

## Oxford City Planning Committee

<b>Application number:</b>	23/00516/FUL		
<b>Decision due by</b>	22nd June 2023		
<b>Extension of time</b>	N/A		
<b>Proposal</b>	Demolition of existing building. Erection of a three storey building to create a community hall (Use Class F2(b)) and 2 x 2 bed flats (Use Class C3). Provision of bin and bike store. (amended and additional information)		
<b>Site address</b>	The Annexe, Madina Mosque, 2 Stanley Road, Oxford – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	St Marys Ward		
<b>Case officer</b>	Robert Fowler		
<b>Agent:</b>	N/A	<b>Applicant:</b>	Mr Asad Mehmood
<b>Reason at Committee</b>	The application is before the committee as it has been called in by the Head of Planning Services		

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## 1. RECOMMENDATION

- 1.1. Oxford City 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 12 of this report and grant planning permission
  - 1.1.2. **delegate authority** to the Head of Planning and Regulatory 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 and Regulatory Services considers reasonably necessary.

## 2. EXECUTIVE SUMMARY

- 2.1. This report considers the demolition of the existing annex at the rear of the Madina Mosque in Stanley Road and the erection of a replacement three storey annex. The proposed building would form a built extension to the existing mosque and would provide a community hall at ground floor with 2 x 2 bedroom flats at first and second floors. The proposed building would be constructed using materials to match the existing building with a pitched roof.
- 2.2. The proposals are acceptable in principle as an expansion of an existing community building. The proposed additional housing on the site would also

be acceptable in principle having had regard to the quantity and quality of internal living environment and as a replacement of existing poor quality housing provided on the site.

- 2.3. Amendments have been sought to improve the design quality of the proposed building and reduce its impact on neighbouring residential occupiers. Officers consider that the proposed development would not harm the St Clements and Iffley Road Conservation Area. It is recommended that, subject to conditions, the proposed development would not have a materially harmful impact on neighbouring occupiers through a loss of light, privacy, outlook or noise.
- 2.4. The proposals seek to provide a relatively modest intensification of existing community uses on the site and housing where occupiers would not be entitled to car parking permits or on-site car parking (car free housing for the purposes of Policy M3 of the Oxford Local Plan (2036)). As a result of officer and local resident concerns additional information was sought relating to the transport impacts of the development and the submitted transport statement suggests that the majority of users of the community space would be travelling to the site on foot, bike or bus. Officers are satisfied that the proposed development would be compliant with transport policies and would not have a materially adverse impact on highway safety.
- 2.5. The proposed development would be acceptable in terms of its ecology impacts subject to compliance with the conditions recommended.
- 2.6. On the basis of the above, officers consider that the proposals are acceptable in planning terms and meet the specific requirements of Policies S1, V7, RE1, RE2, DH1, DH2, DH3, DH4, RE7, RE8, G2, M3 and M5 of the Oxford Local Plan (2036).

### **3. LEGAL AGREEMENT**

- 3.1. This application is not subject to a legal agreement.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 4.1. The proposal is liable for a CIL contribution £25867.06

### **5. SITE AND SURROUNDINGS**

- 5.1. The Madina Mosque (at 2 Stanley Road) contains the existing main mosque building with some residential accommodation above; the building has been extensively altered and extended since the site was first used as a mosque in the 1980s. Stanley Road is characterised by residential properties, typically semi-detached or detached, with some properties having been converted into flats. The houses in Stanley Road have front gardens with some mature vegetation and some areas used for parking. There is on-street parking on both sides of Stanley Road. To the south of the site are residential properties in Magdalen Road as well as some commercial and retail buildings. To the immediate south of the site are a block of flats forming 61

Magdalen Road. To the west of the site lies student accommodation in the ownership of Exeter College called Exeter House (235 Iffley Road).

- 5.2. The Mosque site lies within the St Clements and Iffley Road Conservation Area. The Conservation Area covers both St Clements and Iffley Road as the former main coaching routes to London (via Stokenchurch and Henley-on-Thames respectively) and draws its significance from the architectural and historic interest of the townscape. The Conservation Area also covers some of the adjoining residential roads that reflect a similar high quality of architecture. There are no listed buildings within the vicinity of the site.
- 5.3. The Mosque itself is constructed from a mixture of bricks, including buff bricks with red brick detailing. The front of the building addressing Stanley Road has a pitched roof with slate tiles and a prominent entranceway (an *iwan*); there are relatively subtle architectural details that indicate the building's use as a mosque. To the rear of the site the Mosque has been extended with a deep plan flat roof extension; though this is not widely perceived or visible in the public realm (including in Stanley Road or Magdalen Road, it is not visible even from the alley passing between the aforementioned roads because of the narrow nature of that alley and a parapet wall). There is a large external staircase that provides access to the upper floors of the mosque; whilst this is not visible in the public realm it is a prominent feature in the courtyard.
- 5.4. To the rear of the mosque there is a courtyard (or *sahn*) that is accessed directly from the rear of the Mosque itself but also from the alley running between Stanley and Magdalen Road; this alley provides access to another alley running behind properties in Magdalen Road which is blocked by a gate beyond the entrance to the courtyard. It is understood that the closure of the alley beyond this rear entrance was a result of anti-social behaviour. The courtyard is currently paved and whilst there is little vegetation in the courtyard it has a quiet character that is fairly typical of adjoining and nearby back gardens of residential properties in the vicinity. In the grounds of the courtyard there is a small morgue building. Also accessed from the courtyard and forming the boundary at the south-western edge of the site (adjoining the alley) is the Annex. The Annex building is the subject of this application. Notwithstanding the fact that the Annex is the subject of this application, this part of the site has previously been considered to be part of the main Mosque site which has been dealt with as a single planning unit, a place of worship (Use Class F2). It is acknowledged that the site has previously been used for residential use, but this residential use has been largely ancillary to the main use of the Mosque. The annex was previously occupied by an imam prior to the condition of the annex deteriorating to the point where it was no longer suitable for providing residential accommodation (and it has been abandoned and disused since).
- 5.5. The Annex building is a red brick building with a flat roof. The Annex can be accessed from doors onto the alley (leading between Stanley and Magdalen Road) and from the courtyard to the rear of the Mosque. The Annex has a similar overall height to the main part of the Mosque, with accommodation provided over three floors (the north-western portion of the building is higher

where it joints onto the main roof of the mosque). Whilst the Annex may have been previously used as part of the Mosque itself, its main use until fairly recently was as residential accommodation, the building contains a two bedroom flat at ground floor and a three bedroom flat at the upper floors. The Annex is not in particularly good condition and does not provide a high quality of residential amenity; the building is of significantly lower quality than the other buildings on the site.

5.6. See location plan below:



## 6. PROPOSAL

6.1. The application is to demolish the Annex building and replace it with a three storey building with a pitched roof extension to contain a community hall at the ground floor and 2 x 2 bedroom maisonettes at the upper floors; each flat would have accommodation at first and second floor. The flats would be accessed from external steps at the southern end of the proposed building with an entrance onto the alley that connects onto the adjacent alley linking Stanley and Magdalen Road. The proposed replacement building would have a similar form to the existing Annex but would be approximately 3m wider at ground floor and 2m wider at first and second floor. The proposed building would be higher than the existing annex; with the existing annex stepping down from a height of approximately 7m to 5m whereas the proposed annex would measure approximately 7.6m to the ridge (and 6m to

the eaves). The proposed building would be constructed of bricks matching the existing annex with an interlocking tiled roof.

- 6.2. The proposed community hall is sought principally to provide space for sports classes. The submitted Transportation Impact Analysis for the Proposed Expansion of Activities Facilities (2023) explains that the proposals would provide a more versatile space than the existing facilities within the mosque; where there is currently limited space for female participants. A further need for the facility is for providing space for children's activities; which are more challenging to host within the existing mosque because of the existing layout. Access to the community hall would be provided by the rear access and alley linking Magdalen and Stanley Roads, or using the rear doors of the mosque and courtyard.
- 6.3. The proposed flats would have access to a shared amenity space at ground floor within the existing mosque courtyard. Whilst the proposed flats would be dwellings that may be rented to different occupiers (within Use Class C3) they are proposed to be used only in conjunction with the mosque and not sold separately. The proposals include boundary treatments around parts of the amenity space to serve the flats, separating this space from the surrounding courtyard area. Bicycle and refuse/recycling storage are also proposed. The proposed flats would be car free with occupiers not being eligible for any car parking.
- 6.4. The proposed metal steps and associated walkways would provide access to the second floor rear fire escape that serves the mosque; replacing an existing similar feature. This is required so that the mosque meets fire regulations. The proposals include improved hard surfacing and landscaping within the courtyard area and a new improved access to the rear alley that connects with the alley linking Magdalen Road and Stanley Road; this would allow users of the mosque to access the rear part of the site without having to pass through the proposed amenity space serving the flats.

## 7. RELEVANT PLANNING HISTORY

The table below sets out the relevant planning history for the application site (and includes the main mosque site in addition to the annex)

85/00848/NF - Retrospective change of use from single family dwelling house to Muslim Welfare House/Mosque. Single storey rear extension to provide bathroom, W.C. and utility room at No. 2 Stanley Road. PER 10th December 1985.

87/00870/NF - Raise height of rear building for use as Prayer Hall (retrospective). 5 year permission for portable building. Renewal of NF-/0848/85 for further 5 years to change use to Muslim Welfare House/Mosque. PER 29th October 1987.

89/00035/NF - Two storey side and rear extension to form mosque and formation of car park area at the front (Amended plans). PER 28th September 1989.

90/00622/NF - External fire escape staircase. PER 5th October 1990.

92/01120/NT - Retention of use as Muslim Welfare House/Mosque. NF/870/87. WDN 15th March 2002.

95/01279/NF - First floor rear extension. PER 8th November 1995.
00/00054/NF - Retention of use as a prayer room/library as extension to mosque. PER 3rd June 2000.
14/01417/FUL - Installation of 4No air conditioning units to roof. PER 3rd July 2015.
15/02523/FUL - Change of use of part of first and second floors to House in Multiple Occupation (Use Class C4). PER 20th October 2015.
17/00104/FUL - Erection of single storey front extension. Formation of 1no. side access door. PER 9th March 2017.
20/02813/FUL - Erection of single storey side extension to outbuilding. PER 24th March 2021.
20/03146/CEU - Application to certify the existing 2no. flats as self-contained units is lawful development. Application returned (by Council) 5th July 2022.
21/00264/CEU - Application to certify that the existing single storey outbuilding is lawful development. PER 8th April 2021.
23/00516/FUL - Demolition of existing building. Erection of a three storey building to create a community hall (Use Class F2(b)) and 2 x 2 bed flats (Use Class C3). Provision of bin and bike store. (amended and additional information). PDE .

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	Chapter 12	DH1, DH7	
Conservation/ Heritage	Chapter 16	DH2, DH3, DH4, DH5	
Housing	Chapter 5	S1, H14	
Commercial			
Natural environment	Chapter 15	RE3, RE4, G2, G7 RE7, RE8	

<b>Social and community</b>	Chapter 6, 8	V7	
<b>Transport</b>	Chapter 9	M1, M2, M3, M5	Parking Standards SPD
<b>Environmental</b>	Chapter 14, 15	RE1, RE2	Energy Statement TAN
<b>Miscellaneous</b>			External Wall Insulation TAN,

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 10<sup>th</sup> May 2023 and an advertisement was published in The Oxford Times newspaper on 11<sup>th</sup> May 2023. Amended plans were received in December 2023 which led to amended plans site notices being displayed around the application site on 11<sup>th</sup> December 2023 and an advertisement was published in the Oxford Times on the 14<sup>th</sup> December 2023. Further small-scale changes were made to the proposals that related to the roof pitch and other alterations to the plans, these were not subject to additional public consultation as they did not materially impact on the acceptability of the scheme or amenity of surrounding occupiers.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

- 9.2. No objections, subject to conditions relating to car parking (car free development), construction traffic management plan and cycle parking.

### **Public representations**

#### **Oxford Civic Society, summary of objections:**

- Insufficient information relating to transport
- Poor design quality
- No details relating to access for the flats (by bicycle)
- Impacts on the St Clements and Iffley Road Conservation Area

#### **Iffley Road Area Residents Association, summary of objections:**

- Concerns about the size and bulk of the building
- Impact on neighbouring amenity
- Impact on privacy
- Proposed cycle parking is inadequate
- Impact on access arrangements (in particular on the alley)
- Highways and parking impacts
- Question the need/demand for the development
- Impact on Conservation Area
- Information missing from plans
- Inaccuracies with plans

- **No noise reports submitted**

### **Comments made objecting to the planning application:**

#### List of Addresses:

- 196, 225, 227, 232 Iffley Road, 235-239, Iffley Road (Exeter House) (*on behalf of Exeter College*)
- 2A, 4, 5, 6, 7, 8, 9, 12, 14, 15, 17, 19, 26, 27, 28, 32, 51, 61 Stanley Road
- Flats 3, 4, 5, 61 Magdalen Road
- Flat 3 and 7, 8 Stanley Road
- Magdalen Road Management Company (*on behalf of flats of 61 Magdalen Road*)
- 28 Stoneybrook, Horsham
- Local ward Cllr

#### Summary of Reasons:

- Access
- Amount of development on site
- Contaminated land issues
- Effect on adjoining properties
- Effect on character of area
- Effect on pollution
- Effect on privacy
- Effect on traffic
- General dislike or support for proposal
- Noise and disturbance
- On-street parking
- Open space provision
- Parking provision
- Public transport provision/accessibility
- Height of proposal
- Light – daylight/sunlight
- Local ecology and biodiversity
- Local plan policies
- Information missing from plans
- Not enough information given on plans

The comments received in objection have been briefly summarised below:

#### **1. Impact on Character of Conservation Area**

- The new extension would seriously compromise and detract from the street's character with its size, height and width, which would dominate the Iffley Road end of the street.
- Proposed annex significantly larger than the existing.
- The proposal is out of keeping with the design and character of the Victorian/Edwardian residential buildings along this road.
- The proposed height is not in keeping with other properties in the street.
- Overdevelopment/overcrowding of an already intensively used site.

#### **2. Impact on Neighbouring Amenity**



- The proposed three-storey building is overbearing
  - Loss of light and privacy to neighbouring properties.
  - Increased noise.
- 3. Inadequate provision of outdoor space and cycle storage**
- The rear outdoor amenity space will be reduced from the proposal which is not adequate for those using the site.
  - The application lists space for 8 bicycle racks, the plan only shows provision for 3 racks.
  - The proposal will impact biodiversity from loss of green space.
  - Higher risk of flooding from proposed hard surfacing.
- 4. Road Traffic and Parking Provision**
- The proposal will result in less parking spaces on an already crowded road. Car users of the building park in private spaces, on double-yellow lines, or do not have a permit.
  - The proposal will result in increased traffic, especially since the implementation of LTN's around Stanley Road, Magdalen Road and Iffley Road.
  - More dangerous/risk of traffic related incidents, particularly for children and elderly residents.
- 5. Lack of Information**
- Lack of consultation from applicants of the scheme with residents.
  - Lack of detail on materials and design.
  - Lack of information about how the proposal will meet required planning criteria.
  - Lack of detail in the application on how the above matters are to be addressed *e.g. increased traffic*.
  - Lack of heritage statement and noise statement.
  - Transport report inadequate.
  - Heritage statement is misleading.
  - Annex dimensions are incorrect.
  - The ecology report has not taken residents information into consideration.
- 6. Other**
- Fire safety concerns.
  - Residential part of 2 Stanley Road using the incorrect address.
  - Previous planning conditions have not been complied with, in relation to the re-planting of trees.
  - Concern over how the proposal, if approved, would be maintained, as the rear of the existing building is currently poorly maintained.
  - The existing annex at the property is unlawful.
  - Concern over ownership and future maintenance of the alleyway adjacent to the site.
  - Concern over the number of previous retrospective applications at the site
  - Applicants could consider the use of solar panels to the roof.
  - Support the mosque but would not support further expansion on the site.
  - Letters of support are from those outside of Oxford.

**Comments made in support of the planning application:**

List of Addresses:

- 102, 113, Edderthorpe Street, Bradford
- 6, Alder Close
- 19, Arthray Road
- 40, Bartholomew Road
- 15, 17, Belvedere Road
- 47, Boundary Brook Road
- 12, Bucklet
- 85, Bullingdon Road
- 37, 44 Church Hill Road
- 226 Cowley Road
- Dashwood Road (*no house number provided*)
- 56, 58, Dashwood Road
- 38, Gaisford Road
- 32, 95, Horspath Road
- 110, 121, Hurst Street
- 59, Kelburne Road
- 120, 122, 128, 130, 140 Leiden Road
- 17, Massey Close
- 29, Mattock Close
- 31, Middlesex Road, Mitcham
- 5, Minchery Road
- 23, Mortimer Road
- 20, Newman Road
- 153, Oxford Road
- 26, Parsons Place
- 127, Rose Hill
- 4, 15, Stansfeld Place
- 12, Surrey Road, Dagenham
- 23, Titup Hall Drive
- 23B, Troy Close
- 51, Westbury Crescent
- Brasenose College

The comments received in support have been briefly summarised below:

- The proposed would create a new community hall and residential space representing a much-needed upgrade, providing essential services and housing.
- Enhance neighbourhood amenities.
- Will address local social and housing needs
- Will address growing population and local need for place of worship/community centre, particularly for young people.
- Sustainable design and features.
- Foster community engagement and sense of belonging within the immediate and wider community.
- Will reduce the need to travel further to attend other centers.
- The community hall will not have an impact on the traffic, as the vast majority of the community who attend the centre live within walking distance.
- The existing building is in poor condition.

- In keeping with other recent developments in the locality.

### **Officer response**

9.3. Officers sought specific amendments to the proposals to improve the design and appearance of the development; amendments have been received that have improved the design quality. Conditions are included that relate to construction management, highways and parking, and landscaping. Some of the comments relate specifically to the use of the mosque itself rather than the uses and development associated with these proposals.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- I. Principle of Development
- II. Design and Impact on Heritage Assets
- III. Impact on Neighbouring Amenity
- IV. Ecology
- V. Flooding and Drainage
- VI. Highways and Parking
- VII. Sustainability

### **I. Principle of development**

#### *Community Hall*

10.2. Policy V7 of the Oxford Local Plan (2036) refers to existing community facilities. The proposed community hall at the ground floor of the replacement Annex building has been put forward in the submission as a multi-functional space; particularly for children's activities (including sports and reading). It is understood that many of the activities that are proposed to take place in the community hall at the ground floor level of the annex are already taking place within the mosque; though there are difficulties with providing enough space for those activities to such an extent that they are oversubscribed. Further to this, there are specific justifications around providing the community hall in a separate part of the building to the main mosque because of specific operational issues. Policy V7 states that *in principle, applications to extend capacity, improve access and make more intensive cultural/community use of existing sites will be supported.*

10.3. Policy RE2 of the Oxford Local Plan 2036 states that planning permission will only be granted where development proposals make efficient use of land. Development proposals must make best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford, as well as considering the criteria set

out in the policy. The proposed development would make use of an existing site which is already previously developed land and is therefore accepted in principle as a site for additional intensification of an extant land use.

- 10.4. On the basis of the above officers recommend that the community hall proposal would be acceptable in principle. There are other specific policy considerations relating in particular to noise and an impact on residential amenity that would need to be considered in the context of the proposed use of the space; these matters are carefully considered later in this report.

### *Housing*

- 10.5. The proposed development of additional dwellings on the site would be acceptable in principle in the context of Policies S1, H1 and RE2 of the Oxford Local Plan (2036). The site already provides some housing but it is acknowledged that this does not provide a very high quality of indoor amenity and also fails to provide adequate outdoor amenity spaces. The dwelling or dwellings on the site have also previously been considered to form part of the Mosque site and these spaces have not previously been authorised through a grant of planning permission to be used as self-contained dwellings. There was an attempt to seek a lawful development certificate for the existing residential use (reference 20/03146/CEU) but this was withdrawn. Despite the mosque annexe's status in planning being ill-defined in planning terms, officers recommend that the lawful use would be considered to be an ancillary housing use with the site having historically been used for many years by the imam and other tenants connected with the mosque. The current deteriorated state of the mosque annex means that the area is uninhabitable (and it is understood that it has been prohibited for use); though if the existing building was repaired and brought up to a liveable standard officers consider that the use of that space by tenants connected with the mosque would be unlikely to be a breach of planning controls.
- 10.6. The current proposals to provide 2 x 2 bedroom flats in the upper floors of the rebuilt annex would be an intensification of the existing housing use on this part of the application site. Officers consider that these proposals would make a more efficient use of the site; removing an existing unusable housing unit or units and replacing them with higher quality housing. The development is therefore acceptable in principle. Officers consider that the nature of the site, being a mosque and community facility means that these proposed dwellings should always be required to be part of the community facility site and not used other than in conjunction with the mosque. As a result a condition is recommended that would require the dwellings to be used in this way. Further consideration of this matter is detailed below with respect to the design and layout of the proposed dwellings.

## **II. Design**

### *Policy Context*

- 10.7. Policy DH1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high-quality design that creates or

enhances local distinctiveness. Proposals must be designed to meet the key design objectives and principles for delivering high quality development, set out in Appendix 6.1 of the Oxford Local Plan (2036).

- 10.8. Policy DH3 of the Oxford Local Plan 2016 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset, in this case a conservation area, and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.

#### *Demolition*

- 10.9. The proposed development would involve the demolition of the existing Annex which does not have any architectural value; the Annex is not a high quality building and detracts somewhat from the other parts of the mosque site and surrounding buildings. The proposals seek to provide a higher quality and modern replacement. The proposed replacement Annex would be higher than the existing building from the point of view that it would extend to three floors across its entire length (compared with the existing building which only contains a third floor at its northern-most end). Despite being higher, the proposed development would be largely concealed from most surrounding viewpoints in the public realm other than the alley joining Stanley and Magdalen Road (which already incorporates buildings of a similar height).
- 10.10. Notwithstanding the above, it is important that when an application is made to demolish part of a building in a Conservation Area then it is considered in the context of its heritage value. It is suggested above that the existing building is of not of any architectural merit but it is understood that the Annex building may have formed part of the earlier extensions or alterations of No. 2 Stanley Road following its conversion into a mosque. Officers have investigated this further and recommend that there should be no requirement in this case to record the internal layout or features of the building as there are no noteworthy features.

#### *Design of Proposals and Impact on Conservation Area*

- 10.11. The application proposal increases the development of the 2 Stanley Road plot, demolishing a large, existing outbuilding and extending the present building range that functions as the principal and ancillary spaces of the mosque with a new, narrow, two storey plus attic building range facing onto the present yard which would be landscaped to create a courtyard garden. This alignment of building and retention and enhancement of open space within the site is considered to preserve the overall character and sense of place found in this part of the conservation area.

- 10.12. The proposed architecture attempts to pick up on reference to detail that is characteristic of the area as well as the particular architectural idiom associated with the function and use of these buildings. Officers consider that the proposals therefore respond well to the site context in terms of the overall architectural approach.
- 10.13. The proposed height of the replacement building range would be three storeys, the upper storey being substantially within a reduced height or partially attic floor would enable the building range to sit comfortably amongst the various infill buildings to original building plots that immediately surround the site, particularly the college buildings to the west of the site and buildings on land to the rear of properties in Magdalen Road. Additionally, officers consider that the building's relatively narrow, linear plan form reflects the traditional form of rear building ranges to the early twentieth century buildings that characterise this part of the conservation area.
- 10.14. The alignment of the building directly alongside and framing the public footpath (connecting alleyway) that runs between Stanley Road and Magdalen Road along the back of the Iffley Road plots serves to enclose the back of the site providing privacy for occupants. This references the plot boundary walls that historically bounded the rear gardens of the original houses and that survive in part along the western side of the footpath.
- 10.15. The proposed annex includes a relatively restrained architectural detailing and features. The proposed windows on the public facing side of the new building range and the use of rooflights to preserve the line of the roof and to signal that the upper floor has been designed to sit within the roof of the building all plays down the significance of the building, reinforcing a building hierarchy from front to back of the site and displaying a subservience to the principal building. Officers consider that this approach allows the proposals to respond to the characteristic layout of buildings within this part of the Conservation Area.
- 10.16. Officers specifically sought windows within parts of the elevation facing the alley given that this area is quite narrow and enclosed; the addition of windows in this location (even though they are obscure glazed) would create some activity in the alley which would increase the perception of passive surveillance to the benefit of public safety. The use of the alley as a thoroughfare is particularly important at nighttime and given that during specific times of year the main mosque site can be used in the evenings and night-time (for example, during Ramadan).
- 10.17. The proposal to reinstate a garden within the core of the site would enhance the setting of the building as well as preserving the fundamental character and appearance of the place as one of domestic scale, residential buildings set in gardens. Officers have recommended conditions relating to landscaping enhancement to be provided as part of the proposals. This is necessary to improve the rear aspect of the site where regrettably it is understood that previous landscaping schemes have not been realised. It is also recommended to include a condition relating to hard landscaping; the existing paved area at the rear of the site is in poor condition and an

enhanced hard landscaping area within this space could greatly improve the appearance of this part of the site (as well as assisting with its function as a circulation space and point of access to the community spaces and flats at the rear of the site).

#### *Level of Harm*

- 10.18. Officers recommend that because of the careful siting and considered design responding to its immediate surroundings but also to the wider character and appearance of Stanley Road, the proposed building and the associated landscape enhancements would preserve the special character and appearance of the Conservation Area. Officers consider that subject to appropriate conditions to ensure a quality of detailed design and materials that matches that of the surrounding buildings of Stanley Road that the new building range would not cause harm to the architectural or historic significance of the St Clements and Iffley Road Conservation Area.
- 10.19. Regard has been paid to paragraph 205 of the NPPF in reaching a decision and great weight has been given to the conservation of the conservation area. The balancing test required by paragraph 208 of the NPPF applies where there is less than substantial harm caused. As it is considered that the proposal would cause no harm to the significance of the conservation area it is not necessary to balance any public benefits of the proposal against the level of harm caused. Therefore, the proposals would be acceptable in terms of their impact on this designated heritage asset.
- 10.20. Special attention has been paid to the statutory test of preserving or enhancing the character and appearance of the conservation area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the character and appearance of the Conservation Area, and so the proposal accords with Section 72 of the Act.

#### *Internal Living Conditions*

- 10.21. Policy H15 of the Oxford Local Plan 2036 states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use. All proposals for new build market and affordable homes (across all tenures) must comply with the MHCLG's Technical Housing Standards – Nationally Described Space Standard Level 113.
- 10.22. Officers are satisfied that the proposed 2 x 2 bedroom flats would meet the internal space standards and would provide a high quality indoor space. It has already been noted in this report that the existing housing on the site provides a poor standard of amenity and the improvement in the standard of the housing is supported in principle. On this basis the proposed development would be acceptable in the context of Policy H15 of the Oxford Local Plan (2036).

#### *Outdoor Amenity Conditions*

- 10.23. The existing courtyard at the rear of the application site currently forms an under-used part of the application site. Whilst the majority of those visiting the mosque use the entrance on Stanley Road (as this is where the ablution facilities are located) it is possible to access the mosque at the rear. The courtyard also contains the mosque's morgue (and the rear alley and courtyard form the access for the morgue). The rear alley and courtyard are proposed to provide the main access for the flats, through a small shared amenity space for the flats (containing the refuse bin and cycle storage). This would be enclosed by fencing and would provide sufficient space for the two bedroom flats. Despite the proposals being acceptable in terms of their outdoor amenity space, officers consider that the nature of the application site and the layout set out above justifies a condition which would preclude the use of the flats by occupiers not connected with the mosque. The applicant has indicated that this would be an acceptable condition; officers consider that the condition is needed to ensure that the mosque can continue to function as a community building with limited housing on the site for the needs of those connected with the mosque. The applicant has provided further detail that the mosque cannot sell the flats separately in any case as this is a fundamental requirement of the mosque trust.
- 10.24. On the basis of the above, officers recommend that the proposals would be acceptable in design and conservation terms having had regard to the requirements set out in Paragraphs 205 to 208 of the NPPF and Policies DH1, DH2, DH3, DH5, H15 and H16 of the Oxford Local Plan (2036).

### **III. Impact on neighbouring amenity**

- 10.25. Policy H14 of the Oxford Local Plan 2036 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. Policy H14 sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to habitable rooms of the neighbouring dwellings.
- 10.26. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected including the amenity of communities, occupiers and neighbours. Developments must also not have unacceptable unaddressed transport impacts. Where developments do impact standards of amenity then appropriate mitigation measures should be provided where necessary. The factors the City Council will consider in determining compliance with the above elements of this policy include visual privacy, outlook, sunlight, daylight and overshadowing.
- 10.27. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of



noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses.

#### *Impact on Sunlight and Daylight*

- 10.28. The impacts of the proposed development in terms of sunlight and daylight would be experienced by occupiers of the adjacent student accommodation 'Where House' to the south west of the proposed annex and 61 Magdalen Road which is a development of eight flats and lies to the south and south-east of the application site.
- 10.29. The impact of the proposed development on the student accommodation to the south-west of the application site would result in some loss of light as a result of the increased height of the proposed development. However, officers recommend that the existing windows serving student bedrooms at ground, first and second floor receive relatively little light as a result of the fairly enclosed nature of the alley that already exists. The proposed replacement annex has been amended to incorporate a pitched roof with a lower eaves height to reduce the light impacts on the rooms. Officers also consider that the orientation of the building (to the north-east of the rooms) means that relatively little light enters the rooms from this side in anycase. Most of the existing student rooms affected would already be breached by the 45/25 degree code with respect to the existing building and there is therefore no additional harm that would arise from these proposals. It is therefore recommended that in the context of daylight and sunlight impacts the proposed development would not be materially harmful in planning terms having considered the requirements of Policy H14 of the Oxford Local Plan (2036) and the 45/25 degree code contained within those policy requirements.
- 10.30. The proposed development would not materially impact on light conditions for occupiers at No. 61 Magdalen Road. The proposed increase in the height and width of the annex building would be orientated to the north-west of the flats and would not lead to a loss of light. Officers consider that the proposed development would comply with the requirements of Policy H14 of the Oxford Local Plan (2036) and the 45/25 degree code having had consideration for the existing sunlight/daylight conditions and the orientation of the building.
- 10.31. Residential properties in Stanley Road to the east of the application site would receive no impact from the proposals in terms of a loss of sunlight or daylight as any additional shading resulting from the increase in size of the building would be cast over the existing courtyard of the application site.

#### *Privacy*

- 10.32. The proposed development would contain windows that would face south-westward towards the student accommodation (Where House). Officers have recommended that the windows in this elevation of the proposed annex

are obscure glazed and non-opening (below a height of 1.7m when measured from the finished floor level). This is to protect the privacy of neighbouring occupiers. At the upper floor levels these windows serve bathrooms in anycase but at the ground floor they would serve the community hall (as secondary windows). The benefit of these windows in design terms has already been discussed above; officers consider that there would be no impact in privacy terms subject to the condition as set out above. The proposed rooflights on the south-west roofslope would be set sufficiently high in the roofslope to ensure that there would be no outlook from these windows towards the windows of neighbouring properties.

- 10.33. The proposed south-west elevation (which faces towards the flats at No. 62 Magdalen Road) would have windows at ground floor level which would not impact on privacy for neighbouring occupiers (having considered existing boundary treatments around the application site). There is also a high level window proposed on this elevation which would not offer outlook from the proposed building. The end of the walkway and steps that provides access to the flats would provide some oblique views towards the windows serving the flats at No 62 Magdalen Road but this replicates an existing walkway serving the fire escape for the mosque and would not materially harm the privacy of neighbouring residential occupiers.
- 10.34. Officers have carefully considered the impact of the proposals on the privacy of occupiers at No. 4 and No. 6 Stanley Road. The proposed annex would include the majority of windows facing towards this direction (i.e. the windows in the north-east elevation of the building). The existing building, which has been used as residential accommodation currently has windows facing this direction; these windows afford some view towards private neighbouring rear gardens but the privacy of these occupiers is protected by the fact that the distance between the windows in the annex and the boundary (with No. 4 Stanley Road) is a distance of approximately 14m. The proposed annex would be wider than the existing and would (as a result of the increase length of the building) incorporate more windows and more accommodation providing outlook towards the gardens to the north-west of the application site in Stanley Road. The upper floor windows at first and second floor would be situated approximately 12m from the boundary with No. 4 Stanley Road. Officers are satisfied that in the current context of the application site this would not give rise to a materially harmful impact in privacy terms and the development would comply with the requirements of Policies H14 and RE7 of the Oxford Local Plan (2036).

#### *Outlook*

- 10.35. The proposed development would limit views from some of the windows of the adjacent student accommodation as a result of the increased height of the building. However, the existing windows in this location are mostly constrained by the existing building on the site (as well as adjacent buildings including the mosque itself and No. 61 Magdalen Road). As a result, there is no material impact on outlook for the existing student accommodation. Officers are satisfied that all other properties are sited sufficiently far away to protect the amenity of those occupiers with regards to outlook.

### *Noise and Lighting*

- 10.36. The proposed use of the annex as a community hall would lead to an increase in the use of the rear of the site as well as an overall increase in the amount of community uses (including exercise classes etc.) that would take place on the site as a whole. The proposed building would be built to a modern building standard that would largely attenuate noise. The submitted application form suggests that the majority of use would take place in the afternoon; officers have recommended a condition that would ensure that the community hall is only used in the daytime and early evening period (until 8pm) to protect the amenity of surrounding occupiers.
- 10.37. The proposed improvements to the existing courtyard area would mean that this would form part of the wider community spaces on the site, which would be beneficial to the appearance of the site as a whole. The site currently contains similar community uses and the rear aspect of the mosque can be used as a point of access to the main building (as well as the morgue and existing annex). The proposals do not seek to provide any music or noise amplification within the space or on the outside of the proposed building but officers have specifically recommended that a condition is included to preclude this taking place in the future.

### *Lighting*

- 10.38. The proposals do not include any lighting within the courtyard space. The existing area is fairly dark and is typical of a rear garden which reflects the context of this part of the conservation area. Officers have included in the recommendation a condition that would preclude the installation of lighting in the future.

## **IV. Ecology**

- 10.39. Policy G2 of Oxford Local Plan 2036 states that important species and habitats will be expected to be protected from harm, unless the harm can be appropriately mitigated. It also outlines that, where there is opportunity, it will be expected to enhance Oxford's biodiversity. This includes taking opportunities to include features beneficial to biodiversity within new developments throughout Oxford.

### *Ecology Report*

- 10.40. The application has been submitted with an ecology report. The proposed development entails the demolition of an existing annex with two-storey and single-storey elements. The project ecologist assessed the annex to be of negligible suitability for roosting bats. The ecologist identified two potential roosting features on the annex, which are described with more clarity in the revised preliminary roost assessment (PRA) report. It is apparent these were not inspected at the time of survey due to inaccessibility. The project ecologist proposes that the gap behind the timber boarding and the surrounding materials are dismantled by hand, under ecological oversight, while the hole in the wall is inspected with an endoscope prior to works

commencing. The nature of the features and location of the application site suggest they are unlikely to support roosting bats. However, due to the inaccessibility of these features, it is considered that the proposed working methodology is appropriate. Officers recommend that this should be secured via planning condition.

### *European Protected Species*

10.41. The Local Planning Authority, in exercising any of its functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017, which identifies four main offences for development affecting European Protected Species (EPS):

1. Deliberate capture, injuring or killing of an EPS
2. Deliberate disturbance of an EPS, including in particular any disturbance which is likely
  - a) to impair their ability –
    - i) to survive, to breed or reproduce, or to rear or nurture their young; or
    - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
  - b) to affect significantly the local distribution or abundance of the species to which they belong.
3. Deliberate taking or destroying the eggs of an EPS
4. Damage or destruction of a breeding site or resting place of an EPS.

10.42. Officers are satisfied that European Protected Species are unlikely to be harmed as a result of the proposals.

## **V. Flooding and Surface Water Drainage**

10.43. Policy RE3 of the Oxford Local Plan 2036 states that planning permission will not be granted for development in Flood zone 3b except where it is for water-compatible uses or essential infrastructure; or where it is on previously developed land, and it will represent an improvement for the existing situation in terms of flood risk. Minor householder extensions may be permitted in Flood Zone 3b, as they have a lower risk of increasing flooding. Proposals for this type of development will be assessed on a case-by-case basis, considering the effect on flood risk on and off site. Development will not be permitted that will lead to increased flood risk elsewhere, or where the occupants will not be safe from flooding.

10.44. Policy RE4 of the Oxford Local Plan 2036 states that all development proposals will be required to manage surface water through Sustainable

Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Surface water runoff should be managed as close to its source as possible, in line with the drainage hierarchy outlined in the policy. Applicants must demonstrate that they have had regard to the SuDS Design and Evaluation Guide SPD/ TAN for minor development and Oxfordshire County Council guidance for major development.

- 10.45. The application site lies in Flood Zone 1 which is considered to be low risk of flooding. The application site already contains extensive areas of hard standing and is largely covered with impermeable ground. The proposed development would not increase risk of flooding or give rise to a material impact on surface water drainage in the locality. Officers recommend that the proposed development is acceptable in the context of Policies RE3 and RE4 of the Oxford Local Plan (2036).

## **VI. Highways and Parking**

- 10.46. Policy M1 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport.
- 10.47. Policy M2 of the Oxford Local Plan 2036 states that a Transport Assessment must be submitted for development that is likely to generate significant amounts of movement, in accordance with the requirements as defined in Appendix 7.1. In addition, development which meets the relevant criteria must include a travel plan. Where a Travel Plan is required under this policy and a substantial amount of the movement is likely to be in the form of delivery, service and dispatch vehicles, a Delivery and Service Management Plan will be required.
- 10.48. Policy M3 of the Oxford Local Plan 2036 states that in Controlled Parking Zones 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 public transport services and within 800m walk to a local supermarket or equivalent facilities planning permission will only be granted for residential development that is car-free. In all other locations, M3 states that planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with.
- 10.49. Policy M3 of the Oxford Local Plan 2036 states the parking requirements for all non-residential development, whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites, or new non-residential development on new sites, will be determined in the light of the submitted Transport Assessment or Travel Plan, which must take into account the objectives of this Plan to promote and achieve a shift towards sustainable modes 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, 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.

### *Community Hall*

- 10.50. The proposals would seek an expansion of existing community uses on the site and would represent a relatively modest increase in floorspace to provide the community hall. The proposals have been specifically sought to address a shortfall in the availability of exercise classes for existing users of the mosque; particularly female members of the community. The layout of the existing mosque does not easily facilitate the use of all of the spaces within the mosque by all members of the community. A transport statement has been provided that suggests that the majority of users of the mosque come from the local area (there is currently a waiting list of 36 individuals who wish to attend classes and this has been used to inform the potential modal share of those likely to use the community hall). Additionally, people attending the mosque were identified in the submitted transport report to live overwhelmingly within the East Oxford, Rose, Hill, Cowley and Iffley areas (92%). Officers also note that the site lies within an area where there are already restrictions on on-street parking (a controlled parking zone). The application site is also within a low-traffic neighbourhood as well as being situated close to Iffley Road which provides both a recently completed 'quick-way' cycle route and regular bus services; this would lend the site to access by non-car modes.
- 10.51. There are no specific proposals for cycle parking for the proposed community hall. Officers have recommended that additional cycle parking is provided within the courtyard space adjacent to the entrance to the proposed community hall. This is recommended to be secured by condition.
- 10.52. Officers note that there are a large number of concerns relating to the existing transport impacts of the site, including the existing mosque and its impacts on car parking and highsway safety in the locality. The proposals relate to the relatively small-scale increase to the community uses on the site and detailed information has been provided about the transport impacts of those proposals. Officers are satisfied that the development would not give rise to an adverse impact on highway safety and would not exacerbate car parking conditions in the locality. The development would comply with the requirements of Policy RE7 of the Oxford Local Plan (2036).

### *Flats*

- 10.53. The proposed development would not provide any car parking for the proposed two flats. There is no car parking provided on the application site for the occupiers of those housing units and they are therefore proposed to be car free for the purposes of the Council's policies (including Policy M3 of the Oxford Local Plan (2036)). Officers are satisfied that this would be acceptable having had regard to the excellent accessibility of the site (as set out above) and also the close proximity to nearby services including the shops in Magdalen Road, Iffley Road and the Cowley Road District Centre.

- 10.54. The proposals include an area for cycle parking within the shared amenity space for the flats. This would be sufficient to meet the requirements of the occupiers of the flats and can be secured by condition.

#### *Construction Traffic*

- 10.55. The proposals involve demolition of an existing building and the erection of a replacement building. The site access is constrained and could give rise to a potential impact on users of the adjacent pedestrian alley during the construction phase of development. It is also noted that there are a large number of objections and concerns that relate to highway safety and parking impacts of the proposals. As a result, officers have recommended a condition to require a construction traffic management plan to resolve and manage some of the issues identified and minimise the impact of the construction phase of the development on highway users and residential amenity.
- 10.56. On the basis of the above the proposed development would be acceptable in the context of Policies M1, M3 and M5 of the Oxford Local Plan (2036).

### **VII. Sustainability**

- 10.57. Policy RE1 of the Oxford Local Plan 2036 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles, set out in RE1, have been incorporated. It is expected that 25% of energy will be from on-site renewables; water consumption must also meet the requirements of Building Regulations Part G2. An Energy Statement will be submitted to demonstrate compliance with this policy for new-build residential developments (other than householder applications) and new-build non-residential schemes over 1,000m<sup>2</sup>.
- 10.58. The application is accompanied by annotated plans that detail the energy requirements and adherence of the proposals to the latest building regulations standards. The proposed development falls below the threshold for non-residential development requiring specific measures identified in Policy RE2 but would need to meet the requirements relating to the proposed new built dwellings. Officers have sought additional details and are satisfied that the requirements can be met. It should be noted that the existing residential accommodation on the site provides a poor quality of indoor space and energy performance and the proposals represent a very significant improvement. On this basis the development would be acceptable in the context of Policy RE2 of the Oxford Local Plan (2036).

### **11. CONCLUSION**

- 11.1 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 consideration indicate otherwise.

- 11.2 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 clear reasons 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.
- 11.3 Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.

*Compliance with development plan policies*

- 11.4 In summary, the proposed development would provide additional community space and housing and is supported by the overall objectives of the Oxford Local Plan 2036 and Policy S1. The proposals would cause no harm to designated heritage assets including the St Clements and Iffley Road Conservation Area, the proposals are high quality design meet the requirements of Policies DH1 and DH3 of the Oxford Local Plan 2036, the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would not be detrimental upon any neighbouring occupiers and would comply with Policies H14 and RE7 of the Oxford Local Plan (2036).
- 11.5 Therefore officers consider that the proposal would accord with the development plan as a whole.

*Material considerations*

- 11.6 The principal material considerations which arise are addressed above, and follow the analysis set out in earlier sections of this report.
- 11.7 Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out in the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be approved without delay. This is a significant material consideration in favour of the proposal.
- 11.8 Officers would advise members that, having considered the application carefully, including all representations made with respect to the application, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036 and that there are no material considerations that would outweigh these policies.



- 11.9 It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report.

## **12. CONDITIONS**

### **Time Limit**

- 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.

### **Build in Accordance with Approved Plans**

- 2 Subject to condition 7 and 11, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

### **Materials - Samples**

- 3 Prior to the commencement of the approved development details of the materials used in the external construction of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include samples that shall be made available on site for the inspection by officers of the Local Planning Authority. Only the approved materials shall be used in the external construction of the approved development.

Reason: In the interests of the character, appearance and special significance of the St Clements and Iffley Road Conservation Area and in the interest of high quality design as required by Policies DH1 and DH3 of the Oxford Local Plan (2036).

### **Windows and Doors – Further Details**

- 4 Notwithstanding the requirements of Condition 3 of this planning permission prior to the commencement of the approved development details of the windows and doors to be installed as part of the approved development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include large scale sections that are a scale of 1:5 and details of the materials used in the external construction of the windows and doors including their external finish. Only the approved windows and doors shall be installed.

Reason: In the interests of the character, appearance and special significance of the St Clements and Iffley Road Conservation Area and in the interest of high quality design as required by Policies DH1 and DH3 of the Oxford Local

Plan (2036).

### **Use of Community Hall**

- 5 The approved community hall including the adjoining reception, WC and storage areas at ground floor as identified on the approved floor plans (Drawing No. Madina/01 ) shall only be used for a use falling within Use Class F2(b) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting that Order with or without modification and shall only be used in conjunction with the mosque or any other place of worship occupying the land at 2 Stanley Road (the land edged in blue on the approved Existing Block location site plan).

Reason: In the interests of providing additional cultural and community space as required by Policy V7 of the Oxford Local Plan (2036), to ensure that the public benefits associated with the development are realised in perpetuity in order that the development is acceptable in the context of Policy DH3 of the Oxford Local Plan (2036) and to ensure that the community hall provided remains part of the existing mosque or premises at 2 Stanley Road so that cumulative impacts of the development are acceptable in the context of Policy RE7 of the Oxford Local Plan (2036).

### **Use of Dwellings**

- 6 The approved dwellings shall only be used in conjunction with the use of the mosque or any other place of worship occupying the land at 2 Stanley Road (the land edged in blue on the approved Existing Block location site plan) and shall only be used as dwellings as defined in Use Class C3 of the Town and Country Planning (Use Classes Order) 1987 (as amended) or any order revoking and re-enacting that Order with or without modification.

Reason: The approved dwellings would not provide sufficient private amenity space for use by occupiers other than occupiers connected with the use of the mosque or any other place of worship occupying the land at 2 Stanley Road (the land edged in blue on the approved Existing Block location site plan) and the use of the dwellings by occupiers not connected with that property could otherwise have a deleterious impact on the provision of a community facility. For these reasons the condition is required in order that the development complies with the requirements of Policies H16 and V7 of the Oxford Local Plan (2036).

### **Boundary Treatments – Further Details**

- 7 Notwithstanding the submitted plans or the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification prior to the commencement of the approved development details of the boundary treatments to be installed on the application site shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed prior to the occupation of the approved flats or the first use of the community hall whichever is the sooner.

Reason: In the interests of the amenity of the area as required by Policies DH1, DH3, RE7 and H14 of the Oxford Local Plan (2036).

### **Cycle Store - Dwellings**

- 8 Prior to the commencement of the approved development a detailed scheme of cycle parking for the use of the approved community hall shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking scheme shall include the provision of at least six Sheffield stands to be installed within the application site. The approved cycle storage scheme shall be installed on the site prior to the first use of the approved community hall and shall be retained and maintained for that purpose only..

Reason: In the interests of providing for the cycle storage requirements as set out in Policy M3 of the Oxford Local Plan (2036).

### **Cycle Storage – Community Hall**

- 9 Prior to the commencement of the approved development a detailed scheme of cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking scheme shall include the provision of at least six Sheffield stands to be installed within the application site. The approved cycle storage scheme shall be implemented on the site prior to the first use of the approved community hall.

Reason: In the interests of providing for the cycle storage requirements as set out in Policy M3 of the Oxford Local Plan (2036).

### **Obscure Glazing**

- 10 The approved windows on the rear elevation as identified on the approved plans (Drawing No. Madina/05) shall be obscure glazed and non-opening below a height of 1.7m when measured from the finished floor level and shall remain obscure glazed and non-opening below a height of 1.7m when measured from the finished floor level.

Reason: In the interests of the privacy of neighbouring residential uses as required by Policies H14 and RE7 of the Oxford Local Plan (2036).

### **Hard Landscaping**

- 11 Notwithstanding the requirements of Condition 3 prior to the commencement of the approved development a detailed plan for the hard landscaping of the areas shown on the approved ground floor plan (Drawing No. Madina/02) identified as stone slab floor shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the material of any slabs and their external finish. The approved hard landscaping scheme shall be completed in accordance with the approved details prior to the first occupation of the approved flats or first use of the approved community hall whichever is the sooner.

Reason: In the interests of high quality design and the amenity of the area as required by Policies DH1 and DH3 of the Oxford Local Plan (2036).

### **Landscaping**

- 12 Prior to the commencement of the approved development a detailed soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of the number and species of plants to be provided within the areas shown for indicative landscaping on the approved plan (Madina/02). The approved landscaping scheme shall be completed within twelve months of the substantial completion of the approved development or by the end of the first planting season following the substantial completion of the approved development. Any shrubs or trees that die within five years of the completion of the landscaping shall be replaced within twelve months on a like for like basis in accordance with the approved plans.

Reason: In the interests of providing high quality design and landscaping. And to ensure that the development makes a positive contribution to the character, appearance and significance of the Conservation Area as required by Policies DH1, DH3 and G6 of the Oxford Local Plan (2036).

### **Bin Store**

- 13 Prior to the commencement of the approved development details of a bin store shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include scale plans at a scale of 1:50 showing a screened bin store. The approved bin store shall be installed prior to the occupation of the approved dwellings and retained thereafter for that purpose.

Reason: In the interests of providing sufficient screened bin storage for the needs of occupiers as required by Policy H16 of the Oxford Local Plan (2036).

### **Opening Hours – Community Hall**

- 14 The community hall shall only be used between the hours of 8am and 8pm each day from Monday to Sunday (inclusive).

Reason: In the interests of the amenity of neighbouring occupiers as required by Policies RE7 and RE8 of the Oxford Local Plan (2036).

### **Ecology**

- 15 The development hereby approved shall be implemented strictly in accordance with the measures stated in Section 7 of the 'Preliminary Bat Roost Assessment Report' produced by ROAVR I Group and dated 12th June 2023.

Reason: To protect bats in accordance with The Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats Regulations 2017 (as amended).

### **No Music**

- 16 No recorded or live music shall be played within the courtyard or rear aspect of the application site and no speakers or public announcement system shall be installed on any part of the approved development.

Reason: In the interests of the amenity of surrounding occupiers as required by Policies RE7 and RE8 of the Oxford Local Plan (2036).

**Car Parking Permit Removal of Entitlement**

- 17 The development hereby permitted shall not be occupied until the Order governing parking at Stanley Road 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 does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policy M3 of the Oxford Local Plan (2036).

**Construction Traffic Management Plan**

- 18 Prior to the commencement of the approved development a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted construction traffic management plan shall include details relating to the provision of contractor parking, skip and demolition waste removal, hours of work, safety hoardings (particularly relating to the public highways and the alley connecting Stanley Road and Magdalen Road), and the areas where building materials shall be delivered and stored. The requirements of the approved construction traffic management plan shall be strictly adhered to throughout the construction phase of the approved development.

Reason: In the interests of highway safety and the amenity of surrounding residential occupiers as required by Policies RE7 and RE8 of the Oxford Local Plan (2036).

**Energy Requirements**

- 19 The approved development shall be carried out in accordance with the energy requirements outlined in the approved plans and meeting the requirements as set out in Policy RE2 of the Oxford Local Plan (2036).

Reason: In the interests of meeting the energy efficiency requirements set out in Policy RE2.

**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 If unexpected contamination is found to be present on the application site, an appropriate specialist company and Oxford City Council should be informed and an investigation undertaken to determine the nature and extent of the contamination and any need for remediation. If topsoil material is imported to the site the developer should obtain certification from the topsoil provider to ensure that the material is appropriate for the proposed end use.

### **13. APPENDICES**

- **Appendix 1 – Site location plan**

### **14. HUMAN RIGHTS ACT 1998**

- 14.1. 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.

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

- 15.1. 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.