

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.

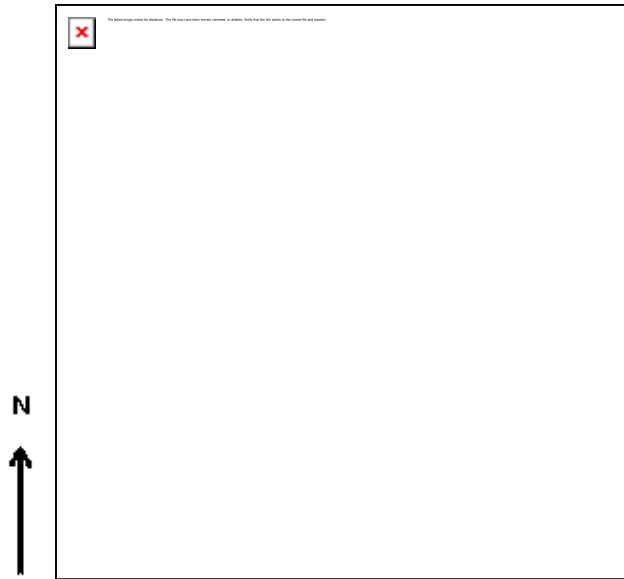
- 2.7. For the reasons expressed within this report and the previous reports to the East Area and Planning Review Committees, officers recommend approval of the application subject to the conditions listed within Section 10 of this report without the requirement for a Section 106 agreement as previously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