

Agenda

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Planning Review Committee

Oxford Sikh Gurdwara

This meeting will be held on:

Date: **Thursday 9 September 2021**

Time: **6.00 pm**

Place: **The Old Library - Oxford Town Hall**

For further information please contact:

Catherine Phythian, Committee and Member Services Officer, Committee Services Officer



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Members of the public can attend to observe this meeting and.

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
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Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Barbara Coyne	Headington Hill & Northway;
Councillor Stephen Goddard	Wolvercote;
Councillor Chewe Munkonge	Quarry & Risinghurst;
Councillor Linda Smith	Lye Valley;
Councillor Roz Smith	Quarry & Risinghurst;
Councillor Imogen Thomas	Holywell;
Councillor Ed Turner	Rose Hill & Iffley;
Councillor Naomi Waite	Hinksey Park;
Councillor Dick Wolff	St Mary's;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

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 search 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 Election of Chair for the Council year 2021-22

4 Election of Vice Chair for the Council year 2021-22

5 20/00856/FUL: 295-301 London Road, Headington, Oxford, OX3 9EH

9 - 78

Site address: 295-301 London Road, Headington, Oxford, OX3 9EH

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)

Reason at Committee: The applicant is no longer in a position to enter into a Section 106 agreement to secure re-provision of the Gurdwara and retention of the building for these purposes.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

It is proposed that the matters instead be secured by planning condition which differs from the previous committee resolution to secure these matters through a Section 106 agreement.

Recommendation:

The Planning Review 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 10 of the report and grant planning permission.
2. **Agree to 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.

6 Minutes

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Recommendation: That the minutes of the meeting held on 15 October 2020 are approved as a true and accurate record.

7 Dates of future meetings

Meetings are scheduled for 6.00pm on

2021	2022
14 October	24 February
11 November	17 March
9 December	

Meetings will be cancelled if not required, or may be rearranged.

*Decisions come into effect after the post-meeting councillor call in period expires, or after a called-in decision is reconsidered, **and** the Head of Planning Services has issued the formal decision notice.*

Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt 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, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors 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". 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.

Procedure 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. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

The following minimum standards of practice will be followed:

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may 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. In determining an application Committee 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 overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; 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.

Public requests to speak

Members of the public wishing to speak must notify the Committee Services Officer by noon on the working day before the meeting, 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 Committee Services Officer (details are on the front of the Committee agenda).

Written statements from the public

Any written statement that members of the public or Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give 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. Any such material will not be displayed or shown at the meeting.

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 Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified.

Recording meetings

This is covered in the general information above.

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.

This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.

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Planning Committee

9th September 2021

Application number:	20/00856/FUL
Decision due by	29th May 2020
Extension of time	17 th September 2021
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:	The applicant is no longer in a position to enter into a Section 106 agreement to secure re-provision of the Gurdwara and retention of the building for these purposes. It is proposed that the matters instead be secured by planning condition which differs from the previous committee resolution to secure these matters through a Section 106 agreement.

1. RECOMMENDATION

1.1. The Planning Review 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 10 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. At the East Area Planning Committee held on the 2nd September 2020, the committee resolved to grant planning approval for the demolition of the existing building at 295-301 London Road, Headington and the erection of a new building comprising 5 x 2 bed and 2 x 1 bed flats and an enlarged replacement Gurdwara.
- 2.2. The decision of the East Area Planning Committee was called in to the Planning Review Committee held on 15th October 2020. The reason listed for the call in was to allow members an opportunity to consider all of the issues raised during the discussions at the East Area Planning Committee. Concerns were also expressed regarding the provision of parking for the replacement Gurdwara and the suitability of the replacement community facility. Members of the Planning Review Committee resolved to grant planning approval subject to a Section 106 agreement to secure that the Gurdwara is completed and provided for sole use as a Gurdwara, prior to the first occupation of the residential development. The agreement was also to require that a building programme is prepared to ensure the parallel development of the Gurdwara and the residential units.
- 2.3. A copy of the officer's report to both the East Area and Planning Review Committees are included at Appendix 2 and 3 of this report respectively. Minutes of the October 2020 Planning Review Committee are also included at Appendix 4 of this report.
- 2.4. The applicant has since informed officers that the owners of the site are unable to enter into a Section 106 agreement and the application is referred back to members to consider whether the matters originally intended to be secured through the Section 106 agreement could instead be secured by planning condition. Officers therefore advise that a planning condition be imposed to secure the re-provision of the Gurdwara on site prior to the first occupation of the residential units, and to ensure that the section of the building allocated for this purpose is made available for this purpose and for no other purpose so that this important community use can continue in the absence of a Section 106 agreement.
- 2.5. In line with Paragraph 55 of the NPPF planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Conditions 21 and 22, as outlined in the list of conditions (Section 10 of this report) would secure re-provision of the Gurdwara and retention of the use of the building for these purposes, as well as a building control programme. This would meet the 6 tests required of planning conditions, as outlined in Paragraph 55 of the NPPF. Taking these matters into consideration, a legal agreement would not be necessary as the aforementioned conditions represent an adequate mechanism to ensure that the Gurdwara is re-provided and retained on site, thereby ensuring that this important facility for the Sikh community is not lost.
- 2.6. The approved plans would re-provide a facility to an enhanced standard as the replacement Gurdwara would be larger and would offer improved facilities compared to the offering within the present building, as well as a building which would be significantly improved in design terms. The development would

therefore comply with Paragraph 93 of the NPPF and Policy V7 of the Oxford Local Plan, which safeguard the use of existing community facilities.

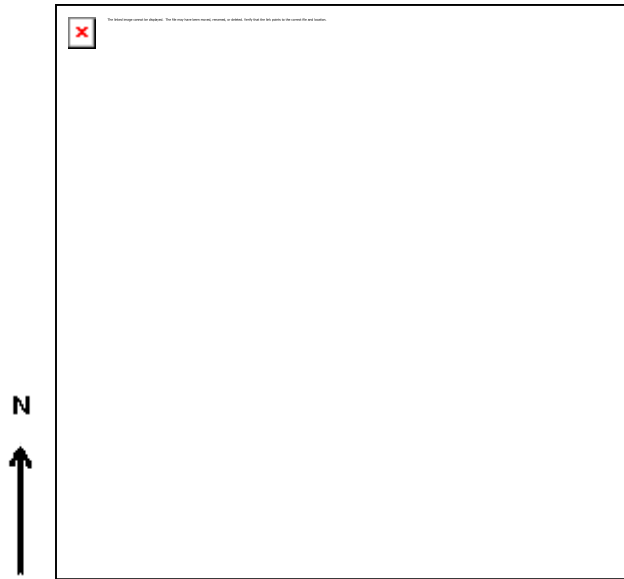
- 2.7. For the reasons expressed within this report and the previous reports to the East Area and Planning Review Committees, officers recommend approval of the application subject to the conditions listed within Section 10 of this report without the requirement for a Section 106 agreement as previously recommended.

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. See site location plan shown 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.

- 5.6. The decision of the East Area Planning Committee was called in to the Planning Review Committee. The reason listed for the call in was to allow members an opportunity to consider all of the issues raised during the discussions at the East Area Planning Committee. Concerns were also expressed regarding the provision of parking for the replacement Gurdwara and the suitability of the replacement community facility. Members of the Planning Review Committee resolved to grant planning approval subject to a Section 106 agreement to secure that the Gurdwara is completed and provided for sole use as a Gurdwara, prior to the first occupation of the residential development. The agreement was also to require that a building programme is prepared to ensure the parallel development of the Gurdwara and the residential units.
- 5.7. Following the grant of planning permission officers circulated a draft Section 106 agreement which included the above provisions. Officers have since been advised by the applicant's agent that the property is the subject of a registered charge with a lender (who would need to be a signatory to any forthcoming section 106 agreement) who subsequently confirmed that it would not be prepared to enter into such an agreement unless the lender was funding the development, or unless the outstanding balance of the mortgage (more than £140,000.00) could be repaid in full in advance of the demolition of the property. This was on the basis that the original lending agreement between the applicant and the lender was approved under the standard terms of a property investment loan, secured in 2011. The terms did not envisage the demolition of the existing building, consequently the lender would not agree to be a signatory to a legal agreement in the current circumstances. The applicants have advised that they would not be in the position to enter into a Section 106 agreement and have requested that the application be determined on this basis.
- 5.8. The applicant has confirmed that they would be in agreement with the imposition of planning conditions which replicate the requirements which were otherwise sought within the Section 106 agreement. The conditions would require that the Gurdwara shall be completed and provided prior to the occupation of any part of the residential element of the scheme and shall only be used as a Gurdwara and for no other purpose and which will also require the submission of a building control programme before the commencement of development, which ensures that the Gurdwara is constructed and substantially completed at the same time as the residential units

6. RELEVANT PLANNING POLICY

6.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Headington Neighbourhood Plan:
Design	184-202	DH1	CIP1 CIP3

Housing	59-76	H1 - Scale of new housing provision H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
Commercial	170-183	E1 - Employment sites - intensify of uses	
Natural environment	91-101	G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure	GSP3
Social and community	102-111	V7 - Infrastructure, cultural and community	
Transport	117-123	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	TRP5
Environmental	117-121, 148-165, 170-183	RE1 - Sustainable design and construction RE2 - Efficient use of Land RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	

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7. CONSULTATION RESPONSES

- 7.1. A complete summary of all consultation responses received in relation to this application from statutory and non-statutory consultees and public representations is contained within the officer's report to the meeting of the East Area Planning Committee on 2nd September 2020 which is attached at **Appendix 2**.
- 7.2. The report to the 15th October 2020 Planning Review Committee contained at **Appendix 3** includes details of a letter received from the Sikh Council following the East Area Planning Committee held on 2nd September 2020.

8. PLANNING MATERIAL CONSIDERATIONS

- 8.1. Following notification that the applicant would not be in a position to enter into a Section 106 agreement, the purpose of this report is to consider whether the matters which the Planning Review Committee considered should be secured through a section 106 agreement, can reasonably be secured instead by way of planning condition. These matters being that the part of the development comprising the Gurdwara shall be completed prior to the occupation of the residential dwellings and that the spaces shown for use as the Gurdwara shall only be used for these purposes and for no other purpose. The legal agreement was also to require that the submission and adherence to Building Control Programme to ensure that the Gurdwara is constructed and substantially completed at the same time as the residential units.
- 8.2. The Gurdwara is the only dedicated place of worship for the Sikh community in Oxford and consequently is an important community facility. 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.
- 8.3. Paragraph 93 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.
- 8.4. The loss of the Gurdwara would be considered to be contrary to Policy V7 and Paragraph 93 of the NPPF and consequently it is important that the Gurdwara is retained on site, as proposed within the planning application. The officer's reports to the East Area and Planning Review committees contained in the appendices to this report provide a detailed assessment of whether the proposed Gurdwara would be to an equivalent or enhanced standard when compared to the existing Gurdwara. The replacement Gurdwara would be significantly larger

compared to the existing Gurdwara (141sqm at present compared with 239sqm, as proposed). Furthermore the building would offer a range of improved facilities including an enlarged kitchen, dining hall, prayer hall and toilets, whilst the design of the new building would offer increased natural light, improved accessibility and circulation. The proposed Gurdwara was therefore considered to be an enhancement on the existing Gurdwara and therefore the replacement of the building on site would comply with the provisions of Policy V7 of the Oxford Local Plan and Paragraph 93 of the NPPF.

- 8.5. As the existing Gurdwara would be removed, a mechanism is required to ensure that the spaces within the building proposed for use as a Gurdwara are brought into use for these specific purposes. This is in order to avoid partial implementation of the planning permission, whereby only the residential element of the approved scheme is constructed; and to ensure that the building continues to function as a place of worship for the Sikh community, rather than potentially being used for other purposes. It was the initial view of officers that a planning condition would represent an appropriate means of controlling the aforementioned matters. A condition to this effect was drafted by officers and is included in the list of conditions contained within the report to the East Area Planning Committee (Condition 21). The wording of the condition is as follows:

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.

- 8.6. The condition is also contained within the draft list of conditions contained in the report to the 15th October 2020 Planning Review Committee. As noted in the minutes of the meeting contained in **Appendix 4** of this report, officers provided an update at the Planning Review Committee, informing members that these matters would instead be secured through a Section 106 agreement. The requirement to enter into a Section 106 agreement was agreed with the applicant prior to the meeting.
- 8.7. In addition to the two measures controlling the use of the building and provision of the Gurdwara before occupation of the residential units, a requirement was also included within the Section 106 agreement that a building programme shall be submitted for approval and implemented to ensure that the residential

development and Gurdwara are constructed and completed at the same time. The recommendation that these measures should be secured through a legal agreement, as opposed to a planning condition was principally due to the importance of ensuring that the Gurdwara is re-provided on the site, as the loss of this facility would clearly have a detrimental impact on the local Sikh community. As reflected in the number of consultation responses received in relation to this application, there was a significant level of interest in this application and it was considered that securing the matters through a Section 106 agreement would offer increased reassurance that the Gurdwara is re-provided. Applications to modify or discharge obligations in a section 106 agreement under section 106A(1)(b) cannot be made for a period of 5 years from the date of the agreement although they can be amended by agreement between the parties. Appeals, however, can be made against planning conditions straightaway although, if there are sound planning reasons for the condition, such as in this case, an appeal is unlikely to be successful. A condition or conditions will therefore be just as effective in this case as a section 106 agreement.

- 8.8. As outlined above, the applicants have since advised that they would be unable to enter into a Section 106 agreement, therefore it must be considered whether the measures controlled through the Section 106 agreement could be secured by planning condition and it is the view of officers that the matters sought under the section 106 agreement could equally be controlled by planning condition. It is important to note that Paragraph 55 of the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
- 8.9. The requirement for a planning condition to control re-provision of the Gurdwara is not disputed by the applicants and the recently submitted covering letter outlines acceptance of a planning condition to ensure that the Gurdwara is re-provided. The matter to consider is whether a section 106 agreement provides the only viable mechanism to ensure that the Gurdwara is re-provided and retained for use for these purposes and whether a planning condition can achieve the same outcome, therefore rendering the need for a legal agreement as unnecessary.
- 8.10. As outlined in Paragraph 56 of the NPPF, planning conditions may only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. The sections below consider the development in relation to these 6 tests which are vital in assessing whether the matters outlined above can be controlled through a planning condition.
- 8.11. The Gurdwara, as identified above is an important place of worship for the Sikh community and loss of the Gurdwara would clearly be contrary to local and national planning policy. Were a planning condition not imposed requiring the Gurdwara to be completed prior to first occupation of the residential development there would be the risk that the planning permission could be partially implemented, thereby meaning that the residential development could be carried out, without the Gurdwara being delivered. Furthermore, were a planning restriction not imposed to control future use of the building shown for use as a

Gurdwara, there would be the risk that the building could be used for a range of other purposes falling within use Class F1 of Part B of Schedule 2 of the Town and County Planning (Use Classes) Order 1987 (as amended), which encompasses a range of uses. The importance of retaining the building for use specifically by the Sikh community for a community use, which would be afforded protection under local and national planning policy represents clear justification that a planning condition is both necessary and relevant to planning. The site specific circumstances and the specifics of the planning proposal mean that a condition is necessary in relation to the development proposed, namely to avoid a partial implementation of planning permission and to control use of the building for use as a Gurdwara. The aforementioned reasons also provide justification as to why a planning condition would also be reasonable, in this instance to mitigate the clear planning harm which would otherwise arise were the Gurdwara to be lost.

- 8.12. Turning to the matter of enforceability it could be readily determined whether the replacement Gurdwara had been brought into use before first occupation of the residential development and whether the building is being used for this very specific purpose. In terms of enforcement procedure, sections 172 and 187A of the Town and Country Planning Act 1990 outlines the procedures relating to the enforcement of planning conditions. Were the applicants to breach the condition by not complying with the specific requirements as outlined, the Council would be entitled to serve an enforcement notice or a breach of condition notice requiring action to be taken to remedy the breach or face prosecution in the event of non-compliance. Breach of a section 106 agreement on the other hand is addressed under Section 106(5) of the Town and Country Planning Act 1990, which outlines that breach of a planning obligation is enforceable by a court injunction.
- 8.13. Whilst the procedures for enforcing a breach of condition and a breach of a Section 106 agreement differ, both mechanisms allow for robust enforcement in the event of non-compliance with the stated requirements. Taking these matters into consideration, refusal of permission on the basis that a planning condition would not allow for a robust means of enforcing against non-compliance would not, in officer's view be a defensible position. This is because, as mentioned above the matters controlled by the planning condition would be a) enforceable; and b) the Town and Country Planning Act 1990 outlines a clear procedure for dealing with a breach of planning condition. In summary, the ability or likelihood of the Council taking action in the event of non-compliance with a planning condition would be no less than if a breach of the section 106 agreement occurred.
- 8.14. It is the view of officers that planning conditions requiring the re-provision of the Gurdwara and retention of the building for use as a Gurdwara; along with the submission and implementation of a building control programme would meet all of the relevant tests required of a planning condition as outlined in Paragraph 56 of the NPPF and therefore this represents an adequate mechanism to achieve the aims otherwise sought through the Section 106 agreement. As the respective conditions would meet all of the relevant tests, a section 106 agreement is not considered necessary and refusal of the application solely on the basis of a

section 106 agreement not being secured would be contrary to guidance outlined in Paragraph 55 of the NPPF and Paragraph 11 of the NPPG.

9. CONCLUSION

- 9.1. 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.
- 9.2. 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.
- 9.3. Re-provision of the Gurdwara and the continued use of the building for these purposes is vital in terms of retaining a facility which serves an important purpose for the Sikh community, in line with Policy V7 of the Oxford Local Plan and Paragraph 93 of the NPPF. As outlined above, it is considered that these matters can be reasonably controlled by way of appropriately worded planning conditions that meet the requirements of Paragraph 56 of the NPPF. This would render a section 106 agreement unnecessary and for the reasons outlined within this report and in the previous reports to the East Area and Planning Review committees, officers recommend that approval should be granted, subject to the relevant conditions listed below.

10. 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 Part B of Schedule 2 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.

22. Prior to the commencement of development a Building Control Programme shall be submitted for approval in writing by the Local Planning Authority. The Building Control Programme shall outline how the Development will be constructed to ensure that the Gurdwara is constructed and substantially completed at the same time as the residential units hereby permitted. The development shall be carried out in accordance with the approved Building Control Programme.

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.

INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 2 The development is located within the Lye Valley catchment area and contributes water drainage (by both surface and infiltration) to the Lye Valley SSSI. The Lye Valley SSSI is particularly sensitive to changes in water contribution to the underlying ground water. Given this any increase in impermeable surfaces within this area is likely to have a detrimental effect on the SSSI. Any increases in impermeable surfaces on the site should be mitigated by the use of soakaway and infiltration measures.
- 3 Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

11. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Report to September 2020 East Area Planning Committee
- **Appendix 3** – Report to October 2020 Planning Review Committee
- **Appendix 4** – Minutes of October 2020 Planning Review Committee

12. HUMAN RIGHTS ACT 1998

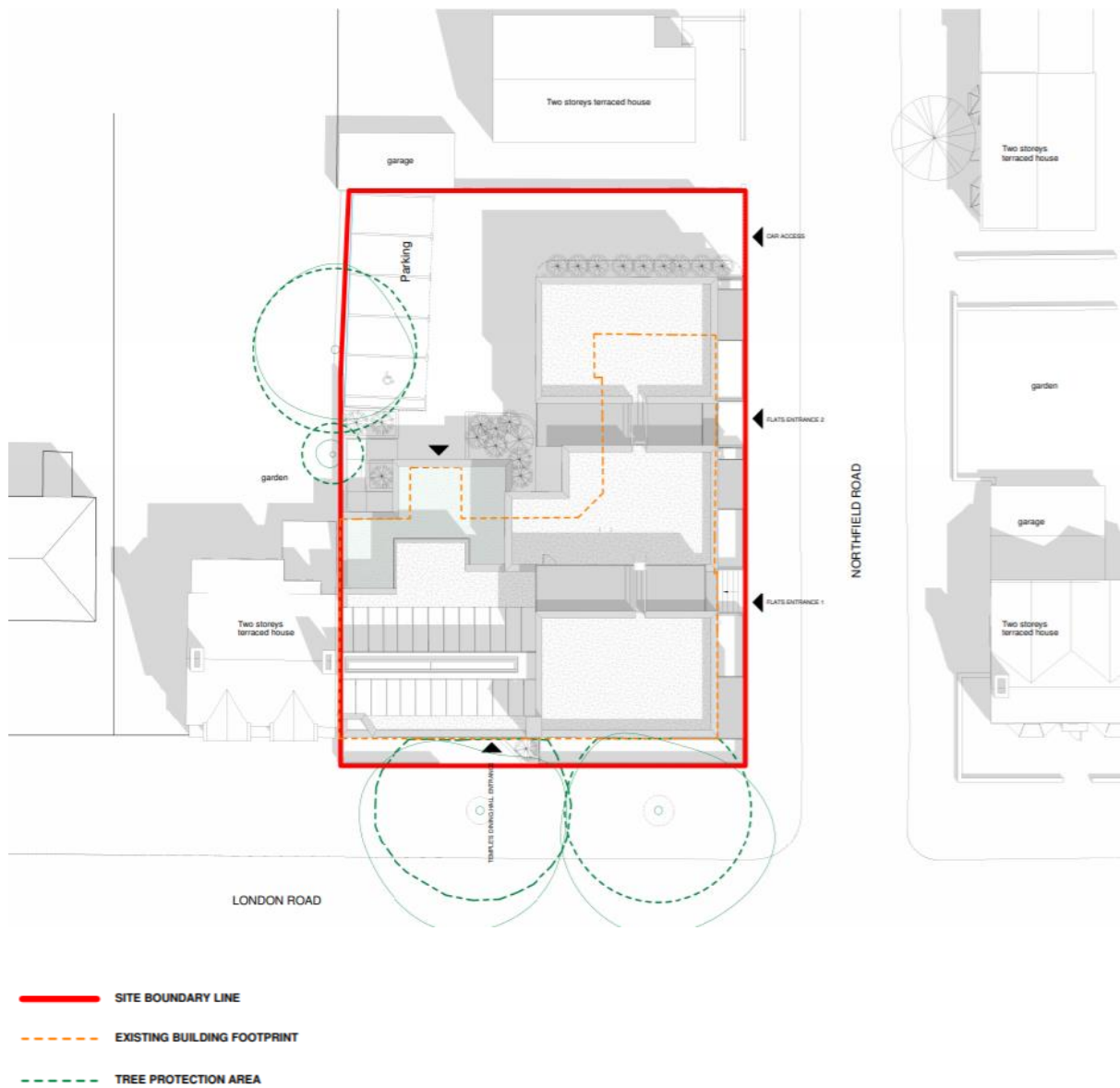
- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

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 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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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.

Application number:	20/00856/FUL
Decision due by	29th May 2020
Extension of time	23 rd October 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	The application has been called into the Planning Review Committee by Councillors Rowley, Chapman, Pressel, Lygo, Tarver, Rush, Fry, Munkonge, Kennedy, Taylor, Upton, Tidball, Aziz, Azad and Arshad

1. RECOMMENDATION

1.1. The Planning Review 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 8 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. At the East Area Planning Committee held on the 2nd September 2020, members resolved to grant planning approval for the demolition of the existing building at 295-301 London Road, Headington and the erection of a new building

comprising 5 x 2 bed and 2 x 1 bed flats and an enlarged replacement Gurdwara.

- 2.2. The decision of the East Area Planning Committee has been called in to the Planning Review Committee by Councillors Rowley, Chapman, Pressel, Lygo, Tarver, Rush, Fry, Munkonge, Kennedy, Taylor, Upton, Tidball, Aziz, Azad and Arshad. The reason listed for the call in was to allow members an opportunity to consider all of the issues raised during the discussions at the East Area Planning Committee. Concerns were also expressed regarding the provision of parking for the replacement Gurdwara and the suitability of the replacement community facility.
- 2.3. A copy of the officer's report to the meeting of the East Area Planning Committee on 2nd September 2020 is included within **Appendix 1** of this report. It is considered that the officer's report provides a full assessment of the scheme in relation to the relevant policy considerations within the existing local development framework; however this report provides additional clarification on the specific issues raised following the committee meeting and the reasons relating to members' request to call the application in to the Planning Review Committee.
- 2.4. Parking provision for the replacement Gurdwara has been reduced from 10 to 5 spaces. Provision of parking for non-residential uses, including places of worship are determined on a case by case basis in line with Policy M3 of the Oxford Local Plan, accounting for the site context and overall accessibility and sustainability of the site, including access to local facilities and public transport. Policy M3 specifically allows for a reduction in on-site parking for non-residential uses where the proposals relate to the redevelopment of an existing site, where there is good accessibility to a range of facilities. In this instance the site lies within less than 100 metres of a bus stop with regular services, including services to the nearby Park and Ridge at Thornhill. The site is also within 650 metres of the Headington District Centre. The presence of a CPZ and other parking controls within the surrounding streets provides a means of controlling overspill parking which may otherwise occur, given the low parking provision proposed.
- 2.5. The reduction in parking will facilitate the provision of six additional residential dwellings on the site and an enlarged Gurdwara, which is consistent with the aims of making effective use of a previously developed site in line with Policy RE2 of the Oxford Local Plan. The site is considered to be within an accessible location, where a reduction in parking should be considered supportable in line with Policy M3 of the Oxford Local Plan.
- 2.6. The replacement Gurdwara would be much larger than the existing building (239sqm compared with 141sqm at present) and would allow for the provision of additional facilities which cannot be provided within the existing building, including an enlarged kitchen, dining hall and improved toilet facilities. The design is also a significant enhancement on the existing building, which was converted from use as an office building. The replacement building offers improved accessibility, circulation and higher quality internal spaces which benefit from much higher levels of natural light.

2.7. It is noted that the Sikh Council have raised concerns in relation to aspects of the internal layout of the building. The applicants have confirmed that the internal arrangement of the building would be the subject of further discussion with the Gurdwara and Sikh Community and the replacement building and internal layout is sufficiently flexible to allow for adaptations to meet the specific requirements of the community. The size of the replacement Gurdwara and the internal layout of the building in comparison to the existing Gurdwara allows for additional flexibility to meet the needs of the community compared with the existing building subject to any internal adaptations required.

2.8. Approval of the application would be subject to a planning condition specifying that the part of the building proposed to be used as the Gurdwara shall be used only for these purposes and for no other purposes, thereby safeguarding the use of the building as a Gurdwara.

2.9. The proposals would re-provide the Gurdwara within a larger, better designed building on the site which would be an enhancement on the existing building in meeting the community’s needs as a place of worship. In line with Policy V7 of the Oxford Local Plan and Paragraph 92 of the NPPF, the proposals safeguard the use of a community facility and the replacement provision is acceptable in planning terms.

2.10. For the reasons expressed within this report, in addition to the assessment contained within the officer’s report to the meeting of the 2nd September East Area Planning Committee, officers consider that the development as proposed is acceptable in accordance with the relevant provisions of the Oxford Local Plan; and the NPPF and recommend that approval should be granted subject to the planning conditions outlined in this report

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal would be liable for a CIL contribution.

4. RELEVANT PLANNING POLICY

4.1. 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	

5. CONSULTATION RESPONSES

5.1. A complete summary of all consultation responses received in relation to this application from statutory and non-statutory consultees and public representations is contained within the officer's report to the meeting of the East Area Planning Committee on 2nd September 2020 which is attached at **Appendix 1**.

5.2. Following the committee meeting an additional letter has been received from the Sikh Council dated 6th September 2020. The letter is also included in full at appendix 3 of this report for reference.

5.3. The letter states that the Sikh Council have been asked to comment by the Oxford Gurdwara in relation to the design of the proposed new Gurdwara premises from a religious worship and protocol perspective. The following summarised observations are made regarding the design of the building:

- Shoe storage and hand washing facilities should be provided internally rather than externally.
- The kitchen is provided at the front of the premises and would be commercial grade requiring the addition of vents onto the London Road frontage. Routing the ducting within the prayer hall is acceptable in principle though it would not be acceptable to install inspection hatches in the prayer hall as this would compromise the sanctity of the prayer hall.
- The priest facilities on the ground floor do not allow for showering or bathing for the priests who are required to stay on site.
- The toilet facilities should not be provided adjacent to the prayer hall.
- The location of the Holy Scriptures is not appropriate.

The Sikh Council also provided the following comments in relation to the hearing of the application at the 2nd September East Area Planning Committee:

- Mr Lalli, a supporter of the application who spoke in favour of the scheme is not a trustee of Oxford Gurdwara.
- The questions put to Mr Lalli were not accurately or faithfully translated and Mr Lalli's responses were not accurately translated.
- Expressed disappointment that Oxford Gurdwara's representative was not given an opportunity to make further submissions whereas the applicant's agent and Mr Lalli were given multiple opportunities to speak.

In response to this letter Mr Sukhdev Lalli, who spoke in support of the planning application has prepared a reply in response to the Sikh Council's observations regarding the design of the building, whilst also seeking to clarify his position in relation to his capacity within the Gurdwara committee. A full copy of this response is attached at appendix 4.

6. PLANNING MATERIAL CONSIDERATIONS

6.1. A copy of the officer's report to the meeting of the East Area Planning Committee on 2nd September 2020 is included within **Appendix 1**. It is considered that the officer's report provides a full assessment of the scheme in relation to the relevant policy considerations within the existing local development framework; however this report is intended to provide some additional clarification on the issues which have been raised relating to members' request to call the application to the Planning Review Committee.

Provision of Parking

6.2. Paragraphs 9.43 to 9.47 of the Officers Report to the East Area Planning Committee specifically addresses the matter of parking provision in relation to this site, the redevelopment of the Gurdwara and proposed residential uses. The application has been the subject of review by Oxfordshire County Council as statutory Highways Authority, who have raised no objection to the development on the basis of highway safety and amenity and the adequacy of parking provision proposed for both the residential and community uses on the site.

6.3. Currently there is an area of parking located to the rear of the Gurwara, which consists of an area of hardstanding. The applicant's planning statement references that there are 10 parking spaces currently provided within this space. This is based on a layout of 10 parking spaces which was approved in 2013 as part of an application, which included the change of use of part of the office accommodation on the site to a flat and alterations to the parking to the rear of the building (13/01127/FUL). The existing parking does not however consist of marked bays and is somewhat disordered.

6.4. An arrangement of five parking bays is proposed, which includes one disabled parking bay. The proposed residential development and enlarged Gurdwara would increase the extent of the built footprint of the site thereby reducing the amount of space which would be available for parking to the rear of the building. The proposed provision of five parking spaces would be the maximum number of spaces which could be practically provided on site accounting for the footprint of the proposed development.

6.5. In terms of the residential element of the proposed development Policy M3 of the Oxford Local Plan states 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.

- 6.6. The surrounding streets, including Northfield Road fall within the North Headington Controlled Parking Zone and are the subject of daytime parking restrictions 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 the subject of CPZ parking restrictions. The site is less than 100 metres from a bus stop with regular services to the City Centre, as well as 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. In line with the residential parking standards outlined under Policy M3 of the Oxford Local Plan, residential development should be car free, which is the case in this instance. The car free nature of the residential development is fully in line with the requirements of Policy M3 of the Oxford Local Plan.
- 6.7. In terms of non-residential uses, including places of worship, parking provision is determined on a case by case basis accounting for the specifics of the development proposed and the overall sustainability of the site. Policy M3 states that parking provision must take into account the wider transport objectives of the Oxford Local Plan, which are to promote and achieve a shift towards sustainable modes of travel. As outlined within Policy M1, a fundamental aim of the Local Plan is to encourage a modal shift away from private car use as the default means of travel and to prioritise sustainable travel in the forms of walking, cycling and public transport. These methods are vital to achieve improved air quality, and reduce congestion within the city.
- 6.8. The presumption will be that vehicle parking will be kept to the minimum necessary on all sites to ensure the successful functioning of the development. Policy M3 outlines that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. This is pertinent in the case of the planning proposals which are the subject of consideration, which are for the redevelopment of an existing site within what would be considered to be a sustainable location.
- 6.9. The proposals would involve a reduction in overall parking provision from 10 spaces to 5 spaces. The replacement Gurdwara would be larger than the existing building (239sqm compared with 141sqm at present). Consequently this may equate to an increased number of visitors and worshipers travelling to the site. As noted above however the site is considered to be within a sustainable location in terms of accessibility to public transport. There are bus stops on either side of London Road within 100 metres of the site, which are served by regular busses to the City Centre, Aylesbury and London. There are also buses serving the nearby Thornhill Park and Ride which offers a large area of public parking for those travelling to the Gurdwara from outside of the city.

- 6.10. The proposed plans have also been amended to show provision for cycle parking consisting of 6 spaces which would be available for use by the Gurdwara, at present there is no such provision.
- 6.11. Whilst parking would be reduced on the site, there would remain a small level of parking (5 spaces) in line with operational requirements and to provide on-site parking for those with accessibility needs, or those unable to access the development by public transport. Officers consider that there is a justified basis for a reduction in parking and a low number of parking spaces on this site. At busy times or times when there are a significant number of visitors there would not be space for all visitors to park on site, however this is typical of many other places of worship or community facilities in the city in similarly accessible locations which have little or no on-site parking provision. The presence of a CPZ within the surrounding streets offers a viable means of enforcing against overspill parking within the vicinity of the site particularly in Northfield Road. Furthermore it should be noted that there are double yellow line parking controls along large sections Northfield Road and along the entirety of London Road.
- 6.12. The applicants have indicated that access to the parking area can be controlled through manually rising bollards, which would prevent unauthorised parking by occupiers of the adjacent flats. Signage would additionally be provided to make it clear that the parking would only be available for the Gurdwara.
- 6.13. The site is accessible in terms of bus links serving the City Centre and Thornhill Park and Ride, therefore it is not unrealistic to reduce parking on this site, particularly as with the presence of existing parking controls there are viable means of preventing overspill parking. The provision within Policy M3 allowing for reduced parking on non-residential sites is intended to specifically apply to sites such as this, which are accessible by means other than by private car and whereby reducing parking would directly encourage a modal shift towards more sustainable means of transport. Furthermore the reduction in parking would facilitate a more effective use of a sustainable previously developed site in line with Policy RE2 of the Oxford Local Plan by providing additional housing and an enlarged community facility.
- 6.14. In summary officers consider that a reduction in parking on site associated with the Gurdwara would align with Policies M1 and M3 of the Oxford Local Plan and would promote a modal shift away from private car use towards more sustainable means of transport. The residential element of the scheme would be car free, which would be expected given the overall sustainability of the site, in line with Policy M3 of the Oxford Local Plan.

Adequacy of Replacement Community Facility

- 6.15. Sections 9.15 to 9.20 of the officer's report to the 2nd September East Area Planning Committee provide a comparative assessment of the replacement Gurdwara in relation to the existing Gurdwara. This assessment is made in relation to Policy V7 of the Oxford Local Plan, which is applicable to the provision of new community facilities, as well as Paragraph 92 of the NPPF, which affords protection to existing community facilities.

- 6.16. 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.
- 6.17. Paragraph 92 of the NPPF states that to provide the social, recreational and cultural facilities and services the community needs, planning 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.
- 6.18. The Gurdwara is a valued place of worship for the local Sikh community and is the only Gurdwara in Oxfordshire. The Gurdwara would rightly be afforded protection in line with Policy V7 of the Local Plan and Paragraph 92 of the NPPF. Importantly the proposals do not involve the loss of the Gurdwara, but enable its replacement with a larger facility. The applicant would be required by condition to provide the new Gurdwara prior to first occupation of the residential units and would also require it to be used only for that purpose, placing a clear obligation on the applicants to retain the Gurdwara.
- 6.19. The floor area of the building used as a Gurdwara would increase from 141sqm to 239sqm. The range of facilities offered within the new building include an enlarged kitchen, dining hall, prayer hall and toilet facilities, which would be a significant enhancement on the existing provision. The design of the replacement building is an enhancement on the existing building externally and internally. The design of the new building would offer increased natural light, improved accessibility and circulation which would make the building more pleasant for users. The existing Gurdwara is housed in former office space, which is impractical in a number of ways. The internal areas are small and existing facilities are limited, particularly the kitchen and toilet facilities. The design of the building also means that the internal spaces are dark and dependent on artificial lighting.
- 6.20. It is noted that the Sikh Council has outstanding concerns in respect of the facilities offered in the replacement building. These concerns relate principally to the internal arrangement of the building and the location of certain facilities and their compatibility with the religious use of the building. Based on the proposed design and floor plans there would be sufficient flexibility to adapt the internal arrangement of the building to meet the community's needs and use of the building, which means that the matters raised by the Sikh Council within their letter dated 6th September can be reasonably addressed.
- 6.21. There are certain facilities which the community may expect within the new building, for example shoe storage, whilst there may be differing views around other arrangements for example the location of the male toilets and Holy Scriptures as referenced within the Sikh Council's letter dated 6th September 2020. The applicant has confirmed that the layout of the internal arrangement and spaces of the Gurdwara would be the subject of further discussion with the Gurdwara and Sikh community in order to ensure that the building best meets the community's needs. The benefit of a larger building, as proposed within this application would be that this offers a much greater degree of flexibility

compared with the current arrangement of the Gurdwara, which is housed in a former office building that was not designed as a place of worship. The internal layout of the building would allow, if required for the incorporation of a number of the changes requested by the Sikh Council, including internal shoe storage or showering/bathing facilities for the priests. Other changes such as the location of the Holy Scriptures may also be relocated to better suit the needs of worshippers as such aspects of the internal layout are not fixed under the terms of any planning approval. In addition to the flexibility to adapt the internal arrangement of the building to include these changes as mentioned there would be a much larger kitchen than is currently provided, alongside a dining hall and improved toilet facilities.

- 6.22. Officers would encourage additional dialogue between the applicant and the Sikh community with regards to how the building specifically meets the requirements as a place of worship. However in objectively assessing the development in line with the relevant planning policies, these being Policy V7 of the Oxford Local Plan and Paragraph 92 of the NPPF, it is clear that the Gurdwara would not only be re-provided, but would be re-provided to a higher standard compared to the existing facility and there would not be a basis in planning terms to refuse this application.
- 6.23. Approval would be subject to a planning condition specifying that the part of the building proposed to be used as the Gurdwara shall be used only for these purposes and for no other purposes, thereby safeguarding the use of that part of the building as a Gurdwara. It should be noted that there are no existing restrictive conditions limiting the use of the building to use as a Gurdwara attached to planning permission 12/00990/FUL, which is the original planning permission relating to the change of use of the building. The current use of the building now falls within use Class F1 of The Town and Country Planning (Use Classes) Order 1987 (as amended). Without specific protection the building could be used for a range of alternative uses within Class F1 of the use classes order.
- 6.24. It is noted that concerns were expressed within 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. As noted in Section 9.20 of the report to the 2nd September East Area Planning Committee, two temporary locations have been suggested at Cheney School and Barton Park Primary School, which may be available. It is understood that it is important to the community that a temporary facility is provided, though it is beyond the scope of planning control to require that a temporary facility is provided as this is dependent on external factors beyond the applicant's control and is dependent on the availability of suitable local facilities. Any redevelopment of the site would result in the temporary loss of the Gurdwara as a building housing the Gurdwara cannot be temporarily provided on the site during the course of construction.
- 6.25. In summary, when assessed in line with Policy V7 of the Oxford Local Plan and Paragraph 92 of the NPPF, it is considered that the development fully complies with the requirements of these policies.

Other Matters

- 6.26. The letter from the Sikh Council dated 6th September includes three observations regarding the East Area Planning Committee held on the 2nd September.
- 6.27. With regard to the first point it is claimed that Mr Lalli is not a trustee of the Oxford Gurdwara. The applicant has provided a record from the charity commission which indicates that Mr Lalli had served on the Gurdwara committee as president until December 2018. In the most recent letter attached at appendix 4 Mr Lalli references that he is acting president of the committee. However, for the purposes of determining this application, officers would advise members that Mr Lalli's comments are made as a supporter of the application, rather than in an official capacity on behalf of the Gurdwara.
- 6.28. In relation to the accuracy of the translation of Mr Lallis comments during the committee, this has not yet been verified the applicants have been invited to respond to this point and officers will update members further on this matter at the Planning Review Committee meeting.
- 6.29. The final point in the Sikh Council's letter states that the Oxford Gurdwara's representative was not given an opportunity to make further submissions whereas the applicant's agent and Mr. Lalli were both given multiple opportunities to speak. In response to this point, it will always depend on the nature of the questions which are raised by members as to whether it is appropriate for officers or the speakers (whether it be the objectors or the supporters) to respond. This is a matter within the discretion of the Chair and is the reason why the applicant's agent and the supporter were asked to respond on that occasion.

7. CONCLUSION

- 7.1. This report should be read in conjunction with the officer's report to the 2nd September East Area Planning Committee which outlines all the key material planning considerations and the scheme's deemed acceptability in line with the Oxford Local Plan and the NPPF. This report further addresses the reasons relating to the calling in of the application to the Planning Review Committee.
- 7.2. For the reasons expressed within this report, in addition to the assessment contained within the officer's report to the 2nd September East Area Planning Committee, officers consider that the development as proposed is acceptable in accordance with the relevant provisions of the Oxford Local Plan and the NPPF and recommend that approval should be granted subject to the planning conditions outlined below.

8. 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 resident's 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.

INFORMATIVES :-

- 1 The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: www.oxford.gov.uk/CIL
- 2 The development is located within the Lye Valley catchment area and contributes water drainage (by both surface and infiltration) to the Lye Valley SSSI. The Lye Valley SSSI is particularly sensitive to changes in water contribution to the underlying ground water. Given this any increase in impermeable surfaces within this area is likely to have a detrimental effect on the SSSI. Any increases in impermeable surfaces on the site should be mitigated by the use of soakaway and infiltration measures.
- 3 Removal of any building or vegetation shall be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitability qualified ecologist shall check the areas concerned immediately prior to the commencement of clearance works to ensure no nesting or nest-building birds are present. If any nesting activity is confirmed, no clearance will be permitted within the area until the birds have fledged and the nest is considered inactive.

9. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Site Plan
- **Appendix 3** - Letter from Sikh Council UK to Oxford City Council dated 6th September 2020
- **Appendix 4** – Letter from Mr Sukhdev Lalli in response to Sikh Council letter.

10. HUMAN RIGHTS ACT 1998

10.1. 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.

11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

11.1. 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.

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Minutes of a remote meeting of the Planning Review Committee on Thursday 15 October 2020

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Committee members present:

Councillor Fry (Chair)	Councillor Munkonge (Vice-Chair)
Councillor Azad	Councillor Curran
Councillor Garden	Councillor Lygo
Councillor McManners	Councillor Linda Smith
Councillor Gotch (for Councillor Goddard)	

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services
Andrew Murdoch, Development Management Service Manager
Mike Kemp, Senior Planning Officer
Sally Fleming, Planning Lawyer
Catherine Phythian, Committee and Member Services Officer

Apologies:

Councillor(s) Goddard sent apologies.
Substitutes are shown above.

1. Election of Chair for the year 2020-21

Councillor James Fry was elected Chair for the Council year 2020-21.

2. Election of Vice Chair for the year 2020-21

Councillor Chewe Munkonge was elected Vice-Chair for the Council year 2020-21.

3. Declarations of Interest

Cllr Fry, Cllr Azad, Cllr Lygo and Cllr Munkonge each stated that although a they were a signatory to the call-in of the application, he/she came to the committee meeting with an open mind and would listen to all the arguments and consider the relevant facts before coming to a decision.

4. 20/00856/FUL: 295-301 London Road, Headington, Oxford, OX3 9EH

The Committee considered an application (20/00856/FUL) for planning permission for the demolition of the 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) at 295-301 London Road, Headington, Oxford.

The East Area Planning Committee had resolved to grant planning approval for this application at the meeting on 2 September 2020.

That decision by the East Area Planning Committee was called in to the Planning Review Committee by Councillors Rowley, Chapman, Pressel, Lygo, Tarver, Rush, Fry, Munkonge, Kennedy, Taylor, Upton, Tidball, Aziz, Azad and Arshad. The reason listed for the call in was to allow members an opportunity to consider all of the issues raised during the discussions at the East Area Planning Committee. Concerns were also expressed regarding the provision of parking for the replacement Gurdwara and the suitability of the replacement community facility.

The Head of Planning Services commented on the issues raised in documents which had been sent to Committee members by the Trustees of the Gurdwara in advance of the meeting. He advised on the following matters that:

1. The accuracy of the translation of what one of the speakers in support of the proposal had said at the East Area Planning Committee (EAPC) on 2 September: Planning and Legal officers were satisfied that there were no significant differences in the translation which would have had a material bearing, in planning terms, on the decision taken by EAPC. Moreover this had no bearing on the decision before the Planning Review Committee.
2. Disputed land ownership and potential litigation were not material planning considerations and were not relevant to the determination of the application by the Planning Review Committee.

The Planning Officer presented the report. He said that following further consultation with the applicant it was proposed that the recommendation before the Committee should be amended to state that approval would be subject to the completion of an agreement under section 106 of the Town and Country Planning Act 1990 (s106 agreement). The s106 agreement would deal with the requirements set out in Condition 21 which would be deleted. In summary the s106 agreement would require that the Gurdwara would be provided and made available for the sole use as a Gurdwara prior to the occupation of the residential units.

The Planning Lawyer confirmed that the s106 agreement would also require a building programme to be submitted and implemented to secure that the development of the Gurdwara and the residential units would take place and be completed at the same time.

The Chair advised that the Council had secured the services of an independent translator for the meeting to assist in the communication between the Committee and one of the speakers, Mr Sukdev Singh Lalli.

Cllr Rowley (representing the views of the Gurdwara congregation and of local residents) spoke against the application, outlining the concerns objectors had raised with him regarding the suitability of the communal spaces in the replacement Gurdwara due to the proximity to the residential units and the reduction in parking provision.

Dilpreet Dhanoa (representing objectors from the Oxford Sikh Gurdwara) spoke against the application, highlighting 3 points: the temporary relocation of the Gurdwara; a breach of Human Rights Act 1998 and she cited that Article 9 (of the European Convention on Human Rights) would be contravened; and parallel litigation.

Simon Sharp (the agent for the applicant) spoke in support of the application and he, Akash Turna and Sukdev Singh Lalli (representing the applicant) answered questions.

In discussion the Committee explored concerns that the enhanced facilities of the new Gurdwara could lead to an increase in the number of regular users/worshippers and also in its use as a venue for large events (festivals and weddings) and the impact this might have on the local community.

The Committee noted the advice given by officers on the following:

- **Temporary replacement Gurdwara:** it was not reasonable, necessary or appropriate to impose a condition or informative requiring the applicant to make provision for a temporary Gurdwara while the development was being carried out or to include this in the legal agreement.
- **Human Rights Article 9:** was not engaged as the planning application would not deny a person the right to openly practice their religion.
- **Parallel litigation** – this was not a material planning consideration in the determination of the application.
- **Hours of operation:** it was not reasonable or necessary to impose a restriction on the hours of operation; no such restriction was currently in place; any future “nuisance” would be dealt with under separate regulatory powers.
- **Parking provision:** the site was in a sustainable location and there were parking controls in the area. Officers agreed with the Highways Authority view that the application would not have a severe impact on highway amenity.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer’s recommendation which had been amended to remove Condition 21 and for the approval to be subject to the prior completion of a section106 agreement.

The Planning Review Committee resolved to:

1. **Approve** the application for the reasons given in the report and subject to the 20 required planning conditions set out in section 8 of the report (Condition 21 deleted) and the 3 informatives; and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which were reported orally to the committee; 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;
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

5. Minutes

The Committee resolved to approve the minutes of the meeting held on 16 December 2019 as a true and accurate record.

6. Date of Future Meetings

The Committee noted the dates of future meetings.

The meeting started at 3.00 pm and ended at 4.15 pm

Chair

Date:

When decisions take effect:

Cabinet: after the call-in and review period has expired

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

All other committees: immediately.

Details are in the Council's Constitution.

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1. The accuracy of the translation of what one of the speakers in support of the proposal had said at the East Area Planning Committee (EAPC) on 2 September: Planning and Legal officers were satisfied that there were no significant differences in the translation which would have had a material bearing, in planning terms, on the decision taken by EAPC. Moreover this had no bearing on the decision before the Planning Review Committee.
2. Disputed land ownership and potential litigation were not material planning considerations and were not relevant to the determination of the application by the Planning Review Committee.

The Planning Officer presented the report. He said that following further consultation with the applicant it was proposed that the recommendation before the Committee should be amended to state that approval would be subject to the completion of an agreement under section 106 of the Town and Country Planning Act 1990 (s106 agreement). The s106 agreement would deal with the requirements set out in Condition 21 which would be deleted. In summary the s106 agreement would require that the Gurdwara would be provided and made available for the sole use as a Gurdwara prior to the occupation of the residential units.

The Planning Lawyer confirmed that the s106 agreement would also require a building programme to be submitted and implemented to secure that the development of the Gurdwara and the residential units would take place and be completed at the same time.

The Chair advised that the Council had secured the services of an independent translator for the meeting to assist in the communication between the Committee and one of the speakers, Mr Sukdev Singh Lalli.

Cllr Rowley (representing the views of the Gurdwara congregation and of local residents) spoke against the application, outlining the concerns objectors had raised with him regarding the suitability of the communal spaces in the replacement Gurdwara due to the proximity to the residential units and the reduction in parking provision.

Dilpreet Dhanoa (representing objectors from the Oxford Sikh Gurdwara) spoke against the application, highlighting 3 points: the temporary relocation of the Gurdwara; a breach of Human Rights Act 1998 and she cited that Article 9 (of the European Convention on Human Rights) would be contravened; and parallel litigation.

Simon Sharp (the agent for the applicant) spoke in support of the application and he, Akash Turna and Sukdev Singh Lalli (representing the applicant) answered questions.

In discussion the Committee explored concerns that the enhanced facilities of the new Gurdwara could lead to an increase in the number of regular users/worshippers and also in its use as a venue for large events (festivals and weddings) and the impact this might have on the local community.

The Committee noted the advice given by officers on the following:

- **Temporary replacement Gurdwara:** it was not reasonable, necessary or appropriate to impose a condition or informative requiring the applicant to make provision for a temporary Gurdwara while the development was being carried out or to include this in the legal agreement.
- **Human Rights Article 9:** was not engaged as the planning application would not deny a person the right to openly practice their religion.
- **Parallel litigation** – this was not a material planning consideration in the determination of the application.
- **Hours of operation:** it was not reasonable or necessary to impose a restriction on the hours of operation; no such restriction was currently in place; any future “nuisance” would be dealt with under separate regulatory powers.
- **Parking provision:** the site was in a sustainable location and there were parking controls in the area. Officers agreed with the Highways Authority view that the application would not have a severe impact on highway amenity.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer’s recommendation which had been amended to remove Condition 21 and for the approval to be subject to the prior completion of a section106 agreement.

The Planning Review Committee resolved to:

1. **Approve** the application for the reasons given in the report and subject to the 20 required planning conditions set out in section 8 of the report (Condition 21 deleted) and the 3 informatives; and grant planning permission subject to:

- the satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which were reported orally to the committee; 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;
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

5. Minutes

The Committee resolved to approve the minutes of the meeting held on 16 December 2019 as a true and accurate record.

6. Date of Future Meetings

The Committee noted the dates of future meetings.

The meeting started at 3.00 pm and ended at 4.15 pm

Chair

Date:

When decisions take effect:

Cabinet: after the call-in and review period has expired

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

All other committees: immediately.

Details are in the Council's Constitution.