

Agenda

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East Area Planning Committee

Date: **Wednesday 2 September 2020**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

For any further information please contact:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

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As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

East Area Planning Committee

Membership

Chair	Councillor Sian Taylor	Northfield Brook;
Vice-Chair	Councillor John Tanner	Littlemore;
	Councillor Mohammed Altaf-Khan	Headington;
	Councillor Shaista Aziz	Rose Hill and Iffley;
	Councillor Nigel Chapman	Headington Hill and Northway;
	Councillor Mary Clarkson	Marston;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Christine Simm	Cowley;
	Councillor Roz Smith	Quarry and Risinghurst;

The quorum for this meeting is five members. Substitutes are permitted

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AGENDA

Pages

PLANNING APPLICATIONS - BACKGROUND PAPERS AND ADDITIONAL INFORMATION

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

3 20/00856/FUL: 295-301 LONDON ROAD, HEADINGTON, OXFORD, OX3 9EH

11 - 32

Proposal: Demolition of existing two storey building. Erection of a part two, part three storey building to create 5 x 2 bed and 2 x 1 bed flats. Provision of bin and cycle storage along with private amenity space. Re-provision of the existing Sikh Gurdwara including additional floor space at first floor level. (Amended plans).

Site Address: 295-301 London Road, Headington, Oxford – see **Appendix 1** for site plan

Recommendations: East Area Planning Committee is recommended to:

1. **Approve** the application for the reasons given in the report and subject to the required planning conditions set out in section 11 of the report and grant planning permission; and
2. **Agree** to delegate authority to the Head of Planning Services to:
 - Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

4 20/00821/FUL: REAR OF 10 - 28 MARSHALL ROAD, OXFORD, OX4 2NR

33 - 54

Proposal: Redevelopment of existing light industrial unit to provide 5 x 2-bed flats, 2 x 3-bed dwellings and 2 x 4-bed dwellings (Use Class C3) provision of private amenity space, car parking and bin and bicycle storage.

Demolition of garage to no. 10 Marshall Road to enable improvements to access from the public highway.

Site Address: Rear Of, 10 - 28 Marshall Road, Oxford, Oxfordshire – see Appendix 1 for site plan.

Recommendations: East Area Planning Committee is recommended to

1. **REFUSE** planning permission for the following reasons :

- I. The proposed development has failed to demonstrate that the proposal makes the best use of the site's capacity through exploring all available opportunities in a manner compatible with both the site itself and the surrounding area. The development therefore results in an inefficient use of the land contrary to the aims and objectives of policy S1 and RE2 of the adopted Oxford Local Plan 2036;
- II. The proposed development by reason of its siting, layout, scale and appearance fails to provide a high quality residential development that responds to the local vernacular, is locally distinctive and provides a sense of place for the occupiers of the development, contrary to policies in the NPPF and DH1 of the adopted Oxford Local Plan 2036;
- III. The proposed development fails to provide safe and convenient bike storage within the curtilage of the dwellinghouses to the south east of the site. Had the above reasons for refusal not have applied, the LPA would have sought amended plans to demonstrate that bike storage for the occupiers of the houses could be provided in a safe, accessible and convenient manner on site and within the rear curtilage of the houses, therefore promoting and supporting alternative modes of transport in accordance with sustainability objectives and policy M5 of the Oxford Local Plan 2036; and to

2. **Agree** to delegate authority to the Head of Planning Services to: finalise the reasons for refusal as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

5 MINUTES

55 - 58

Recommendation: to approve the minutes of the meeting held on 05 August 2020 as a true and accurate record.

6 FORTHCOMING APPLICATIONS

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

16/02549/FUL: Land Adjacent 4 Wychwood Lane, OX3 8HG	Committee decision
17/01519/FUL: 55 Collinwood Road Oxford OX3 8HN	Called in
18/03405/FUL: Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH	Committee decision
19/00779/FUL: Land at 1-7 Jack Straw's Lane/ 302-304 and 312 Marston Road, Oxford, OX3 0DL	Committee decision
20/00128/VAR: 9 Binswood Avenue, Oxford, OX3 8NY	Committee decision
20/00934/FUL: Land To The Rear Of The George Inn, 5 Sandford Road, Littlemore, Oxford, OX4 4PU	Committee decision
20/00994/CT3: East Oxford Community Centre, Princes Street, Oxford, OX4 1DD	Council application
20/01018/FUL: 49 Marlborough Close Oxford OX4 4PH	Called in

20/01237/RES: Plots 8150 8200 And 9200, Alec Issigonis Way, Oxford	Committee decision	
20/01298/CT3: East Oxford Games Hall, 5 Collins Street, Oxford, OX4 1XS	Council application	
20/01535/FUL: McDonalds, 298 London Road, Headington OX3 8DJ	Called in	
20/01899/FUL - 7 Dynham Place, Oxford, OX3 7NL	Called in	
20/01316/FUL - Holy Trinity Church, Trinity Road, Oxford, Oxfordshire, OX3 8LH	Called in	

7 DATES OF FUTURE MEETINGS

Future meetings of the Committee are scheduled on Wednesdays at times to be determined by the committee.

2020

7 October
4 November
2 December

2021

13 January
3 February
3 March
7 April
10 May

INFORMATION FOR THOSE ATTENDING REGULATORY COMMITTEES - REMOTE MEETINGS GUIDELINES

Regulations passed in April 2020 enable the Council to hold meetings without some or all Members being physically present together in a room. To ensure the smooth running of remote meetings the Council has agreed a Protocol for Remote Meetings and everyone is asked to follow these guidelines which are based on that Protocol.

Attendance at remote meetings

Members (councillors) are “in attendance” provided that they can hear and be heard by the other participants. Any loss of visual connection does not give rise to non-attendance but a loss of audio connection does.

Should you lose connection to the meeting try to reconnect immediately. If you cannot immediately re-join the meeting by video link, please dial in to the meeting using the telephone number provided in the joining instructions.

If a Councillor loses connectivity to this meeting they will be prohibited from participating in the debate and voting on that agenda item unless the discussion is paused for the period of their non-attendance.

If other participants lose connection, this does not affect the debate or vote.

Remote meetings etiquette

All participants are asked to:

- Stay visible on camera while your video feed is on. Turn the camera off if you stand up or leave your seat.
- Keep your microphone muted unless speaking. Un-mute / mute your own microphone before and after speaking.
- Use the “raise hand” icon to indicate a wish to speak. This is located in the “Participants” tab. Please be patient, the Chair will call you to speak and has absolute discretion to determine the order in which participants speak. Please lower your virtual hand after speaking.

- Not speak over other participants.
- Keep contributions relevant and concise.
- Councillors and officers must use the Chat function only to assist with the smooth administration of the meeting, e.g. to alert officers to a loss of audio connectivity.

Voting at remote meetings

When determining an application the voting will be by a roll call.

When called by the Clerk, Councillors are asked to state how they are voting on the proposal (e.g. “for”, “against” or “abstain”). Any Member who has not been in attendance to hear the full presentation and debate on an agenda item will be required to abstain from voting on that matter.

PUBLIC ACCESS TO THIS MEETING AND MEMBERS OF THE PUBLIC SPEAKING

Remote meetings will be held on Zoom.

Public access to remote meetings

1. You can watch the meeting remotely by clicking on the link in the comments section or under ‘media’ sited just above the agenda items.
2. The live link will appear on this page just as the meeting starts. This will launch a YouTube video of the live meeting. If it does not, then follow the link to the council’s YouTube channel where the video will be playing.

Registering to speaking

3. Members of the public can register to speak at a meeting in accordance with the Procedure Rule within Council’s Constitutions.
4. **For this committee you must register to speak before noon on the working day before the meeting**, giving the application name/number and whether you are supporting or objecting. You must also supply an email address and phone number.
5. **Members of the public registering to speak are recommended to submit their contribution in writing to democraticservices@oxford.gov.uk not less than 24 hours before the meeting is due to start.** This will ensure that their contribution can be taken into account and, where necessary, responded to, in the event that the connection is poor or they are otherwise unable to join the meeting. Members of the public who register to speak will be advised of any word limit for their written submission.

Public attendance and speaking at remote meetings

6. Members of the public viewing the meeting should do this through the weblink to the live stream as above.
7. Members of the public may register to speak at the meeting in accordance with the procedure rules (see 4 and the notes at the end of the agenda frontsheet)
8. Those registering to speak will be provided with joining instructions and guidance on public participation in remote meetings by the Committee and Member Services Team.
9. When the meeting starts, or during the agenda item before the one they are speaking on, they should follow these instructions and join the meeting. When joining a meeting members of the public with a right to

Speak must ensure that they can be identified as a registered speaker otherwise their access to the meeting will be blocked.

10. They will be held as an 'attendee' and be able to see and hear the meeting but not take part.
11. The Meeting Host will 'enable' their microphone when they are called to speak, or may admit them to the meeting. They must not speak until are invited to do so by the Chair. Speeches are timed from the first words of the speech: there is no penalty for delays caused by the technology.
12. The member of the public may remain as an attendee or in the meeting to hear the remainder of the agenda item. Once their contribution has been heard the Meeting Host will mute their microphone and it must remain muted for the remainder of the meeting unless the Chair invites them to speak again, at which point the microphone will be enabled again.
13. At the end of the agenda item, the Chair may ask speakers attending for that item to disconnect from the remote meeting and the Meeting Host may remove their access to the meeting. Members of the public may continue to observe the meeting by watching the live stream accessed via a link on the Council's [meetings webpages](#).
14. If a member of the public exercising their right to speak at a remote meeting loses connectivity during their contribution, they should immediately dial back in to the meeting using the telephone number provided in the joining instructions.
15. If a member of the public exercising their right to speak at a remote meeting loses connectivity and is unable to re-join the meeting their previously submitted written contribution will be considered (it will be read out by an officer who will keep strictly to the allocated time limit). If no written contribution has been submitted the meeting will proceed without considering their contribution.

Press access to remote meetings

16. Journalists wishing to attend a remote meeting are advised to inform pressoffice@oxford.gov.uk not less than 24 hours before the meeting is due to start to be issued with joining instructions.
17. Journalists in remote attendance are asked to keep their microphone muted and their video camera turned off.
18. Alternatively journalists can access meetings by viewing the live stream as set out in 1 and 2 above.

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful.
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.
4. Preparation of Planning Policy documents – Public Meetings

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.
5. Public requests to speak

Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.
6. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated by noon, two working days before the start of the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.
7. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

8. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

9. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

10. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

EAST AREA PLANNING COMMITTEE

2nd September 2020

Application number:	20/00856/FUL
Decision due by	29th May 2020
Extension of time	11 th September 2020
Proposal	Demolition of existing two storey building. Erection of a part two, part three storey building to create 5 x 2 bed and 2 x 1 bed flats. Provision of bin and cycle storage along with private amenity space. Re-provision of the existing Sikh Gurdwara including additional floor space at first floor level. (Amended plans)
Site address	295-301 London Road, Headington, Oxford – see Appendix 1 for site plan
Ward	Barton And Sandhills Ward
Case officer	Michael Kemp
Agent:	Mr Simon Sharp Applicant: Mr Akash Turna
Reason at Committee	This application has been called in by Councillors Rowley, Linda Smith, Kennedy, Rush, Fry, Pressel, Tarver and Tanner.

1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 11 of this report and grant planning permission.

1.1.2. **Agree to delegate authority** to the Head of Planning Services to:

- Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers a full planning application for the redevelopment of a corner plot adjacent to the junction of London Road and Northfield Road in Headington. The site currently consists of single and two storey buildings with an area of parking to the rear accessed from Northfield Road. The site falls under a mix of uses comprising a first floor flat, ground floor office space and a section of

the ground floor which is used as a Gurdwara (place of worship) by the Sikh community. Permission is sought for the redevelopment of the site to provide seven residential dwellings, consisting of five, two bedroom and two, one bedroom apartments and an enlarged, replacement Gurdwara for the Sikh Community.

- 2.2. The replacement Gurdwara would in officer's view represent an enhancement on the existing building, which consists of a single storey structure, converted from a former use as an office building. The replacement building would be larger in size and would offer a purpose built facility, housing additional facilities not currently offered in the existing building, as well as enhanced internal spaces benefiting from improved natural light, circulation and general functionality. As the proposals are considered to represent an enhancement of an existing community facility the development is considered to comply with the requirements of Policy V7 of the Oxford Local Plan; and Paragraph 97 of the NPPF.
- 2.3. The residential element of the proposed development would provide seven new homes, a net increase of six additional dwellings that would provide a small, yet valued contribution towards Oxford's local housing need. Redevelopment of this part of the site would represent an effective and appropriate use of a brownfield site, in line with Policy RE2 of the Emerging Local Plan and Paragraphs 117 and 118 of the NPPF.
- 2.4. The design of the replacement building would be a significant enhancement on the existing building currently on the site, which are fairly poor in design terms and do not relate positively to the overall appearance of the street scene, in terms of their scale, massing and general appearance. The scale and massing of the proposed development would relate appropriately to the surrounding development in London Road and Northfield Road and would provide improved active ground floor frontages along both street fronts. The design approach is therefore considered to comply with Policy DH1 of the Oxford Local Plan, as well as Policy CIP3 of the Headington Neighbourhood Plan.
- 2.5. The proposed dwellings would each meet the size requirements outlined within the Government's Nationally Described minimum space standards and the requirements of Policy H15 of the Oxford Local Plan. Each of the apartments would be served by external amenity space in the form of balconies or small ground floor garden spaces. The amenity impact of the development in relation to the neighbouring properties would be minor and the impact is considered to not be significantly detrimental in terms of the amenity of existing occupiers and the proposals are considered to comply with Policy H14 of the Oxford Local Plan.
- 2.6. The residential element of the development would be car free, which is justified accounting for the overall sustainability of the location and the presence of a CPZ, covering the streets surrounding the site, which aligns with Policy M3 of the Oxford Local Plan. An element of parking would be retained to serve the Gurdwara, though this would be reduced from around 10 spaces at present to 5 spaces. Policy M3 of the Oxford Local Plan requires that where there is a redevelopment of an existing non-residential site there should be no increase in parking and where possible parking should be reduced, where there is good

accessibility to facilities, which is considered to be the case in this instance. It is considered that the development is acceptable in parking and highway safety terms and no objection has been raised by Oxfordshire County Council as statutory Highways Authority.

2.7. For the reasons expressed within this report, officers recommend that planning permission is granted.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal is liable for a CIL contribution.

4. SITE AND SURROUNDINGS

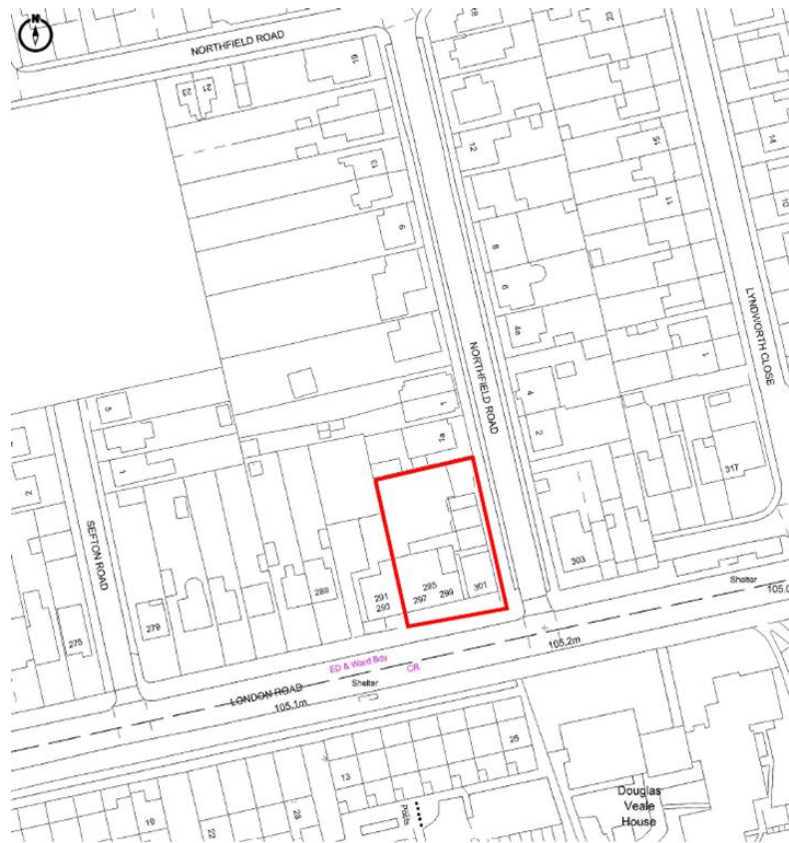
4.1. The site comprises a building consisting of single and two storey elements and related areas of hardstanding located on the corner plot of London Road and Northfield Road in Headington. The first floor of the building is currently occupied as a residential flat, whilst the ground floor of the building has an office use, as well as being used as a Gurdwara (place of worship) for the Sikh community.

4.2. Planning Permission was granted in 2012 (12/00990/FUL) for the change of use of the ground floor of the building to a place of worship. The Gurdwara, which is known as Gurdwara Sri Guru Nanak Dev Ji is relatively small in size. Inside the Gurdwara consists primarily of a prayer room and small kitchen area to the rear of the building. There is parking to the rear, accessed from Northfield Road which is used by visitors to the Gurdwara. The main entrance to the Gurdwara is also to the rear of the building.

4.3. The remainder of the ground floor of the building consists of a small area of office space and a row of single storey garages and stores. There is a single two bedroom flat at first floor level located above the existing office accommodation.

4.4. The site does not lie within the Headington District Centre and does not fall within a Conservation Area. The surrounding area consists of mainly 20th century residential development of differing architectural styles, typically two storeys in scale. Two large and prominent street trees are located to the front of the site, within a sizeable pavement area.

4.5. The site location plan is included below:



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Ordnance Survey 100019348

5. PROPOSAL

- 5.1. Under the proposal all of the existing building on the site would be demolished. A replacement building is proposed, which would range between two and three storeys in height wrapping around the London Road and Northfield Road boundaries.
- 5.2. The highest (three storey) element of the building would be sited on the corner of London Road and Northfield Road. This part of the building would consist of residential development over three floors and extends up to a maximum height of 11.1 metres to the roof ridge. The building drops to two storeys along the Northfield Road frontage, where the height of the building varies between 8.2 and 7.5 metres to the roof ridge. In total the residential element of the building would consist of 7 apartments.
- 5.3. The Gurdwara would be located within the two storey element of the building across both floors and features a distinctive pitched roof, in contrast to the flat roof of the residential element of the building. The overall height of the Gurdwara would measure 9.4 metres to the roof ridge.
- 5.4. The building would be constructed from red brick materials. The residential elements would feature a flat roof, whilst the element of the building used as the Gurdwara to the western side of the site along London Road would include a pitched roof, with a central light well. A replacement area of parking, consisting of a total of five parking bays would be located to the rear of the Gurdwara for use

by the Gurdwara and would continue to be accessed off Northfield Road. The proposed residential apartments would be car free.

5.5. Amended plans were received and were re-advertised accordingly. The amendments principally related to the exclusion of the first floor rear facing balcony overlooking the entrance to the Gurdwara, as well as amendments to the privacy screening on the balconies facing Northfield Road.

6. RELEVANT PLANNING HISTORY

6.1. The table below sets out the relevant planning history for the application site:

78/01031/A_H - 295-301 London Road - Change of use of ground floor from supermarket, stores and offices to retail outlet, offices and ancillary stores. Permitted 7th February 1979.

12/00990/FUL - Change of use of ground floor from class B1 to class D1 (place of worship). Provision of 10 car parking spaces at rear. New entrance to London Road frontage.. Permitted 21st June 2012.

12/01978/FUL - Change of use of existing ground floor office to provide 1x5 bed house of multiple occupancy (Use Class C4 HMO). (Retrospective). Refused 24th October 2012.

13/01127/FUL - Demolition of rear garage and erection of single storey rear extension. Change of use of office accommodation to form 1 x 2 bedroom flat (Class C3). Provision of associated amenity space. Alterations to vehicle and cycle parking.. Permitted 21st June 2013.

14/00623/FUL - Erection of replacement single storey rear store. Sub-division of existing offices (Use Class B1) into 2 x shops (Use Class A1). Refused 2nd May 2014.

14/01741/FUL - Sub-division of existing offices (Use Class B1) into 2 x shops (Use Class A1).. Permitted 11th August 2014.

17/03142/FUL - Conversion of existing offices into two shops.. Permitted 7th February 2018.

19/00305/OUT - Outline application with all matters reserved apart from scale and access for the demolition of existing two storey building comprising offices at ground floor level and 2 x 1-bed flats at first floor level and its replacement with a three-storey building comprising eight flats (2 x 1-bed flats, 4 x 2-bed flats and 2 x 3-bed flats) along with access to the rear at the site (serving a car park belonging to the adjacent Sikh Temple). Provision bin and cycle storage and private amenity space.. Withdrawn 23rd August 2019.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036	Headington Neighbourhood Plan:
Design	12	DH1	CIP1 CIP3
Housing	5	H1, H4, H10, H14, H15, H16	
Commercial	6	E1	
Natural environment	15	G1, G2, G7	GSP3
Social and community	8	V7	
Transport	9	M1, M2, M3, M4, M5	TRP5
Environmental	15	RE1, RE2, RE3, RE4, RE7, RE8, RE9	

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 15th April 2020. Following the receipt of amended plans the proposals were re-advertised by site on the 22nd July 2020.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

8.2. The proposals are in sustainable location with good access to public transport and local amenities. The proposals are in a CPZ.

8.3. Cycle Parking - The proposals offer 12 covered and secure cycle parking spaces, this is in line with policy requirements and is satisfactory.

8.4. Car Parking - It is assumed from the submitted documents that the proposed dwellings are car free and the proposed parking is for use by the Gurdwara. The proposed disabled parking space does not meet the minimum dimensional requirements of 5.5m in length and 2.9m+1m in width. A new parking layout should be conditioned to ensure this space is the correct size. The new dwellings should also be excluded from obtaining residents parking permits to ensure that existing on street parking is not impacted by the development.

8.5. A construction traffic management plan (CTMP) should also be secured by planning condition. This will help to mitigate any impact the construction of the development will have on the local highway network.

8.6. The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission subject to conditions.

Natural England

8.7. Do not wish to comment

Thames Valley Police

8.8. No objection subject to a condition that an application is submitted to achieve secured by design accreditation.

Public representations

8.9. A significant number of public comments have been received in relation to this planning application. A large number of comments received in support and objection have been received from members of the Sikh community in Oxfordshire and outside of the County.

8.10. 82 representations have been made in objection to this application. The key points of objection can be summarised as follows:

Highways/access/parking

- Insufficient parking is provided for the Gurdwara and the development will create problems with parking in Northfield Road.
- The proposals include a loss of parking for the Gurdwara, which is a particular issue for religious events and events such as weddings.
- Many users are unable to use public transport, so will be dependent on the private car as a means of transport.
- No parking is proposed for the residential units. Restrictions on resident's permits will be required.
- A reduction in the size of the parking area will mean that there are less visitors, which will impact on the financial viability of the Gurdwara.
- A travel plan should be submitted to assess future users, including those from outside of the city.
- The proposals will increase traffic congestion on the surrounding roads.

Compatibility of residential dwellings and Gurdwara use

- The siting of the Gurdwara may cause noise issues for the residents of the proposed flats, as prayer starts at 5:30am and is played through speakers.
- Smell from food could cause complaints from adjoining residents.
- The bin and waste storage to the proposed dwellings would be on the Gurdwaras land.
- Concerns are raised regarding the proximity of the flats to the Gurdwara on religious grounds namely consumption of meat and alcohol and smoking which are forbidden near a Gurdwara, as this is a holy place.

- The development will effect sunlight to the neighbouring properties and to the back entrance and windows of the Gurdwara.
- The impact of housing would increase noise disturbance and disruption for those visiting the temple.

Design, functionality and amenity

- More space should be provided for the Gurdwara to enable it to carry out more charitable work.
- The proposals are overdevelopment.
- The development will result in a loss of light and access to the Gurdwara.
- The proposals do not address the issues associated with the loss of parking and the outdoor kitchen area. The outside space is important to the running of the Gurdwara.
- The development is large, overbearing and unsightly.
- The proposals for balconies and windows facing the Gurdwara will cause privacy issues.
- The design of the large proposed balconies would be out of keeping with the existing buildings on the street frontage.
- The flats include a high roof line and the applicants may seek to provide further accommodation in this roof space.
- The proposals would box the Gurdwara in, with no future ability to expand.
- The Gurdwaras requirement in terms of internal accommodation needs has not been given consideration.
- The reduction in the size of the area to the rear of the Gurdwara will impact on the religious activities which take place in this space
- Design elements lack characteristics commonly found on Gurdwaras including the Gummat (an upside down lotus flower - similar to a Dome); The Guru Granth Sahib Ji; There is no reference to the positioning of the Nishan Sahib (Flag); The men's toilets are located on the first floor, the same floor as the Guru Granth Sahib Ji. This is unacceptable if it can be avoided

Other

- Concern that the application was submitted without consultation with users of the Gurdwara and the community.
- Concern that the Gurdwara will be lost and not replaced leaving the Sikh community without a place of worship.
- The Gurdwara will be lost until such time as the replacement is built.
- The Gurdwara is incorrectly referred to as a Class D2 use and not a place of worship.
- Gurdwara Shi Guru Nanak Devji Oxford (GSGNDO) own the beneficial interest in the property and must be consulted on the proposals.
- The applicants do not have permission to build on the land.
- The timing of the application during the Covid-19 pandemic is objectionable.
- The existing sewage system does not have the capacity to deal with the development.

- The Gurdwara is only being redeveloped in order to gain planning permission for the residential element of the development.
- The Gurdwara should be treated as an asset of community value when considering the proposals.

A letter has been received from four members of the elected committee of the Gurdwara Sri Guru Nanak Dev Ji raising a number of objections in relation to the proposed development. The main points of objection are listed below:

- Criticism of consultation conducted with the Sikh community regarding the proposals for the Gurdwara.
- Details have not been provided with respect to where the Gurdwara would be located during the construction period.
- A Section 106 agreement would be necessary to ensure that the Gurdwara is reprovided.
- Concern regarding the compatibility of residential uses in close proximity to the Gurdwara.
- The development will result in loss of light and overlooking of the Gurdwara.
- Concerns regarding parking provision.
- The floor plans do not accurately show the kitchen area of the Gurdwara.
- The plans incorrectly identify cycle storage as being for the Gurdwara, whereas this will be for the residential flats.

4 comments have been received from neighbouring residents, which express concerns about the following matters:

- The development will impact on parking for existing residents in Northfield Road.
- The existing junction of Northfield Road and London Road is already busy and has limited visibility.
- The proposals will increase the capacity of the temple, which will exacerbate issues of on street parking during events. This will be further exacerbated by the addition of the flats.
- The building is out of character with the existing properties in Northfield Road in terms of scale.
- The balconies will be intrusive to local residents and will result in noise disturbance.
- Concern about the development being car free.

8.11. 41 representations have been made in support of the application, the majority of which have been submitted by members of the Sikh community and can be summarised as follows:

- The replacement facility will be larger and will have more space for prayer, improved accessibility and disabled access and better facilities including a larger kitchen area.
- The replacement facility would have improved accessibility for the elderly.

- The existing facility is not adequate as a place of worship and the improvements would create a much improved space for the Sikh community.
- The replacement building would be an improvement in visual terms as the existing building is outdated in appearance.
- The proposals would provide additional housing.
- The enlarged temple will provide a valued place for students at Oxford Brookes to attend.
- The development would make a positive use of space.
- The current parking arrangement is based on members of the Sangat car sharing. Parking has also been reduced through the addition of the parking container to the car park area.

Officer Response

Officer's note that a significant number of comments have been received in support and objection to the proposals which relate to a number of matters. All relevant material planning considerations are addressed within the officer's report in the relevant sections below.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Affordable Housing
- Housing Mix
- Design
- Neighbouring amenity
- Highways
- Trees
- Ecology
- Sustainability

Principle of development

Residential Development

9.2. Paragraph 59 of the NPPF requires that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed; that the needs of groups with specific housing requirements are addressed; and that land with permission is developed without unnecessary delay.

9.3. NPPF Paragraph 11 outlines the overarching requirement that in applying a presumption in favour of sustainable development Local Authorities should be 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: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 9.4. Policy RE2 of the Oxford Local Plan, requires that developments should make effective use of land. It is recognised that the redevelopment of brownfield sites, where appropriate offer an important opportunity to make the best of use sites in a sustainable way. The NPPF heavily promotes the use of previously developed brownfield sites and gives substantial weight towards the re-use of such sites (Paragraphs 117 and 118). The redevelopment of what is, in this instance a brownfield site for the provision of new housing should be given significant weight in accordance with the policy provisions of the local plan and NPPF.
- 9.5. The NPPF places great emphasis on the Government's objective to significantly boost the supply of homes, recognising that this requires a sufficient amount and variety of land to come forward where it is needed, and that land with permission is developed without unnecessary delay (paragraph 59). Moreover, local authorities should identify sites suitable for housing, including specific, deliverable sites for a five year period (paragraph 67).
- 9.6. Policy H1 of the Oxford Local Plan outlines that the majority of the Council's housing need would be met through sites allocated in the Oxford Local Plan. The application site is not allocated within the Oxford Local Plan for residential development; however the delivery of housing on the site would nonetheless provide a small, but valued windfall contribution towards meeting local housing need and this represents a notable public benefit of the proposed development.

Loss of B1 Office Use

- 9.7. The proposals would result in the loss of a small area of ground floor space, which falls within a Class B1 Office use. It should be noted that The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 will amend the Town and Country Planning (Use Classes) Order 1987 on the 1st September. Under the provisions of the new regulations office uses would fall within a wider ranging class (Use Class E) which incorporates Commercial, Business and Service uses. The regulations however state that applications submitted before the 31st August which refer to uses or use classes which applied and were specified in the Order on that date should be determined by reference to those uses or use classes.
- 9.8. The site is classed as a Category 3 (lowest category) employment site under the provisions of Policy E1 of the Oxford Local Plan. This designation covers all employment sites in the city, which are not specifically designated and afforded protection for the purposes of retaining employment uses on site, or other uses directly related to the employment use of the site. Proposals for residential development on Category 3 employment sites will be assessed by a balanced judgement which will take into account the following objectives:

f) the desirability of meeting as much housing need as possible in sustainable locations within the city; **g)** the need to avoid loss of or significant harm to the continued operation or integrity of successful, and/or locally-useful, or high-employment businesses and employment sites, and to avoid impairing business operations through the juxtaposition of incompatible residential uses; **h)** the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place, connected by safe walking routes to shops, schools, open space, community facilities and public transport; and **i)** the desirability of achieving environmental improvements such as remediation, planting, biodiversity gains, sustainable development forms, improvements in highway conditions and the improvement of living conditions for existing residents.

9.9. The subtext to Policy E1 recognises that Category 3 sites do not perform such an important economic function compared to Category 1 and 2 employment sites. It is specified that these sites should be considered for housing if these sites become available for development.

9.10. The existing building formerly operated entirely as office accommodation and has since been subdivided into Class D1 (non-residential institutions) and Class C3 uses under previous planning permissions. The extent of office accommodation is limited to a small area of the ground floor of the premises, which is not of a high standard for office use due to its size and functional constraints. Planning Permission was previously granted for the change of use of this space to a Class A1 retail use in 2017 (17/03142/FUL). In assessing the merits of this application it was determined by officers that the loss of the existing office space was acceptable though this change of use permission has not been implemented.

9.11. The loss of the office accommodation would facilitate the provision of seven new residential dwellings on the site, which is a material factor to consider in relation to the requirements of Policy E1 of the Oxford Local Plan. Considering this factor and the relatively poor standard of the existing office space, officers consider that the loss of the employment space on this site is acceptable and justified in line with Policy E1 of the Oxford Local Plan.

Replacement of Gurdwara

9.12. Policy V7 of the Oxford Local Plan specifies that the Council will seek to protect and retain existing cultural and community facilities. Planning permission will not be granted for development that results in the loss of such facilities unless new or improved facilities can be provided at a location equally or more accessible by walking, cycling and public transport.

9.13. Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

- 9.14. A section of the ground floor of the building is currently used by the Sikh Community as a Gurdwara (place of worship) and is understood to be the only Gurdwara in Oxfordshire. The building therefore provides an important and valued function for the local Sikh community, which should be protected accordingly in line with Policy V7 of the Local Plan and Paragraph 92 of the NPPF.
- 9.15. The quality of the facility is however limited in terms of its size, the condition of the building and the range of facilities available in the building. This is to a large extent due to the fact that the space is part of a former office conversion. It is reasonable to consider that a replacement purpose built building would better meet the needs of the community. In the existing building the prayer hall and kitchen, which are important in terms of the function of the building as a place of worship are very limited in size, particularly the kitchen space. Toilet facilities are also limited and accessibility is restricted, whilst the design of the building limits natural light.
- 9.16. The replacement Gurdwara would be located on the footprint of the existing single storey element of the building which is sited to the western side of the London Road frontage and would be sited over two floors. The design includes an enlarged kitchen, new dining hall and an enlarged prayer hall at first floor level. A small outdoor area of amenity space is proposed, adjacent to London Road, including a new entrance and active frontage to the street.
- 9.17. It is understood that the plans for the replacement Gurdwara have proved controversial with some members of the Sikh community, as evidenced within the public representations received, though there has also been support expressed for the replacement building.
- 9.18. When assessed objectively in line with Policy V7 of the Local Plan and Paragraph 92 of the NPPF, officers would conclude that the replacement Gurdwara would be considered an enhancement of the existing facility. The replacement Gurdwara would be much larger in terms of floor area, as this would be located over two floors rather than over a single floor as it is at present. Overall the floor area of the building used as a place of worship would increase from 141sqm to 239sqm. The range of facilities offered within the new building including an enlarged kitchen, dining hall, prayer hall and toilet facilities could only be considered an enhancement on the existing offering in planning terms. Furthermore, as discussed in further detail in the later sections of this report, the design of the replacement building is considered to be an enhancement on the existing building externally and internally. The design of the new building would offer increased natural light, improved accessibility and circulation. In terms of size, function and quality, officers consider that the proposed development would enhance the quality of what is a valued and important place of worship for the local Sikh community, it is therefore considered that the proposed development would comply with Policy V7 of the Local Plan and Paragraph 92 of the NPPF.
- 9.19. It is noted that concerns have been raised within representations that the Gurdwara may be lost should planning consent be partially implemented for only the residential element of the planning permission. Re-provision of the Gurdwara is vital in terms of justifying the in principle acceptability of the development.

Failure to re-provide the Gurdwara would be in direct conflict with Policy V7 of the Local Plan and Paragraph 92 of the NPPF. A planning condition requiring that the Gurdwara is completed before first occupation of the residential development would therefore be required.

9.20. Some concern has been expressed within the public representations regarding the provision of a place of worship for the Sikh community in the intervening period between the demolition of the Gurdwara and the construction of the replacement building. These are valid concerns though it would be beyond the scope of planning to require that another building in the local area is used for the purpose of a place of worship during this intervening period, as this is dependent on a range of external factors and the availability of facilities for use in the local area. Notwithstanding this, the applicants have suggested that facilities may be available in the local area from the autumn onwards at Cheney School and Barton Park Primary School and the applicants have reiterated that the community would not be deprived of a place of worship.

Affordable Housing

9.21. Policy H2 of the Oxford Local Plan requires on site affordable housing to be provided only on developments comprising 10 or more dwellings or on sites consisting of 0.5 hectares. The development would consist of 7 dwellings and the site area is below 0.5 hectares in size, therefore on-site provision of affordable housing would not be a requirement in line with Policy H2 of the Local Plan.

Housing Mix

9.22. Policy H4 of the Oxford Local Plan requires that new developments of 25 or more units outside of the City Centre and District Centres provide a mix of dwelling sizes, though only for the affordable element of developments. The proposed development would be below this threshold and there would be no requirement to comply with a specified mix of units. In any event it is considered that the constrained nature of the site in terms of available area and the spatial relationship between the site and adjacent uses, including residential uses and the Gurdwara use would limit the ability to provide larger dwellings on the site. Considering these factors it is considered that the provision of solely 1 and 2 bedrooms units would be appropriate in this instance.

Design

9.23. Policy DH1 of the Oxford Local Plan specifies that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

9.24. Policy CIP1 of the Headington Neighbourhood Plan states that new developments (including additions, alterations, change of use and extensions) will only be permitted where they respond to and enhance the distinctive local character. This may include consideration of aspects such as materials, scale,

siting use, layout, form, design and intensity of activity within the built environment and setting of the Headington Neighbourhood Plan Area.

- 9.25. The existing building, which would be removed does not make a positive contribution to the overall character and appearance of the area, moreover the ground floor elements of the building are broadly negative in terms of their visual appearance and general relationship with the streetscene and the design of the building offers a poor frontage onto London Road. The East facing frontage, which faces Northfield Road consists of a mainly blank elevation which relates poorly to the streetscene. Redevelopment of the site presents an opportunity to enhance the appearance of the street scene facing London Road and Northfield Road through the removal of the existing poorly designed building and their replacement with building of an enhanced design.
- 9.26. The massing of the proposed building varies between two and three storeys. The most sizeable three storey element would be sited on the south east corner of the site, adjacent to the junction of London Road and Northfield Road. This is considered appropriate given the prominence of the corner plot on what is a main thoroughfare into the city. The massing of the building along the Northfield Road frontage drops to two storeys, which ensures that the building relates more comfortably to the two storey residential development along the Northfield Road frontage adjacent to the site.
- 9.27. The existing single storey flat roofed element of the existing building relates awkwardly to the adjacent two storey pitched roofed building (291 to 293 London Road). There is a juxtaposition in the scale and ridge height of these existing elements. The addition of a two storey element along this section of the frontage would be an enhancement in terms of scale and massing and the contextual relationship between the building proposed on the site and adjacent building (No.289) which is also two storeys.
- 9.28. The replacement Gurdwara would add visual interest to the appearance of the street scene, through its distinctive roof form and brickwork. The addition of a new door opening and large windows at ground floor level is also a positive intervention, as the existing ground floor element of the building features obscure glazed doors and windows, resulting in an inactive frontage to London Road. The replacement building includes a new principal entrance to the London Road frontage, whereas the existing door opening is rarely used. The new entrance and outdoor amenity space would provide a positive connection between this new community facility and the street scene.
- 9.29. Both the flats and Gurdwara are of a contemporary design. This is considered acceptable within the context of the surrounding street scene which comprises varying architectural styles and eras ranging between late 19th Century, early 20th Century and 1970's residential apartments and houses to the south of the site. The use of red brick materials relates appropriately to a number of the existing houses on Northfield Road, whilst red brick is also commonly found along the London Road frontage.
- 9.30. Overall it is considered that the design of the replacement building would contribute positively to the appearance of the street scene in London Road

and Northfield Road and would be an enhancement on the existing buildings on the site. Ground floor amenity spaces, with low level walls, fencing and front facing windows along both frontages are an enhancement on the existing, mainly blank and inactive façade of the building along the Northfield Road and London Road frontages. The design is considered to contribute positively to the character of the area and is supportable in line with Policy DH1 of the Oxford Local Plan and Policy CIP1 of the Headington Neighbourhood Plan.

Amenity

Existing Occupiers

- 9.31. Policy H14 of the Oxford Local Plan states that planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Planning permission will not be granted for any development that has an overbearing effect on existing homes. The site lies in close proximity to two residential dwellings to the north (1A and 2 Northfield Road) as well as No. 303 London Road to the East and the impact of the development on the residential amenities of these properties must be duly assessed.
- 9.32. No. 1A Northfield Road has a number of south, side facing windows which face the site and the side elevation of the proposed apartments which would include 4 windows at ground floor level and a single window at first floor level. The existing access serving the rear parking area of the flats currently runs to the side of No.1A. A separation distance of 7.9 metres would be retained between the north elevation of the flats and south facing elevation of No.1A Northfield Road. In respect of the ground floor windows, one of these is understood to serve a bathroom/toilet space, whilst another serves as one of two windows serving a front room. The other window appears to serve as a secondary window for a habitable room. The loss of light to the ground floor windows would be minor, as demonstrated within the submitted daylight/sunlight assessment. Officers consider that the impact of the development would not significantly compromise the amenity of this property. A reasonable separation distance is also proposed, which in officer's view would ensure that the development would not appear overbearing in relation to this property and would mitigate any impacts.
- 9.33. Paragraph 123 of the NPPF also states that a flexible approach should be applied in considering policies relating to daylight and sunlight when considering applications for new housing, in order to achieve an optimum density of development. This is to ensure that the ability to make efficient use of a site is not inhibited (as long as the resulting scheme would provide acceptable living standards). Repositioning of the development to comply fully with the 45 degree code in respect of the adjacent ground floor windows would result in a reduction in the density of development, which officers consider would not be justified as acceptable living standards would still be retained for existing occupiers.

- 9.34. The first floor flat along the north elevation of the proposed building would face the side facing elevation of No 1a Northfield Road. The window serving flat 6 on the first floor of the proposed building is one of three windows serving a kitchen/living/dining room with the other two windows facing towards Northfield Road and the car park area to the rear of the Gurdwara. To prevent overlooking and loss of privacy to the facing sets of windows in the adjacent property, officers consider that it would be appropriate to condition that this window is fitted with obscure glazing in order to protect the amenity of the adjacent occupiers. Likewise there is a window serving a ground floor flat, which is a secondary window to a kitchen and living area which can also be conditioned to be obscure glazed.
- 9.35. The balconies and facing windows serving two bedrooms in two of the first floor flats would face the rear garden area of No.303 London Road to the east of the site (on the opposite corner with Northfield Road essentially). Presently this garden area is not overlooked as there is a single storey element of the existing development at No.295 along the opposite frontage facing Northfield Road. There would be a distance of 13.5 metres between the proposed balconies and side facing windows of the east elevation of the proposed development and the rear garden of No.303 London Road. Officers consider that this separation distance would be adequate and consider that the adjacent garden area would not be unacceptably overlooked. There are two side facing windows in a projecting rear gable serving No. 303 London Road. The windows serving the proposed flats (4 and 7) would not directly face into these windows, however in order to avoid overlooking privacy screens should be attached to the two balconies serving Flats 4 and 7 and these would be secured by condition.
- 9.36. In summary officers consider that the siting and scale of the development would not significantly compromise the amenity of existing occupiers by reason of overlooking, loss of light or overbearingness of the scale of the building. The development is therefore considered to comply with Policy H14 of the Oxford Local Plan.
- 9.37. It is noted that a number of representations have raised concerns about potential overlooking of the Gurdwara, as well as other issues associated with the compatibility of the residential and religious uses of the site and competing interests. In relation to overlooking, the rear facing balcony serving the single bedroom of flat 6 on the first floor of the building has been removed within the latest revised plans, which consequently reduces overlooking of the outdoor spaces immediately adjacent to the Gurdwara. Whilst there are windows facing the Gurwara serving flats 5 and 6, these windows face the Gurdwara and car park and do not face into the building itself. It is considered that the siting of the building and any west facing windows would not reasonably compromise the use of the Gurdwara.
- 9.38. It is noted that a number of public comments reference concerns regarding the incompatibility of residential uses and the relative proximity of the residential units to the Gurdwara, namely as occupiers of the flats could consume alcohol, meat or smoke, which is forbidden on religious grounds within the Gurdwara. Officers would make clear that this is not a material

planning consideration. It is noted furthermore that the Gurdwara is surrounded by residential dwellings and there is a first floor flat on the site at the present time. The orientation of the proposed flats would principally face away from the Gurdwara in terms of the siting of balconies and window openings. This would limit the impact of the residential element of the development on the Gurdwara in any event.

Future Occupiers

- 9.39. Policy H15 of the Oxford Local Plan states that planning permission will only be granted for new dwellings that provide good quality living accommodation and developments are required to meet the Governments Nationally Applied Minimum Space Standards for residential dwellings. The internal floor areas of the proposed dwellings meets the requirements of the Space Standards in terms of the extent of internal floorspace and the size and dimensions of individual rooms.
- 9.40. Policy H16 of the Oxford Local Plan outlines standards relating to external amenity spaces. It is specified that apartments should have access to external balcony spaces and/or communal garden spaces. Each of the proposed flats would be served by either private balconies, or in the case of the ground floor flats, small external garden spaces.
- 9.41. Policy RE8 of the Oxford Local Plan states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Officers consider that the siting of the Gurdwara is not incompatible with existing residential uses adjacent to the site and future use by occupiers of the new flats in terms of likely noise generation or disturbance, particularly as these uses co-exist already in close proximity. The Councils Environmental Health Officers have also assessed the proposals and consider that there would not be adverse disturbance to existing or future occupiers by reason of noise disturbance.

Transport

- 9.42. Policy M1 of the Oxford Local Plan outlines that a modal shift towards more sustainable means of transport including walking, cycling and public transport and a move away from private car ownership is required in order to meet the Council's sustainability objectives in relation to transport. The parking standards outlined under Policy M3 state that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development) planning permission will only be granted for residential development that is car-free.
- 9.43. London Road is a main thoroughfare and has double yellow line parking controls along the immediate extent of the road, on both sides in both directions adjacent to the site. The surrounding streets, including Northfield Road fall within the North Headington Controlled Parking Zone and are

subject of daytime parking restriction between 9am and 5pm, Monday to Friday. A significant proportion of Northfield Road includes double yellow lines, with parking prohibited outside of the marked areas, which are subject of CPZ parking restrictions.

- 9.44. The site is in a sustainable location in terms of access to public transport. The site is less than 100 metres from a bus stop served by regular services to the City Centre, as well as regular services to London. The site also lies within 300 metres of a local supermarket located at The Roundway and lies within 650 metres of the Headington District Centre. It is proposed that the residential element of the development would be car free. Accounting for the requirements of Policy M3 of the Local Plan, this would be expected and the development is considered to comply with the requirements of this element of the policy.
- 9.45. Policy M3 of the adopted Local Plan is not prescriptive of the number of parking spaces required for non-residential developments, which should be judged on individual merit accounting for the need to promote sustainable means of travel. The presumption will be that vehicle parking will be kept to the minimum necessary to ensure the successful functioning of the development. In the case of the redevelopment of an existing or previously cleared site Policy M3 states that there should be no net increase in parking on the site and the Council will seek a reduction where there is good accessibility to a range of facilities.
- 9.46. There is an existing area of parking for use by the Gurdwara to the rear of the building, accessed from Northfield Road. The proposals include the provision of five parking spaces, one of which would be a disabled space. Whilst the existing arrangement of parking bays is not formalised, it is stated that there is room for up to ten vehicles. The proposals would see a reduction in the number of parking spaces serving the Gurdwara. The floorspace associated with the Gurdwara would increase in size, which may feasibly result in an increase in the use of the building. Notwithstanding this, Policy M3 of the Oxford Local Plan clearly states that there is a need to minimise parking to an operational minimum when considering applications for non-residential development. As referenced in the above paragraphs there are bus stops within 50 metres of the site on London Road and the site lies in close proximity to the Headington District Centre and would be considered a sustainable location.
- 9.47. Oxfordshire County Council as statutory Highways Authority has assessed the proposals and consider that the development would not be detrimental in highway safety and amenity terms, subject to the provision of a car parking layout plan to demonstrate that all car parking spaces meet minimum dimensions. The County Council has recommended that the new dwellings should also be excluded from obtaining residents parking permits to ensure that existing on street parking is not impacted by the development. These requirements can be secured by condition.
- 9.48. Policy M4 of the Oxford Local Plan requires that at least 25% of all new non-residential parking spaces shall be provided with electric vehicle charging points. It would therefore be a requirement that at least one of the new parking spaces

in the development is provided with an EV charge point. This requirement would be secured by planning condition.

9.49. Policy M5 of the Oxford Local Plan outlines minimum cycle parking requirements for new development in the city. The proposals include the provision of 12 cycle parking stores to serve the residential element of the development, which would be in line with the requirements of Policy M5 and would be secured by condition.

9.50. In summary it is considered that both the residential and non-residential elements of the development are in line with the Council's parking requirements outlined under Policy M3 of the Oxford Local Plan. The reduction in parking associated with the Gurdwara aligns with the requirements of Policy M3, which allows for reduced parking on redeveloped non-residential sites in CPZ's, where these sites are considered to be within sustainable locations, which would be the case in this instance. Officers therefore consider that subject to appropriate conditions, the development would not be of detriment to highway safety and amenity and the development would comply with Policy M3 of the Oxford Local Plan.

Trees

9.51. Policy G7 of the Oxford Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure including trees where this would have a significant adverse impact upon public amenity or ecological interest.

9.52. There are two prominent street trees to the front of the existing building, adjacent to London Road, which provide an important contribution to the visual amenity along this section of London Road. There is also a Category B Flowering Cherry Tree to the rear of the site adjacent to the car park.

9.53. A Tree Survey Report has been prepared for the site and officers are satisfied that the proposed development would not result in significant harm to the trees adjacent to the site, providing the advice contained within the submitted report is followed. An Arboricultural Method Statement is required by planning condition along with a requirement that the development is carried out in accordance with the approved tree protection plan.

9.54. Subject to these conditions it is considered that the development would comply with Policy G7 of the Oxford Local Plan.

Flooding

9.55. The site lies in Flood Zone 1 and is considered to be at a low risk of flooding. The site does lie within the catchment zone for the Lye Valley fen SSSI, which is sensitive to changes in water quantity and quality. A SUDs scheme will be required by planning condition, which would require the use of inert gravel materials. Subject to compliance with these conditions, the proposed development would comply with Policies RE3 and RE4 of the Oxford Local Plan.

Energy/Sustainability

- 9.56. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments.
- 9.57. An energy statement has been provided, which outlines sustainability measures within the design of the building and means of carbon reduction technologies. The specific measures proposed include:
- Installation of solar pv panels across the roof of the building.
 - Thermal performance of building envelope to exceed building regulations Part L.
 - Green roof system.
 - Orientation and design to achieve passive solar gain.
- 9.58. Planning permission will only be granted for development proposals for new build residential which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations (or future equivalent legislation) compliant base case. Assurance has been sought by officers that this requirement can be met, accounting for the design of the development, which the applicants have confirmed would be the case. Officers are satisfied that this target can be met, however in order to demonstrate that this requirement is adequately met a condition is recommended requiring the submission of an updated Energy Statement confirming that the development complies with the 40% carbon reduction target outlined under Policy RE1 of the Oxford Local Plan.

Ecology

- 9.59. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted. Compensation and mitigation measures must offset any loss to site biodiversity and achieve an overall net gain for biodiversity.
- 9.60. An Initial Ecological Assessment and Protected Species Survey was prepared in May 2020. The survey concluded that the structure was of negligible potential to support roosting bats, with no substantive features of value to roosting bats identified. A pre-commencement internal assessment of the loft void should be undertaken for completeness, to ensure no evidence of historic bat roosting activity is found. In addition, details of ecological enhancements should be provided by condition. Subject to the provision of these details by condition the development would comply with Policy G2 of the Oxford Local Plan.

10. CONCLUSION

- 10.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. In the context of all proposals paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development. This means approving development that accords 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: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3. The application proposes the redevelopment of a brownfield site to provide 7 residential dwellings and a replacement, enlarged Gurdwara. The redevelopment of this brownfield site would represent a sustainable and efficient use of the site consistent with Policy RE2 of the Oxford Local Plan and Paragraphs 117 and 118 of the NPPF. The proposals would provide a total of 7 new homes, which would provide a small, yet valued net contribution of an additional 6 dwellings towards local housing need.
- 10.4. It is proposed that the Gurdwara, which serves an important function for the Sikh community in Oxfordshire would be re-provided on site. Officers consider that the replacement Gurdwara would be an enhancement of the existing facility in terms of size, design quality and functionality. As the proposals would provide an improved, replacement place of worship on site, it is considered that the proposals would comply with Policy V7 of the Oxford Local Plan and Paragraph 97 of the NPPF. The re-provision of the Gurdwara will be secured by planning condition, requiring the facility to be completed before first occupation of the residential dwellings.
- 10.5. Whilst there would be a limited impact on the residential amenity of the adjacent properties at No.303 London Road and No.1a Northfield Road by reason of loss of light and overlooking respectively, it is considered that the overall impact on residential amenity would not be significantly detrimental and the development is considered to comply with Policy H14 of the Oxford Local Plan. It is also considered that the new residential dwellings and Gurdwara can feasibly co-exist on the site without having a mutually compromising impact.
- 10.6. It is proposed that the residential element of the development would be car free, which would be in line with Policy M3 of the Oxford Local Plan. Residential parking would not be required, as the site falls within a CPZ and lies within a sustainable location in terms of access to public transport. A reduction in parking is proposed for the Gurdwara and it is noted that a number of representations raise concerns in respect of this matter. Policy M3 of the Oxford Local Plan

promotes a reduction in parking on sites subject of redevelopment, where this is reasonably justified. In this instance the application site is within a sustainable location, subject of existing parking controls. Policy M3 of the Local Plan aims to achieve a modal shift away from private car use towards more sustainable means of transport, so there should not be a reliance on on-site parking provision. In this instance it is considered that the reduction in on-site parking is justified as users of the Gurdwara would be in a position to access the site through alternative means of transport and sufficient controls exist to limit off-site parking within the surrounding streets.

10.7. It is therefore recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 11 below.

11. CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development referred to shall be constructed strictly in complete accordance with the specifications in the application and the submitted plans.

Reason: To avoid doubt as no objection is raised only in respect of the deemed consent application as submitted and to ensure an acceptable development as indicated on the submitted drawings.

3. Samples of the exterior materials to be used shall be submitted to, and approved in writing by, the Local Planning Authority before the start of work on the site and only the approved materials shall be used.

Reason: In the interests of visual amenity in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

4. Prior to first occupation of the development the windows in the north facing elevation of the building serving Flats 3 and 6 shall be fitted with obscured glazing and shall be retained in that condition thereafter.

Reason: In the interests of preserving the amenity of existing and future occupiers, in accordance with Policy H14 of the Oxford Local Plan 2016-2036.

5. Prior to occupation of the new residential units hereby permitted, a design and specification of the privacy screening to be installed on the balconies serving the apartments shall be submitted to and approved in writing by the Local Planning Authority. The approved privacy screens shall be installed prior to first occupation of the new residential units and shall be retained thereafter.

Reason: In the interests of preserving the amenity of existing residential occupiers, in accordance with Policy H14 of the Oxford Local Plan 2016-2036.

6. A watching brief shall be undertaken throughout the course of the construction of the development to identify any unexpected contamination. Any contamination that is found during the course of construction of the approved development shall be reported immediately in writing to the Local Planning Authority.

Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016-2036.

7. Prior to the commencement of development, plans, calculations and drainage details to show how surface water will be dealt with on-site through the use of sustainable drainage methods (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The plans, calculations and drainage details shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics.

The plans, calculations and drainage details submitted shall demonstrate that;

- I. There will be no reduction in the quantity or quality of groundwater recharge, or an increase in surface water run-off.
- II. The drainage system is to be designed to control surface water runoff for all rainfall up to a 1 in 100 year storm event with a 40% allowance for climate change.
- III. The rate at which surface water is discharged from the site may vary with the severity of the storm event but must not exceed the greenfield runoff rate for a given storm event.
- IV. Excess surface water runoff must be stored on site and released to receiving system at greenfield runoff rates.
- V. Where sites have been previously developed, betterment in runoff rates will be expected, with discharge at, or as close as possible to, greenfield runoff rates. Any proposal which relies on Infiltration will need to be based on on-site infiltration testing in accordance with BRE365 or alternative suitable methodology, details of which are to be submitted to and approved by the LPA. Consultation and agreement should also be sought with the sewerage undertaker where required.

The development shall be carried out in accordance with the approved details.

Reason: To ensure compliance with Policies RE3 and RE4 of the Oxford Local Plan and in the interests of drainage in the Lye Valley SSSI.

8. A SuDS maintenance plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Sustainable Drainage (SuDS) Maintenance Plan shall be completed by a suitably qualified and experienced person in the field of hydrology and hydraulics. The SuDS maintenance plan shall provide details of the frequency and types of maintenance for each individual sustainable drainage structure proposed and ensure the sustainable drainage system will continue to function safely and effectively in perpetuity. The development shall only be completed in accordance with the approved details and maintained as such thereafter.

Reason: To ensure compliance with Policies RE3 and RE4 of the Oxford Local Plan and in the interests of drainage in the Lye Valley SSSI.

9. Inert gravel materials shall be used in any Sustainable Drainage system.

Reason: To ensure groundwater chemistry upstream of the Lye Valley Sites of Special Scientific Interest (SSSI) is maintained and to comply with policies RE3 and RE4 of the Oxford Local Plan 2016-2036.

10. Prior to commencement of development, an application shall be made for Secured by Design (SBD) accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To ensure that the design approach limits opportunities for crime in accordance with Policy DH1 of the Oxford Local Plan 2016-2036.

11. The development hereby permitted shall not be occupied until the Order governing parking in the Headington North Controlled Parking zone has been varied by the Oxfordshire County Council as highway authority to exclude the site, the subject of this permission, from eligibility for residents' parking permits and residents' visitors' parking permits unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development or change of use does not generate an increase in parking demand, restrict existing residents' access to on-street parking and to ensure that the low car nature of the development is met and to comply with policy M3 of the Oxford Local Plan 2016-2036.

12. Prior to commencement of the development above ground, a plan detailing the layout of the car parking area shall be submitted to, and approved in writing by the Local Planning Authority. The Car Park Layout Plan shall demonstrate and ensure that all car parking spaces meet the minimum dimensions required and can be safely and easily accessed. The development shall be carried out in accordance with the approved details and

shall be completed prior to first occupation of the development. The approved parking layout shall be retained thereafter.

Reason: In the interest of highway safety and to comply with policy M3 of the Oxford Local Plan 2016-2036.

13. A Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. This should identify;

- The routing of construction vehicles,
- Access arrangements for construction vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

The construction phase of development shall be carried out in accordance with the agreed CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times and to comply with the NPPF.

14. Prior to the first occupation of the development, details of the electric vehicle charging infrastructure to serve at least 25% of the parking bays shall be submitted to and approved in writing by the Local Planning Authority. The approved infrastructure shall be provided prior to first occupation and shall remain in place thereafter.

Reason: To ensure provision for low emissions vehicles in accordance with Policy M4 of the Oxford Local Plan 2016-2036.

15. Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees; in compliance with Oxford Local Plan Policy G7.

16. The development shall be carried out in strict accordance with the approved tree protection measures contained within the planning application details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect retained trees during construction. In accordance with Policy G7 of the Oxford Local Plan 2016-2036.

17. A detailed Arboricultural Method Statement (AMS) setting out the methods of working within the Root Protection Areas of retained trees shall be submitted to and approved in writing by the Local Planning Authority (LPA) before any works on site begin. Such details shall take account of the need to avoid damage to tree roots through excavation, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with the approved AMS unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction. In accordance with Policy G7 of the Oxford Local Plan 2016-2036.

18. In accordance with the recommendations of the Initial Ecological Assessment & Protected Species Survey produced by Windrush Ecology (May 2020) an internal assessment of the loft void shall be undertaken prior to the commencement of the development. The details of this survey shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of development. The approved measures shall be implemented within the completed development.

Reason: To comply with the requirements of The Conservation of Habitats and Species Regulations 2017 and to protect species of conservation concern.

19. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. A minimum of 2 dedicated Swift boxes shall be provided. The approved details shall be installed prior to first occupation of the development and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

20. Prior to the commencement of development an updated Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The updated Energy Statement shall confirm that the residential element of the development achieves at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewable energy and other low carbon technologies. The approved measures shall be implemented before first occupation of the development and shall be retained thereafter.

Reason: To ensure the incorporation of sustainable design and construction with the approved scheme and to ensure carbon reduction in line with Policy RE1 of the Oxford Local Plan.

21. That part of the development comprising the Gurdwara (place of worship) shall be completed and provided prior to the occupation of any part of the residential element of the scheme and the residential element of the development shall not be occupied until such time as the floor space within the development, as shown on the approved plans (17089-OA-B1-3001; 17089-OA-B1-3002) to be used as a Gurdwara has been completed and provided solely for the purposes of this use. Once provided, the area of the building to be used as a Gurdwara shall only be used as a Sikh place of worship and shall not be used for any other purpose, including any other use falling within Class F1 of The Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To ensure the re-provision and subsequent retention of an important community facility in accordance with Policy V7 of the Oxford Local Plan 2016-2036 and Paragraph 92 of the NPPF.

12. APPENDICES

- **Appendix 1** – Site location plan

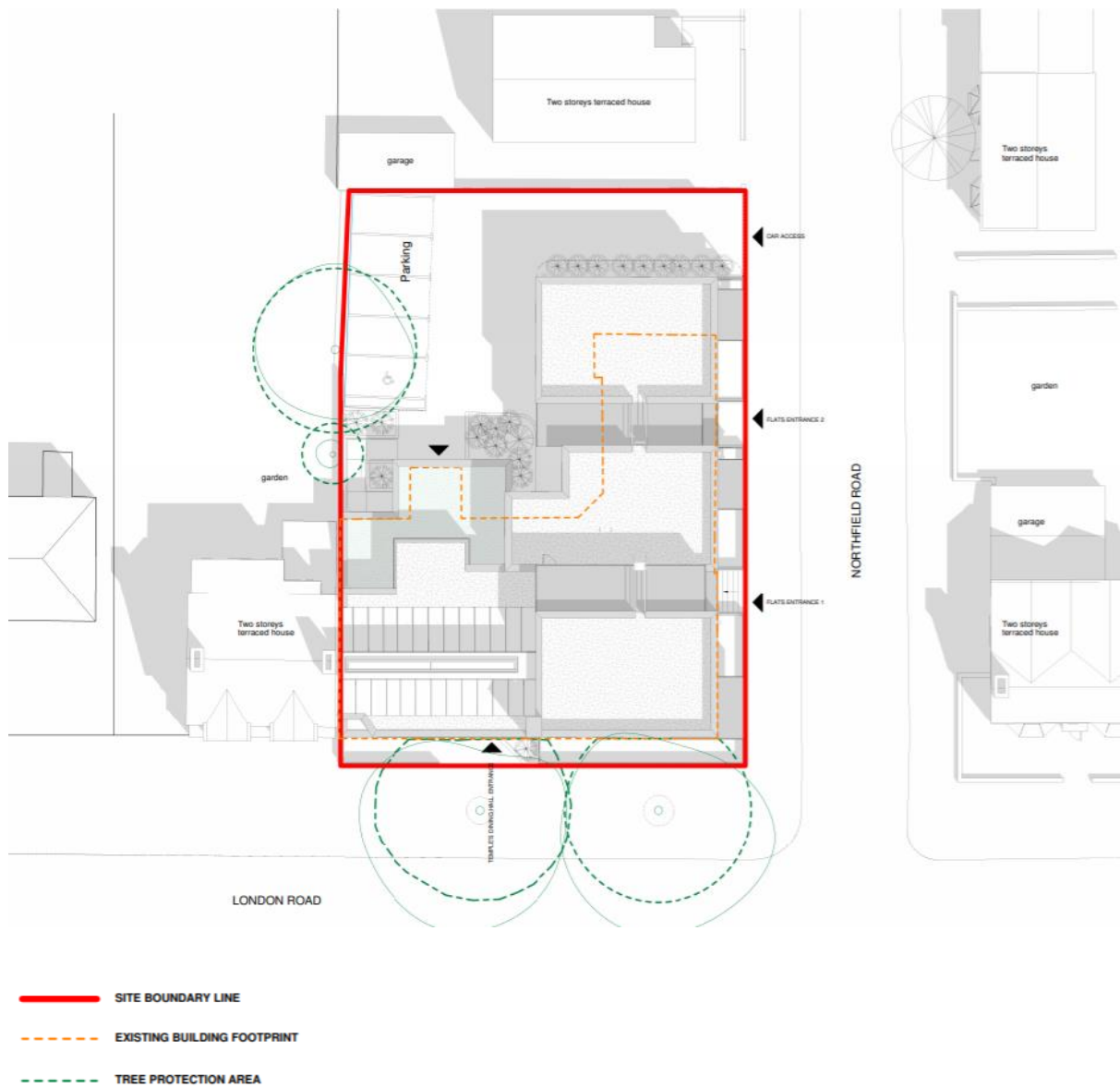
13. HUMAN RIGHTS ACT 1998

- 13.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

14. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 14.1. 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

Appendix 1 - 20/00856/FUL – Site Plan



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EAST AREA PLANNING COMMITTEE

02.09.2020

Application number:	20/00821/FUL		
Decision due by	27th May 2020		
Extension of time	10th September 2020		
Proposal	Redevelopment of existing light industrial unit to provide 5 x 2-bed flats, 2 x 3-bed dwellings and 2 x 4-bed dwellings (Use Class C3) provision of private amenity space, car parking and bin and bicycle storage. Demolition of garage to no. 10 Marshall Road to enable improvements to access from the public highway.		
Site address	Rear Of, 10 - 28 Marshall Road, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Lye Valley Ward		
Case officer	Clare Gray		
Agent:	Mr Simon Sharp	Applicant:	Drennan International Ltd
Reason at Committee	Development is over 5 houses		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to **REFUSE** planning permission for the following reasons :

1. The proposed development has failed to demonstrate that the proposal makes the best use of the site's capacity through exploring all available opportunities in a manner compatible with both the site itself and the surrounding area. The development therefore results in an inefficient use of the land contrary to the aims and objectives of policy S1 and RE2 of the adopted Oxford Local Plan 2036
2. The proposed development by reason of its siting, layout, scale and appearance fails to provide a high quality residential development that responds to the local vernacular, is locally distinctive and provides a sense of place for the occupiers of the development, contrary to policies in the NPPF and DH1 of the adopted Oxford Local Plan 2036.
3. The proposed development fails to provide safe and convenient bike storage within the curtilage of the dwellinghouses to the south east of the site. Had the above reasons for refusal not have applied, the LPA would have sought amended plans to demonstrate that bike storage for the

occupiers of the houses could be provided in a safe, accessible and convenient manner on site and within the rear curtilage of the houses, therefore promoting and supporting alternative modes of transport in accordance with sustainability objectives and policy M5 of the Oxford Local Plan 2036.

1.2 agree to delegate authority to the Head of Planning Services to:

finalise the reasons for refusal as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary;

2. EXECUTIVE SUMMARY

- 2.1. This report considers the development proposal, having regard to its current employment use, making the best use of the site and the scale, massing, form, siting and layout and the impact of the proposal on the context of the site in its surroundings, as well as other development management policies.
- 2.2. Officers have considered carefully the loss of the current low employment use of the site and consider that the principle of redeveloping this brownfield site has the scope to deliver housing, vital for Oxford's needs. However, in this instance, the applicant has failed to demonstrate through evidence that the scheme maximises the use of this site and maximises the opportunity to redevelop the site in a way that optimises the use of the site whilst still providing a mix of housing and having regard to the character and appearance of the area.
- 2.3. Officers also considered the site's layout, scale, form and character, and conclude that the scheme does not deliver a high quality residential environment for its residents, with a site layout that is dominated by the provision of turning space and parking, and it does not respond in a positive way to the local character and context of the locality through shared amenity space and areas to play. The scale of the buildings are at odds with neighbouring buildings and the appearance of the buildings do not reflect the local vernacular, characterised by interwar housing, not responding to the local character and context in a positive way.
- 2.4. Finally the report considers that had the above reasons for refusal not have applied, amended plans would have been sought in respect of cycle storage for the dwellings to the south east of the site. As currently sited the cycle storage is removed from the dwellings, in a less convenient and safe position for the occupiers of these properties. Amended plans would have been sought that places cycle stores in rear gardens in a safe, convenient and accessible manner.
- 2.5. The report concludes that in light of the above issues and when considered against the NPPF and adopted Development Plan policies the proposal is contrary to the Development Plan and NPPF and is recommended for refusal.

3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement as the scheme is less than 10 dwellings (see affordable housing delivery section below)

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The application site relates to a brownfield site located to the rear of houses on Marshall Road, a residential road of interwar housing that is located to the east of Oxford. The site runs parallel, and to the south of nos. 10-28 Marshall Road. The site area is 0.21ha.

5.2. The site is accessed by an unfinished road to the side of 10 Marshall Road. This provides access to a large single storey brick warehouse building which sits within the middle of the site. The Planning Statement indicates that the site is used as a secondary storage facility for a manufacturing company that has since moved its primary function making fishing tackle to a site in Berinsfield. The applicant uses this building as ancillary storage.

5.3. The site is surrounded on all boundaries by residential dwellings.

5.4. See location plan below:



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6. PROPOSAL

- 6.1. The application proposes to demolish the existing storage building and to redevelop the site for housing, providing a total of 9 units overall, comprising 5 x 2 bed flats, 2 x 3 bed houses and 2 x 4 bed houses.
- 6.2. The site layout shows that access will be provided alongside 10 and 8 Marshall Road and will necessitate the removal of a garage and shortening of the garden to no. 10 to facilitate the scheme.
- 6.3. On entry into the site would be a flatted block of 5 units to the west of the site with a turning head in front and a row of 4 houses to the rear to the east. Parking will be provided for the development in front of the houses and to the rear of the flatted block for a total of 9 cars (as amended, more details at 6.4 below). There will be further parking for 10 Marshall Road provided to the rear of this property in the form of one car parking space in a lay-by arrangement adjacent to the access road.
- 6.4. The application has been modified during the course of the application to increase landscape planting on the site so that it has a more landscape led layout, with tree planting and grassed areas. As mentioned above this has resulted in the total number of car parking spaces being reduced from 11 to 9 for the new flats and houses plus one space for 10 Marshall Road.
- 6.5. Amenity space for the flats will be provided with a balcony and a rear garden will provide amenity space for the houses to the east.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

54/03435/A_H - Caravan. TEMPORARY PERMISSION 23rd February 1954.
55/00435/D_H - Single storey building (in principle). PERMITTED 22nd November 1955.
55/00436/D_H - Workspace store etc. (in principle). REFUSED 22nd November 1955.
55/04741/A_H - Change of use to offices and car park. REFUSED 16th September 1955.
56/05139/AA_H - Alterations and additions. PERMITTED 14th August 1956.
56/05139/A_H - Building for storage of cars. PERMITTED 24th April 1956.
75/01087/A_H - Existing use to be varied by deleting the conditions that:-a)

Consent Shall ensure for benefit of Kennings onlyb) That work shall be restricted to Nuffield pre-delivery service. WITHDRAWN 20th December 1975.

76/00304/A_H - change of use from light industrial to builders yard with ancillary facilities. WITHDRAWN 1st July 1976.

76/00927/A_H - Change of use from light industrial to furniture depositing for Luke Brothers Ltd.. REFUSED 19th January 1977.

87/00895/NF - Continuation of use of premises for Class III light industrial (now Class B1) as approved under A5005 without compliance with conditions 2 and 5 (limiting the use to Kennings Ltd and Nuffield Pre-delivery service). PERMITTED 6th November 1987.

This was permitted subject to the following conditions :

1. Development to be carried out in accordance with approved details.
2. Development to be commenced within 5 years of the date of the permission.
3. Consent to be personal to Drennan International Ltd, excluding office use other than ancillary office accommodation to serve production activity.
4. Submission of landscape plan prior to the commencement of development, including a survey of existing trees, proposed trees and paved/grassed areas.
5. Landscaping to be carried out upon substantial completion of the development.
6. Drawing showing hard surfacing to be provided concurrent with soft landscaping.
7. Working hours restricted to 0730 – 1800 (Monday to Friday) and 0730 – 1300 on a Saturday. No work on Sundays or Bank Holidays.
8. Noise from operations to be restricted to 47dBa 60 second leq as measured from the boundary to the site
9. The rear corrugated brick and asbestos wall to be removed and rebuilt in brickwork to match the existing building, with the only opening to remain within the rebuilt wall being a single pedestrian entrance.

99/00059/NF - Demolition of detached building and extension to remaining warehouse to provide 154 sq. m. additional floor space.. PERMITTED 25th June 1999, but was not implemented.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	117-123, 124-132	DH1, DH2,	
Conservation/ Heritage	184-202	DH3	
Housing	59-76	H2, H14, H15, H16, RE7	
Commercial	170-183	E1	
Natural environment	91-101	G2, G7, G8	
Social and community	102-111	RE5	
Transport	117-123	M1, M2, M3, M4, M5	Parking Standards SPD
Environmental	117-121, 148-165, 170-183	S1, RE1, RE2, RE3, RE4, RE6, RE9	Energy Statement TAN
Miscellaneous	7-12	SR1, SR2	External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 6th April 2020.

Statutory and Non Statutory representations

9.2. Oxfordshire County Council (Highways) - The proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to conditions

9.3. Thames Valley Police Crime Prevention Design Adviser – Does not object, but raises concerns regarding design features of the scheme.

Public representations

9.4.20 comments were received on this application from addresses in Marshall Road, Wilkins Road, Bleache Place. All representations make objections to the scheme.

9.5. In summary, the main points of objection were:

- Concern that the development will overlook and have an impact on neighbouring properties. Loss of privacy to nearby properties, building too high with balconies and windows facing neighbouring properties
- Height of the flats are higher than the existing building roofs, blocking out natural light into the neighbouring gardens
- Concern with noise and disturbance
- Potentially as many as 45 people moving into the dwellings, which will have an impact on parking; more traffic to the area. Parking is already an issue in the road. There is an inadequate amount of parking provision for the number of residents and visitors and increased street parking will reach dangerous levels. The transport statement states occasional on street parking in Marshall Road. This is not correct with the road being used by residents of Marshall Road, Brookes Hall of Residence, Smith and Lowe etc. Having one parking space per household, will not be sufficient. Council are already aware of traffic congestion in the area, this development will only increase the traffic problem.
- Disturbance to the wildlife on the site (namely bats). There is also a number of rare birds, squirrel and foxes have been seen in the vicinity of the site
- Number of potential occupants will put pressure on local amenities/health resources (i.e. doctor surgeries)
- This is an excessive development of non-affordable housing
- Development will be health and safety hazard from increased traffic on Marshall Road access to Hollow Way recreation ground
- Concern with surface water rain water will be drained on to Wilkins Road, if not managed properly, properties can get flood with excess water flow into properties
- The site has a narrow access (even with the garage of no. 10 Marshall Road being removed). The site is being over developed with so many dwellings in a small area.
- Development will have an impact on the character of the area and is too big. A multi-storey building like this is unconscionable in such a small area and being surrounded by standard two storey houses
- Increase in pollution will be the result of so many dwellings with cars backing onto gardens
- Bin storage should be provided on the site of each dwelling and not altogether. This will become a dumping area and attract vermin.

- Bike racks should be provided in the gardens of each dwelling
- As Marshall Road is a narrow road with added cars parking on both sides of the road, this will have restrictions of emergency vehicles have access. This will also be the case for refuge and delivery vehicles
- Proposed development is too close to boundary fencing
- The transport statement (2.2) reports no recorded collisions. There has been damage to numerous cars parked in Marshall Road over the yeaPrevious applications on this site, which have been on smaller scale, have been rejected

Officer response

9.6. Officer's comments and response to any of the points above will be dealt with later in the report in the following section. However to clarify, there have been no recent applications on this site.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Making efficient use of land
- Delivering affordable housing
- Impact on the character and appearance of the area
- Indoor and outdoor amenity
- Impact on residential amenity
- Highways
- Refuse arrangements and bin storage
- Flooding and drainage
- Archaeology
- Biodiversity
- Land contamination
- Air Quality
- Trees

a. Principle of development

10.2. The National Planning Policy Framework encourages the efficient use of previously developed land. The adopted Local Plan S1 sets out the strategy of the presumption in favour of sustainable development and the focus of new development on intensifying development on previously developed land, as it acknowledges this is not only the best practice but essential in a constrained urban environment like Oxford.

- 10.3. The site is an employment site by reason of its planning history and its current use as a secondary storage site. The site would be identified as a Category 3 site under policy E1 of the adopted Local Plan. This policy states “Proposals for residential development on Category 3 employment sites will be assessed by a balanced judgement which will take into account a number of objectives including the desirability of meeting as much housing need as possible, the need to avoid loss of or significant harm to the continued operation or integrity of businesses and employment sites; the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place and the desirability of achieving environmental improvements such as biodiversity gains, improvement of living conditions and planting. The loss of Category 3 sites to housing therefore is a balancing exercise.
- 10.4. In response the agent advises this is an area of the city which is considered to be sustainable and an appropriate location for residential development. In their opinion the site is proposed to be developed at a density that is compatible with the density of surrounding development, and comprises development of a brownfield site reducing the need to build on greenfield land. Subsequently, the agent argues that more effective use of the site can be made than is currently used, with the mix of unit sizes responding to prevailing character. In terms of the ongoing operational use of the site, the agent advises the site is located off a narrow access off Marshall Road and the existing building and site are no longer suitable for their authorised purpose as light industrial use. Until 2010 it was being occupied as a main dispatch warehouse until the company moved to Berinsfield. The site is now used as overflow storage for the company with 2 employees. Officers are advised that the company has purchased another larger warehouse in Berinsfield, therefore removing the need for this building. Having regard to a sense of place close to facilities, the Planning Statement remarks this is a suburban location with good walking access to services and thus will provide a good standard of residential living conditions. Finally in respect of environmental enhancement, the agent argues this is a chance to redevelop a brownfield site and make ecological enhancements.
- 10.5. Overall it is considered that this would present an opportunity to redevelop a previously developed site to bring forward housing that would contribute to meeting Oxford’s housing need. The site currently generates a very low number of jobs and this is acknowledged in the balancing exercise. Through assessment against development management policies below, the site has the scope to provide a good standard of accommodation and to provide ecological and environmental gains. Therefore taking all factors into account, it is considered on balance that the principle of the redevelopment of this site is acceptable.

Making an efficient use of land

- 10.6. The Oxford Local Plan 2036 states in policy RE2 that planning permission will only be granted where development proposals make maximum and appropriate use of the land. The NPPF further makes it clear that maximizing the use of sites to deliver housing is a key planning objective.

- 10.7. The proposal is to redevelop the site to provide 9 units, with 5 provided as flats within a block on the entrance into the site and 4 dwellings in a terrace formation to the rear. However, it is considered there is scope to accommodate a higher number of units within the site whilst still providing a scheme that responds favourably to the interwar context of the site. Such a development could comprise two blocks of flats or a row of terraces through the site in an east west direction.
- 10.8. In the pretext to policy RE2 it makes it clear that sites like these are vital for bringing forward housing development and to meeting Oxford's high levels of need.
- 10.9. This issue has been raised with the agent and an evidence based assessment has been asked to be provided to demonstrate that "opportunities for developing the site at the maximum density has been fully explored" (criterion c) of the policy. Presently the current density of dwellings as proposed is 42 dph, but there could be scope for a higher number. The agent was asked to respond on this matter and advised that the current provision provides for a mix of 2, 3 and 4 bed units therefore providing smaller units as well as family units. They argue that to provide for the same level of occupiers would necessitate the erection of flats which would remove family size dwellings from the mix currently provided. So whilst they agree that the units could be increased, they argue that the provision of bigger houses would have to be removed in favour of smaller units.
- 10.10. Policy H4 of the adopted Local Plan 2036 requires residential development to deliver a balanced mix of dwelling sizes to meet a range of housing needs and create mixed and balanced communities. It does not prescribe what that mix should be. Currently as provided the scheme is considered to provide a mix of dwelling sizes.
- 10.11. It is vital for housing delivery in Oxford that these sites are maximised to bring forward the best use of the site. However, whilst it is acknowledged that by increasing the number of units on site could impact on the mix of dwellings, particularly family dwellings, this has not been demonstrated with evidence. Such evidence could be through the submission of plans that demonstrate that a mix of dwellings cannot be maintained as well as increasing the density of the site, and potentially delivering affordable housing. In the absence of any further analysis to substantiate this, it is considered the application has not demonstrated that all opportunities for maximising the efficient use of land have been explored and that the site couldn't accommodate a greater number of units as well as providing a balanced mix.
- 10.12. Overall, it is considered the proposal is considered contrary to the guidance in the NPPF to maximise the use of land and contrary to the overarching policy S1 of the Local Plan and policy RE2 of the Local Plan.

b. Delivering Affordable Housing

- 10.13. Policy H2 of the Oxford Local Plan 2036 states that planning permission will only be granted for residential development of affordable homes if they accord with the criteria within the policy. On self-contained residential developments

where sites have a capacity for 10 or more homes or exceed 0.50 ha, a minimum of 50% dwellings should be provided as affordable.

10.14. In this case the site area is 0.21ha and is a scheme for 9 dwellings and wouldn't trigger the above policy.

10.15. It is clear however, that having regard to the conclusions in the preceding section of maximising the use of the site, that the site could have the ability to deliver affordable housing. By increasing the density of the site as stated above, which has not been demonstrated, also could bring forward the opportunity for affordable housing which would be a significant gain in planning terms, not only maximising the use of the site but also maximising the site's ability to provide affordable housing. However, this of course needs to be tested against policies in the Local Plan.

c. Impact on character and appearance of the area

10.16. Policy DH1 of the adopted Oxford Local Plan states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness. All developments will be expected to be supported by a constraints and opportunities plan and supporting text to explain design rationale in a design statement proportionate to the proposal

10.17. The development lies to the rear of interwar housing typical of this part of East Oxford, which comprises mainly semi-detached housing with long rear gardens.

10.18. The proposal comprises a flatted block in the centre of the site and terraced housing to the east. There is turning provision for servicing and deliveries to the end of the access road from Marshall Road and then a further parking area and turning space between the flats and the terraced dwellings.

10.19. Siting and layout: Being a rear backland site, the site does not have a prominent legible position on the main road, however, this does not diminish the need to plan appropriately for the site, to create an appropriate residential environment that responds to the site's context and creates a desirable high quality space for residents.

10.20. Officers note that the site is restricted, but that the siting and layout of the buildings do not provide any shared outside space, and that the dwellings are centred around and dominated by parking and turning space that in turn contributes to a feeling of enclosure and would not create a strong sense of place. With such a layout, hardstanding dominates the landscape and means there is little opportunity to create amenity space and an area for informal play, which is desirable. A scheme with two areas for turning and parking is considered excessive and a missed opportunity to enhance the quality of the public realm. In response the applicant has made changes to the layout to remove 2 car parking spaces reducing it from 11 to 9, and to increase landscaping to the front of the block of flats which is amended to provide a sense of place upon arrival into the site so that is not dominated by car parking. This amendment has been reviewed and it is considered whilst this is an improvement over the original layout, that ultimately this is still a layout that is

dominated by vehicles, which does not optimise the sense of place and public realm of occupiers.

10.21. Scale and appearance: The flatted block is of a conventional appearance of 2.5 storey but includes a tall traditional pitch that creates a deep roof span. The dwellings to the east are 2.5 storey with accommodation in the roof with the gable facing east west. This pair of semis creates therefore a run of gable roofs that are at a clear contrast to the vernacular of the interwar housing that surrounds the site, which is of standard 2 storey scale and appearance. The result of this is that the scale of the buildings would be greater than those surrounding, at odds with the vernacular and context of the site. Officers consider that given the constrained nature of the site surrounded by residential buildings of a particular style, the scale of the proposed buildings and particularly the roofs larger than neighbouring buildings, would jar with the prevailing character of buildings and consequently be out of place. The gabled roofs, coupled with their height would specifically be out of character and introduce a building form not in keeping with the context of Marshall Road. Whilst these buildings are not sited onto the road, the buildings are visible in views between houses on Marshall Road and Wilkins Road. Overall it is considered the scale of the buildings and their appearance would not be appropriate in their context, and would not be distinctive.

10.22. Officers have discussed this with the agent/applicant and in response they have stated that many neighbouring houses utilise space in the roof and it has been driven by the requirement to maximise the use of the site by RE2. However, whilst there is no objection to maximising the space provided this must be in a form that reflects the vernacular and context of the site. Dwellings can be designed to be reflective and complimentary of local vernacular and in a form that maximises the floorspace, but in a manner that responds positively to its context. It is not considered that the scale and appearance achieves this.

10.23. Overall, it is considered that the siting, layout, scale and appearance of the development does not maximise the opportunities to deliver a scheme that would make the best use of the site. It does not deliver a scheme that provides a high quality residential environment for its residents it is dominated by the provision of turning space and parking, and it does not respond in a positive way to the local character and context of the locality. The scheme has not been the subject of any pre-application discussion with officers to bring forward a development that considers these matters and the responses received during the life application do not overcome these concerns either. Subsequently for the reasons stated, the scheme is considered to fall short of the objectives of DH1 of the Oxford Local Plan 2036.

d. Indoor and outdoor amenity

10.24. The proposal is for 9 significant dwellings, all of a size that would meet with the Nationally Described Internal Space Standards as required by policy H15 of the Oxford Local Plan 2036

10.25. In terms of outdoor space, each dwelling is provided with amenity space. The flats are all served by a balcony and the dwellings have a rear garden which is

considered to provide the necessary outdoor space commensurate for dwellings of this size in accordance with policy H16 of the Oxford Local Plan 2036. The shortening of the garden of 10 Marshall Road as required as part of the proposal is also considered acceptable in terms of serving a family home.

e. Residential Amenity

- 10.26. Policy H14 of the adopted Oxford Local Plan states planning permission will only be granted for new development that provides reasonable privacy, daylight and sunlight for occupants of both existing and new homes. Policy RE7 states planning permission will only be granted for development that ensures the amenity of communities, occupiers and neighbours is protected and does not have unacceptable transport impacts affecting communities, occupiers, neighbours and the existing transport network and provides mitigation measures where necessary.
- 10.27. The buildings are centred within the site and are primarily east west facing with a separation distance of 25m from the rear wall of nos. 14 and 16 Marshall Road to the flatted scheme and 23.5m from 24 Marshall Road to the side wall of the proposed dwellinghouses. From the rear wall of the dwellinghouses to houses on Wilkins Road this distance increases to 34.5m. Therefore in terms of separation distance from neighbouring dwellings to the site, there is considered to be sufficient distance so that the physical scale and massing of the buildings would not cause a loss of daylight or sunlight, be overbearing or affect outlook.
- 10.28. In terms of privacy, the buildings principally are orientated east west, with only windows to non-habitable rooms in the side elevations of buildings. This would be sufficient to prevent any direct loss of privacy into the neighbouring gardens from within the dwellings. However, it would be necessary for privacy screens to be placed on the balconies should approval be recommended to ensure that there would be no loss of privacy from the flats to neighbouring gardens. This hasn't been shown on the plans but could be secured by condition had the proposals otherwise been acceptable.
- 10.29. The site is surrounded on all boundaries by residential properties, utilising a sole access between 8 and 10 Marshall Road to access the site. The use of this to serve 9 dwellings would generate a number of daily trip rates that could be an increase in movements over how the site is currently operating as ancillary storage. However, the site has permission to operate as B1(c) light industrial. Having regard to the planning history it is considered that the applicant can operate within the B1 (c) use class in an unrestricted manner, with no controls in respect of the number of vehicles or floorspace. However, it is acknowledged that the operator must be Drennan Ltd and it is noted that the condition restricting movements did prohibit office use, as it was considered that office use could create excessive vehicle movements in a residential area. The only other condition was a noise condition on boundaries, again to prevent excessive noise and disturbance. In terms of comparing the proposed use of the site with its authorised use, County Highways have advised on the likely traffic implications in terms of number of movements and advise that it is likely to be "slightly more" movements than used by the site, and as such this increase needs to be considered in light of the site's authorised light industrial use.

10.30. The application site is a backland development enveloped by private rear gardens. In this location, redevelopment of the site in the manner proposed will result in an increase in transport movements within areas that are used as private rear gardens. However, as stated above it is a material consideration that this area occupies a light industrial unit. Overall, whilst there is considered a minor increase in transport movements, this is considered a low number overall, and comparable with the existing use of the site. Also regard needs to be given to the nature of the movements that maybe associated with a B1 (c) use compared to a residential use and it is likely that the latter would involve less heavy goods vehicles which would be beneficial to the amenities of surrounding residents. Further whilst mitigation measures have not been advocated by the applicant, it is also considered that measures such as the erection of acoustic fences could be erected along the site's boundary with 8 and 10 Marshall Road to lessen the impact of disturbance caused by increased movements. Overall, it is considered that in general, the use of the site for residential would be compatible with the residential character of the area, and the scheme is compliant with policies H14, RE7 and RE8 of the Oxford Local Plan.

f. Highways

10.31. Transport policies of the Local Plan seek to ensure development proposals prioritise cycling, walking and public transport. Parking policy M3 states for locations outside of CPZs, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. In this instance, the site falls outside a CPZ and the standard of 1 car space per dwelling is applicable.

10.32. The application is submitted with a Transport Statement and this has been reviewed by Oxfordshire County Council, noting the size and position of the access road, the parking, traffic generation.

10.33. County Highways consider the proposed access is acceptable in terms of width and visibility, and designed as a shared surface for vehicles and pedestrians and cyclists. County Highways have indicated that the access road arrangement with a dropped kerb vehicle crossover has satisfactory visibility in both directions.

10.34. In terms of refuse and emergency vehicles, the access and turning facilities are suitable to accommodate this within the site. A shared surface is considered acceptable in this location as the access is appropriately wide. The proposals are accessible for both a fire tender and refuse vehicle with adequate space for turning and refuse collection.

10.35. In respect of parking, the site layout plan has been revised by the applicant to reduce the parking to a total of 9 spaces, providing 1 car space per dwelling proposed. In respect of 10 Marshall Road, it is proposed to place a car parking space to the rear of the house alongside the access road, to replace the garage that is lost to the proposal. Whilst the objections of local residents are noted and local road conditions and congestion on Marshall Road and surrounding streets, it is considered the provision of 1 space per dwelling is acceptable and accords

with policy M3 of the Oxford Local Plan. There would not be a justifiable reason for refusal on parking grounds.

10.36. In respect of cycle parking a covered cycle store for 24 bicycles is shown along the south western boundary which is in accordance with the Cycle Parking standards in Appendix 7.3 of the Local Plan. There is however a concern that the provision for cycle parking for the houses should be made within the rear garden, so that cycle parking is made convenient, safe and accessible for these occupiers. Where it is currently sited, is divorced from these occupiers and in a location that is unlikely to support its use, contrary to objectives to promote alternative modes of transport and contrary to policy M5 of the Local Plan. In respect of the siting of storage for the occupiers of the flats, this is considered acceptable. Had the application been acceptable, the LPA would have sought amended plans to secure this, however, as proposed would be a reason for refusal.

10.37. In respect of electric vehicle charging the applicant has indicated 4 of the car parking bays can be installed with EVC points which is in accordance with policy M4 of the Oxford Local Plan.

10.38. Overall, County Highways consider that the provision of 9 dwellings in this location is unlikely to have a severe impact on the local highway network in terms of traffic generation due to the low number of dwellings. Therefore, the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Had the scheme been otherwise acceptable, conditions would have been imposed to secure a CTMP, visibility splays and dropped kerbs and subject to this would have been considered to comply with policies M1, M2, M3 and M4 of the Oxford Local Plan. However the scheme is contrary to policy M5 of the Local Plan. Had the above reasons for refusal not applied, Officers would have sought amended plans that would have placed cycle parking to the houses in the rear gardens, which would have provided a safe, accessible and convenient store, as well as promoting alternative modes of transport. Failure to show this renders the scheme unacceptable against policy M5 of the Plan.

g. Refuse arrangements and bin storage

10.39. Policy RE7 states planning permission will only be granted for development that complies with a range of criteria including factors regarding waste.

10.40. The site layout plan shows a covered area of bin storage along the southern boundary. The layout plans confirm a refuse vehicle can enter the site, turn and exit in a forward gear

10.41. Residents will need to move bins to the bin storage area on the boundary, and the submitted plan confirm that the houses to the east are within the 25m recommended in the Council's Technical Advice Note on Waste Storage for distance to collection point.

10.42. Had the scheme been otherwise acceptable, the bin storage would have been secured through a condition and would have complied with policy RE7 of the Local Plan.

h. Flooding and drainage

10.43. The site is located in Flood Zone 1 on a site of less than 1ha, as such a flood risk assessment is not required under policy RE3 of the Oxford Local Plan. Policy RE4 states all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit runoff and reduce the existing rate of runoff on previously developed sites.

10.44. Drainage is shown via underground attenuation tanks which is not generally preferred as a means of drainage. However the applicant has explained that this is a difficult brownfield site, and swales/basin were not acceptable due to insufficient room. Further porous paving was discounted due to the inability of the stone reservoir to contain the storage. Therefore a geo-cellular storage is proposed below ground which will be used in conjunction with drains and porous paving with gardens and enhancement of trees adding to the biodiversity value of the site, which is an improvement over the current status of the brownfield site being covered in concrete hardstanding. Officers have considered that given the justification provided that the combination of geo-cellular storage and porous paving is acceptable subject to appropriate conditions had the scheme otherwise been acceptable. The proposals would accord with policy RE4 in this regard.

i. Archaeology

10.45. Policy DH4 of the Oxford Local Plan 2036 states that development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it.

10.46. The application is supported by an archaeological desk based assessment, which indicates that the site has medium to high potential for Roman remains. The site is located within a broad corridor of Roman activity associated with the Dorchester to Alchester Roman Road 850m to the east and is 300m from the nearest recorded Roman activity. Given the modest size of the site and its distance from known Roman remains it is considered the potential for Roman remains low to medium. It is also considered the site constraints posed by existing structures. Taking into account the results of the desk based assessment it is recommended a conditioned approach involving post-demolition trial trenching followed by further work if required and such a condition would be recommended had the proposals otherwise been considered acceptable. The proposals would comply with policy DH4 on this basis.

j. Biodiversity

10.47. Policy G2 of the Oxford Local Plan states development that results in a net loss of sites and species of ecological value will not be permitted. Sites and species important for biodiversity and geodiversity will be protected.

10.48. The proposal includes the demolition of a warehouse, which has the potential for being used for roosting. To that end a Preliminary Ecological Appraisal and Bat Survey Report has been submitted and the surveys confirm the presence of a Common Pipistrelle bat roost. Therefore, mitigation would need to be undertaken prior to the demolition of the building, in line with the recommendations within the report, as well as obtaining a European Protected Species Mitigation Licence from Natural England and provision of artificial roost features. Full mitigation measures would be required to be agreed with Natural England. In addition details of ecological enhancements should be provided. Subject to conditional approval to require the applicant to undertake this mitigation and the provision of ecological enhancements had the proposals otherwise been acceptable, it is considered that the proposal would comply with policy G2 of the adopted Oxford Local Plan 2036.

k. Land contamination

10.49. Policy RE9 of the Local Plan states where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by reports that details investigation and mitigation measures.

10.50. Officer's note the historical potentially contaminative uses of the site, including as a Builder's Yard and Vehicle Garage and Storage Yard. As such there is a requirement to undertake a suitably robust intrusive ground investigation to assess potential contamination risk to future occupiers and the surrounding environment. A Phase 1 Ground Condition Assessment (contamination) has been submitted with the application as well as a Sensitive Development Contamination Questionnaire.

10.51. These reports concur with Officer recommendations for an intrusive site investigation at the site due to the potential contamination risks that may be present and the sensitive residential development proposed. Overall, it is considered there are no objections to the redevelopment of the site for residential use subject to conditions regarding a phased risk assessment; remedial works to be completed prior to occupation and evidence of contamination present during construction be reported to the LPA.

10.52. Had the proposal been otherwise acceptable, conditions would have been recommended and the scheme been considered to comply with policy RE9.

I. Air Quality

10.53. The proposal is for 9 dwellings, so falls outside of the requirement of policy RE6 of the Oxford Local Plan 2036 to provide an Air Quality Management Assessment of the scheme. Nonetheless an AQMA has been submitted and it is considered that the effects of the proposed development on air quality are 'not significant'. Consequently, air quality does not represent a material constraint to the development proposals, conforming to the principles of National Planning Policy Framework and policy RE6 subject to an appropriately worded condition had the proposals otherwise been considered acceptable. The proposals would comply with policy RE6 on this basis.

m. Trees

- 10.54. Policy G7 of the Local Plan states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest.
- 10.55. The proposals should not be harmful to any existing trees that are significant to public amenity, while new tree planting as shown on the Landscape Framework Plan should enhance tree canopy cover within the site. The submitted Arboricultural Report recommends 'no dig' hard surfaces to minimise the damage to tree roots where these encroach within the Root Protection Areas of existing trees groups G3 (cherry) and G4 (Leyland cypress) which stand adjacent to the application site. Final design details of this, together with an Arboricultural Method Statement for its construction, a Tree Protection Plan, details of the location of new underground utility services and drainage, and a detailed landscape plan (planting plan and schedule) Had the proposals been otherwise considered acceptable, conditions would have been recommended. The proposals would comply with policy G7 on this basis.

11. CONCLUSION

- 11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the framework.
- 11.3. Therefore in conclusion it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which is inconsistent with the result of the application of the development plan as a whole.
- 11.4. In summary it is considered that whilst the proposal to redevelop the site would provide 9 houses, the assessment of the scheme above has outlined how it is considered that the scheme would result in harm to public interests through failing to maximise the use of the site and to demonstrate through evidence that the site can not be more appropriately developed, thereby maximising the delivery of housing on this site. Further, that the siting, layout, scale and

appearance does not contribute positively to the character of the locality and local distinctiveness. Finally had these reasons for refusal not applied amended plans would have been sought to provide safe convenient and accessible cycle storage within the rear gardens of houses.

11.5. Officers would advise members that having considered the application carefully that the proposal is considered to be unacceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, that when considered as a whole, that there are no material considerations that would outweigh these policies.

11.6. It is recommended that the Committee resolve to refuse planning permission for the development for the reasons given in paragraph 1.1 of this report.

12. HUMAN RIGHTS ACT 1998

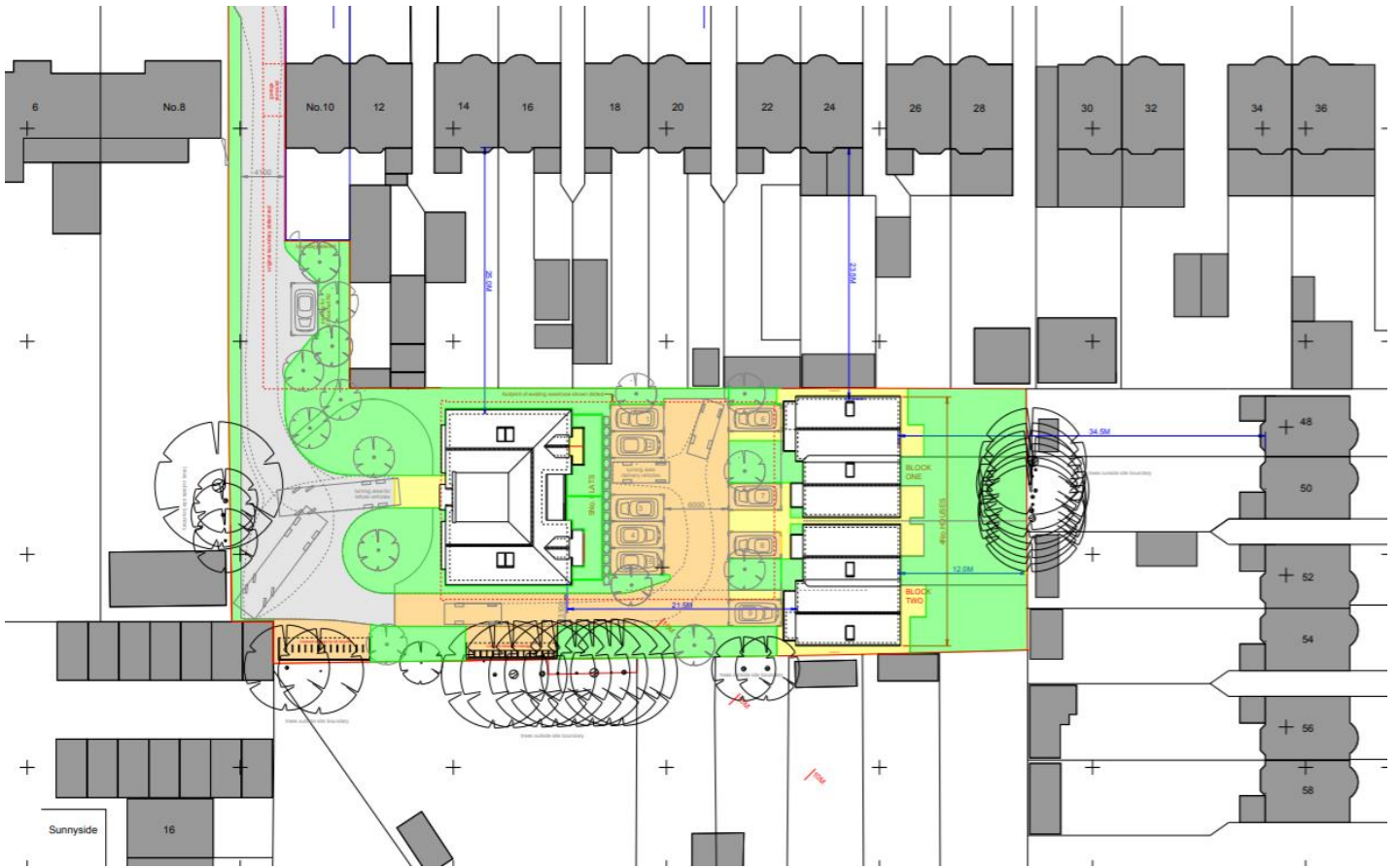
12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

13.1. 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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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Appendix 1 - 20/00821/FUL – Site Plan – 10 – 28 Marshall Road



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Remote meeting

Minutes of a meeting of the East Area Planning Committee on Wednesday 5 August 2020

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Committee members present:

Councillor Taylor (Chair)

Councillor Tanner (Vice-Chair)

Councillor Altaf-Khan

Councillor Azad (for Councillor Clarkson)

Councillor Aziz

Councillor Lloyd-Shogbesan

Councillor Lygo (for Councillor Chapman)

Councillor Simm

Councillor Roz Smith

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services

Sally Fleming, Planning Lawyer

Hayley Jeffery, Development Management Team Leader

Mike Kemp, Senior Planning Officer

Jennifer Thompson, Committee and Members Services Officer

Alice Watkins, Planning Officer

Apologies:

Councillors Chapman and Clarkson sent apologies.

Substitutes are shown above.

22. Declarations of interest

Minute 23 application 20/00676/VAR

Cllr Lygo declared that he would take no part in this item as his involvement as ward councillor in discussions with residents, officers, and Friends of Lye Valley on the development gave a perception that he was not impartial.

Cllr Roz Smith said she had previously been, but was no longer, a member of Friends of Lye Valley and was approaching the application with an open mind.

Minute 24 application 20/01018/FUL

Cllrs Taylor and Tanner declared that although they had called this application in for determination by committee, they were approaching it with an open mind and no pre-determined view.

23. 20/00676/VAR: Land East of Warren Crescent, Oxford OX3 7NQ

Cllr Lygo removed himself from the virtual panel and took no part in the debate or vote on this item. Cllr Simm lost connection at the end of the debate and did not vote.

The Committee considered an application for the variation of condition 2 (Develop in accordance with approved plans) of planning permission 13/01555/CT3 to allow alterations to the garden boundaries to form a footpath at the rear of the site at Land East of Warren Crescent, Oxford OX3 7NQ

13/01555/CT3 is a previously approved application for the erection of 10 x 3-bed dwellings (use class C3) together with associated car parking, cycle and bin storage. Diversion of public footpath (Amended plans and Description)

The Planning Officer reported that amended plans received after publication of the agenda showed the drainage and design of the swale as consistent with the agreed details relating to planning application 13/01555/CT3. As a result there was no need to agree the provision of amended drainage plans.

Mark Patt, local resident, spoke against the application, highlighting his view of the detrimental impact of the development as a whole on the Lye Valley SSSI.

James Graham (representing the applicant) spoke in support of the application and Harry Smith (representing the applicant) was available to answer questions.

The Committee asked questions of the officers and considered all the information before them.

The Committee agreed to remove part 2 b) from the recommendations on the agenda (2nd bullet point in paragraph 1.1.2 of the report) as no longer being necessary.

Due to the sensitivity of the application the Committee, whilst agreeing with the recommendation as amended above, considered that the finalisation of the conditions and the decision on whether to refer the application back to the Committee following the expiry of the notice period should be taken after consultation with the Chair of the Committee.

On being proposed, seconded and put to the vote, the Committee agreed to delegate authority to approve the application on this basis.

The East Area Planning Committee resolved to:

- 1. delegate authority to the Head of Planning Services to approve application 20/00676/VAR** for the reasons given in the report, following the expiry of the notice period of 21 days and completion of the appropriate certificate relating to the requisite serving of notice of the application, as required under the Town and County Planning (Development Management Procedure) (England) Order 2015 and submitted drawings; and
- 2. delegate authority to the Head of Planning Services, after consultation with the Chair of the Committee,** to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- 3. delegate authority to the Head of Planning Services, after consultation with the Chair of the Committee,** to decide whether to refer the application back to the East Area Planning Committee following the expiry of the notice period if considered reasonably necessary.

24. 20/01018/FUL: 49 Marlborough Close Oxford OX4 4PH

Cllrs Lygo and Simm re-joined the meeting at the start of this item.

The Committee considered an application for the change of use of dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4), with provision of bin and cycle stores at 49 Marlborough Close, Oxford, OX4 4PH.

Debbie Hollis (local resident) spoke against the application.

Elisabeth Brunton (local resident) and Huw Mellor (agent) spoke in support of the application. Mark Hinnells (applicant) was available to answer questions.

On being debated, proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The East Area Planning Committee resolved to:

1. **approve application 20/01018/FUL** for the reasons given in the report and subject to the required 5 planning conditions and 2 informatives set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Head of Planning Services to finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

25. Minutes

The Committee resolved to approve the minutes of the meeting held on 1 July 2020 as a true and accurate record.

26. Forthcoming applications

The Committee noted the list of applications.

27. Dates of future meetings

The Committee noted the dates, and that the 2 September meeting would be held remotely and start at 3.00pm.

The meeting started at 3.00 pm and ended at 4.20 pm

Chair

Date: Wednesday 2 September 2020

When decisions take effect:

Planning Committees: after the call-in and review period has expired and the formal decision notice is issued

Details are in the Council's Constitution.

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