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| <b>Application number:</b> | 20/00856/FUL   |
| <b>Decision due by</b>     | 29th May 2020  |
| <b>Extension of time</b>   | 11 <sup>th</sup> September 2020  |
| <b>Proposal</b>            | 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) |
| <b>Site address</b>        | 295-301 London Road, Headington, Oxford – see <b>Appendix 1</b> for site plan  |
| <b>Ward</b>                | Barton And Sandhills Ward  |
| <b>Case officer</b>        | Michael Kemp   |
| <b>Agent:</b>              | Mr Simon Sharp <b>Applicant:</b> Mr Akash Turna  |
| <b>Reason at Committee</b> | This application has been called in by Councillors Rowley, Linda Smith, Kennedy, Rush, Fry, Pressel, Tarver and Tanner.  |

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## 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**

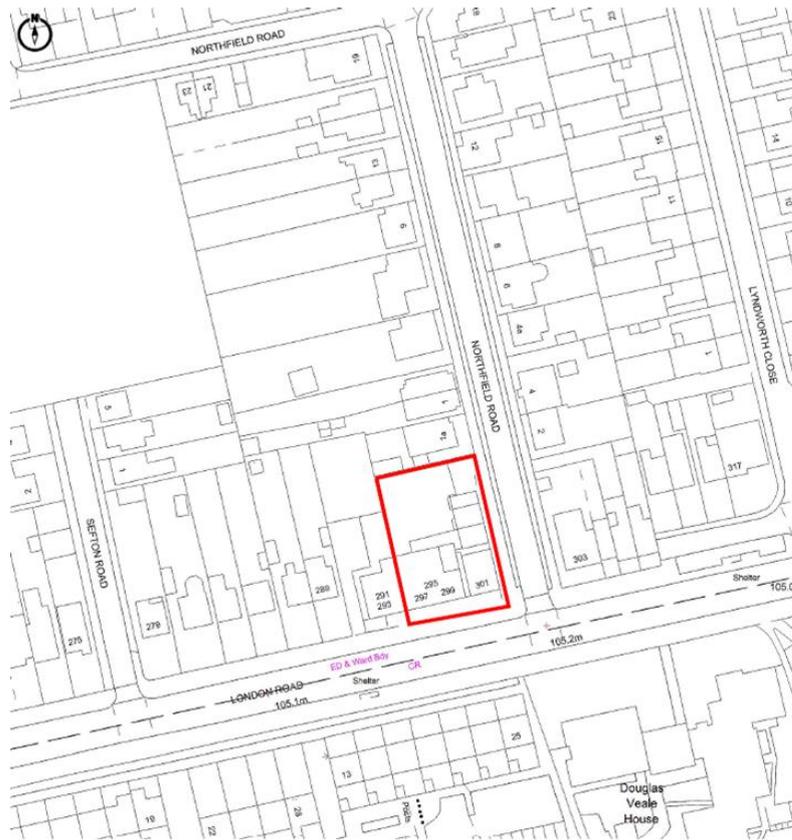
4.1. The site comprises a building consisting of single and two storey elements and related areas of hardstanding located on the corner plot of London Road and Northfield Road in Headington. The first floor of the building is currently occupied as a residential flat, whilst the ground floor of the building 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<br>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 15<sup>th</sup> April 2020. Following the receipt of amended plans the proposals were re-advertised by site on the 22<sup>nd</sup> 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 1<sup>st</sup> 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 31<sup>st</sup> 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 19<sup>th</sup> Century, early 20<sup>th</sup> 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.