

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.