at the height to maximise noise and disturbance in the bedrooms to the rear of our property. Our main bedroom in the attic overlooks this roof area. I estimate that the corner of the terrace is less than 20 metres from our bedroom. There would in effect be a party outside our bedroom window every night. If a bottle were to fall from the corner of the terrace it would land in my neighbour's garden.

The Bullingdon Arms has soundproofed its music venue which usually works well but if anyone ever opens the rear doors - which sometimes happens - we are immediately woken by the noise. Bands leaving the venue after a gig occasionally cause disturbance as they load equipment, especially if they stop to talk in the car park to the rear. Even two or three people talking here at night can be disruptive. This is not usually a major problem but it highlights the vulnerability of this area at the rear of these premises to late night noise.

In the summertime we have to have our windows fully open when it is warm - noise from that rear area can destroy sleep.

Under this proposal we could have 100+ people drinking, talking, laughing, clinking bottles and glasses and (sometimes) shouting close to where we sleep. There would be a profound adverse

effect on our physical and mental health, well-being and quality of life.

The acoustic report that accompanies the planning application is based on a number of fundamental errors. Its conclusion that "the noise impact of the Roof Terrace is not significant", defies experience and logic.

1. The noise survey measured existing noise levels at the time and uses them for its calculations, claiming them to be average background noise. It was conducted between 3-7 December. During this period (a partial lifting of the lockdown) the Cowley Retreat and the Za'Atar Bake restaurant were operating from marquees pitched in the area behind the Bullingdon Arms, as they could not have customers inside. These did indeed generate high levels of noise and it was impossible to sleep while they were operating. However, these were exceptional circumstances (which we understood) and they shut promptly at 10pm. I understand these marquees have permission to be in place until September and would certainly object to them becoming permanent. The report has effectively compared the proposed roof venue to a mini version of itself.

2. Noise levels were not measured where the noise will be experienced. Location 2 is described as "Garden location. Representative of residents on Crown Street and Bullingdon Road". From the photograph provided it seems to have been placed at the corner of the car park behind the venue, 1.5 metres from the ground according to the report. The noise will be generated at a much higher level and will travel outwards directly towards the upstairs windows of houses in Crown Street and Bullingdon Road, and will not be muffled by trees or buildings. Despite frequent use of the word 'representative', so far as I am aware, nobody from Crown Street or Bullingdon Road was informed or consulted about these tests.

3. It seems possible in the spot where the recorder was placed that it was also collecting localised noise from air conditioning units or electrical equipment in the venues, and so substantially misrepresents background noise experienced by local residents.

4. The noise predictions (guesstimates) are based on noise being muffled by "partly open windows". In the summer time when this terrace will be at its most popular and intensive all the houses have to fully open roof level windows to circulate air. At the time of maximum noise levels there would be no dampening effect.

The acoustic report seems to have been written with the intention of minimising the significance of the noise levels and being supportive of the application. Even so, and despite the obvious huge flaws cited above, the report predicts moderate noise pollution from 11pm and major noise pollution from 1am for Crown Street and moderate noise pollution from 11pm for Bullingdon Road. The report is admitting that people in these areas will have their sleep disrupted but says that does not matter because they would have been disrupted anyway. That is simply not the case and the lack of logic in this report is shown in the contorted language it uses. Viz. Page 21 "whilst the initial impact of noise from the Roof Terrace may be considered Moderate to Major, as activity on the Roof Terrace would not cause an exceedance of internal BS8233 noise limits, it is concluded that the noise impact of the Roof Terrace is not significant at night at Crown Street."

The planning statement submitted in paragraph 6.26 specifically cites the student accommodation under construction on the Tesco site in its support and carries a clear warning that the Bullingdon will be looking to expand licensing approvals. It is obvious that a primary source of customers for this terrace would be the 170 student flats currently under construction. I objected to construction

of the flats at the time partly because I feared it would lead to a surge in applications for increased capacity and later hours in nearby late night venues. At the planning meeting in December 2019 this was discounted. Now it is coming to pass. In the light of this stated expansion plan, the offer to limit access to the terrace to 11pm is worthless, since as so often in the past, a new application will be made in a year or so to remove the restriction. Our piece of mind is sold off, expansion by expansion, which is how the Bullingdon has permission for its club up to 4am on Friday and Saturday night (ie Saturday and Sunday morning). There is a risk of the creation of a mini George Street in the heart of residential East Oxford.

A few other points:

- Stress on diversity in the planning statement (6.17) is irrelevant to noise levels and the application since nobody is seeking the closure of the Bullingdon and sections 6.14-6.18 of the document make it clear that (outside lockdowns) they cater well for their client base with existing infrastructure. In any case, noise does not discriminate. It will affect everyone in this diverse community of every ethnic backgrounds or sexual orientation. In terms of accessibility the roof terrace would be more difficult for people with physical disabilities.
- I finding it hard to understand the detailed drawings, but it looks as if the external staircase being planned will run both from the front and rear of the building. If that is the case there will be extra noise from people going up and down at the back and (inevitably) people gathering in rear area, in addition to the 100 plus people on the terrace.
- The Planning statement in 2.4 says "There are no properties overlooking the terrace". That is not true. We overlook it as do neighbours on either side and further down the road. I have photographs available showing this.
- The green credentials mentioned in paragraph 6.21, are currently marred by problems with rubbish from the premises. At the time of writing there are piles of rubbish bags dumped on the ground and rats have been seen coming from that area. The roof area itself has often been used for dumping broken furniture or other rubbish and currently is home to a pile of full black plastic sacks. It is noted that the report says that pollution overall will increase.
- On Page 7 the planning statement describes the council decision on a roof terrace in 2014 as 'split'. Let's be clear - the application for the roof terrace itself was rejected. Other parts of the application were accepted.

I have current photographs showing the terrace from our bedroom and our bedroom from the car park at the back of the venue, and can make these available. I invite councillors and or council officers to visit our house before they come to a decision and see for themselves the proximity and relationship between where we try to sleep and this rooftop.

It is difficult to express the sense of dismay I feel that this application has reemerged. I understand that businesses have been put through a tough time but this cannot be resolved by destroying the peace of the local residential community, causing mental stress and sleep deprivation, which will also damage the productivity of people who live here (and so damage other businesses where they work, who have no voice in this). I am not hostile to the Bullingdon Arms. I have attended events there myself, and indeed at one time thought of it fondly as my 'local'. I simply oppose the bid to create a new source of unacceptable noise pollution at sky level.

Peter McIntyre 21 Crown Street, Oxford