

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

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## 1. RECOMMENDATION

1.1. The Planning Review Committee is recommended to:

1.1.1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 8 of this report and grant planning permission.

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

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

## 2. EXECUTIVE SUMMARY

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

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

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

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

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

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

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

**3. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

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

**4. RELEVANT PLANNING POLICY**

4.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036	Headington Neighbourhood Plan:
Design	12	DH1	CIP1 CIP3
Housing	5	H1, H4, H10, H14, H15, H16	
Commercial	6	E1	

Natural environment	15	G1, G2, G7	GSP3
Social and community	8	V7	
Transport	9	M1, M2, M3, M4, M5	TRP5
Environmental	15	RE1, RE2, RE3, RE4, RE7, RE8, RE9	

## 5. CONSULTATION RESPONSES

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

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

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

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

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

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

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

## **6. PLANNING MATERIAL CONSIDERATIONS**

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

### Provision of Parking

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

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

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

6.5. In terms of the residential element of the proposed development Policy M3 of the Oxford Local Plan states that in Controlled Parking Zones (CPZs) or employer-linked housing areas (where occupants do not have an operational need for a car) where development is located within a 400m walk to frequent (15minute) public transport services and within 800m walk to a local supermarket or equivalent facilities (measured from the mid-point of the proposed development)

planning permission will only be granted for residential development that is car-free.

- 6.6. The surrounding streets, including Northfield Road fall within the North Headington Controlled Parking Zone and are the subject of daytime parking restrictions between 9am and 5pm, Monday to Friday. A significant proportion of Northfield Road includes double yellow lines, with parking prohibited outside of the marked areas, which are the subject of CPZ parking restrictions. The site is less than 100 metres from a bus stop with regular services to the City Centre, as well as services to London. The site also lies within 300 metres of a local supermarket located at The Roundway and lies within 650 metres of the Headington District Centre. In line with the residential parking standards outlined under Policy M3 of the Oxford Local Plan, residential development should be car free, which is the case in this instance. The car free nature of the residential development is fully in line with the requirements of Policy M3 of the Oxford Local Plan.
- 6.7. In terms of non-residential uses, including places of worship, parking provision is determined on a case by case basis accounting for the specifics of the development proposed and the overall sustainability of the site. Policy M3 states that parking provision must take into account the wider transport objectives of the Oxford Local Plan, which are to promote and achieve a shift towards sustainable modes of travel. As outlined within Policy M1, a fundamental aim of the Local Plan is to encourage a modal shift away from private car use as the default means of travel and to prioritise sustainable travel in the forms of walking, cycling and public transport. These methods are vital to achieve improved air quality, and reduce congestion within the city.
- 6.8. The presumption will be that vehicle parking will be kept to the minimum necessary on all sites to ensure the successful functioning of the development. Policy M3 outlines that in the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities. This is pertinent in the case of the planning proposals which are the subject of consideration, which are for the redevelopment of an existing site within what would be considered to be a sustainable location.
- 6.9. The proposals would involve a reduction in overall parking provision from 10 spaces to 5 spaces. The replacement Gurdwara would be larger than the existing building (239sqm compared with 141sqm at present). Consequently this may equate to an increased number of visitors and worshipers travelling to the site. As noted above however the site is considered to be within a sustainable location in terms of accessibility to public transport. There are bus stops on either side of London Road within 100 metres of the site, which are served by regular busses to the City Centre, Aylesbury and London. There are also buses serving the nearby Thornhill Park and Ride which offers a large area of public parking for those travelling to the Gurdwara from outside of the city.

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

#### Adequacy of Replacement Community Facility

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

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



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

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

## Other Matters

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

## **7. CONCLUSION**

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

## **8. CONDITIONS**

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

Reason: In accordance with Section 91(1) of the Town and Country Planning

Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

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

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

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

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

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

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

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

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

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

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

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in

accordance with the requirements of policy RE9 of the Oxford Local Plan 2016-2036.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

commencement of development. The approved measures shall be implemented within the completed development.

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

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

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

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

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

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

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

#### INFORMATIVES :-

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

#### **9. APPENDICES**

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



## **10. HUMAN RIGHTS ACT 1998**

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

## **11. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

11.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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