

Agenda

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East Area Planning Committee

This meeting will be held on:

Date: **Wednesday 7 April 2021**

Time: **3.00 pm**

Place: **Zoom - Remote meeting**

For further information please contact:

Jennifer Thompson, Committee and Member Services Officer, Committee Services Officer

☎ 01865 252275

✉ democraticservices@oxford.gov.uk

Members of the public can attend to observe this meeting and.

- may register in advance to speak to the committee in accordance with the [committee's rules](#)
- may record all or part of the meeting in accordance with the Council's [protocol](#)

Information about speaking and recording is set out in the agenda and on the [website](#)

Please contact the Committee Services Officer to register to speak; to discuss recording the meeting; or with any other queries.

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All public papers are available from the calendar link to this meeting once published

Committee Membership

Councillors: Membership 9: Quorum 5: substitutes are permitted.

Councillor Sian Taylor (Chair)	Northfield Brook;
Councillor John Tanner (Vice-Chair)	Littlemore;
Councillor Mohammed Altaf-Khan	Headington;
Councillor Shaista Aziz	Rose Hill and Iffley;
Councillor Nigel Chapman	Headington Hill and Northway;
Councillor Mary Clarkson	Marston;
Councillor Ben Lloyd-Shogbesan	Lye Valley;
Councillor Christine Simm	Cowley;
Councillor Roz Smith	Quarry and Risinghurst;

Apologies and notification of substitutes received before the publication are shown under *Apologies for absence* in the agenda. Those sent after publication will be reported at the meeting. Substitutes for the Chair and Vice-chair do not take on these roles.

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Agenda

Pages

Planning applications - background papers and additional information

To see representations, full plans, and supplementary information relating to applications on the agenda, please [click here](#) and enter the relevant Planning Reference number in the search box.

Any additional information received following the publication of this agenda will be reported and summarised at the meeting.

Public access and speaking

This meeting will be held remotely on Zoom and can be watched on [YouTube](#). For details about public access and speaking at the meeting, please see the information towards the end of the agenda frontsheet.

1 Apologies for absence and substitutions

2 Declarations of interest

3 20/00688/LBC: Holy Family Church, 1 Cuddesdon Way, Oxford, OX4 6JH

15 - 64

Proposal: Redevelopment of existing Church to provide new Church building, community facilities and 21 residential units (10 x 1 bed and 10 x 2 bed flats, and 1 x 4 bed house). (Revised Plans). (Additional information).

Site address: Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH

The East Area Planning Committee is recommended to:

1. **approve the application** subject to the concurrence of the Secretary of State, and subject to the satisfactory receipt of comments from the Local Lead Flood Authority, the satisfactory receipt of a further Health Impact Assessment and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers

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to secure the planning obligations which are referred to in the report and subject also to the required planning conditions set out in section 12 of the report and **delegate authority** to the Head of Planning Services to:

- refer the application to the Secretary of State and, subject to him not directing refusal of the application :-
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission or,
2. **delegate authority** to the Head of Planning Services to refuse planning permission should the Secretary of State recommend that the application be refused for such reasons as the Head of Planning Services considers reasonably necessary.

4 18/03405/FUL: Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH

65 - 112

Proposal: Redevelopment of existing Church to provide new Church building, community facilities and 21 residential units (10 x 1 bed and 10 x 2 bed flats, and 1 x 4 bed house). (Revised Plans). (Additional information).

Site address: Holy Family Church, 1 Cuddesdon Way, Oxford, OX4 6JH

The East Area Planning Committee is recommended to:

1. **approve the application** subject to the concurrence of the Secretary of State, and subject to the satisfactory receipt of comments from the Local Lead Flood Authority, the satisfactory receipt of a further Health Impact Assessment and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to in

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the report and subject also to the required planning conditions set out in section 12 of the report and **delegate authority** to the Head of Planning Services to:

- refer the application to the Secretary of State and, subject to him not directing refusal of the application :-
 - finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
 - finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
 - complete the section 106 legal agreement referred to above and issue the planning permission or,
2. **delegate authority** to the Head of Planning Services to refuse planning permission should the Secretary of State recommend that the application be refused for such reasons as the Head of Planning Services considers reasonably necessary.
 3. **delegate authority** to the Head of Planning Services to decide whether to refer the application back to Committee should the Local Lead Flooding Authority not remove their objection and/or if the satisfactory receipt of a revised Health Impact Assessment hasn't been received.

5 21/00216/FUL: 5-7 , Jack Straw's Lane, Oxford, OX3 0DL

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Proposal: Proposed demolition of existing light industrial buildings; zero-emission housing comprising the erection of 4 pairs of semi-detached dwellings, providing 4no 3-bed and 4no 4-bed dwellings along with private gardens. Upgrade to existing vehicular access onto Jack Straw's Lane.

Site address: 5-7 Jack Straw's Lane, Oxford, OX3 0DL

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The East Area Planning Committee is recommended to:

Refuse planning permission for the reasons given in the report and **delegate authority** to the Head of Planning Services to finalise the recommended reasons for refusing the application as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

The refusal reasons are as follows:

1. The development would include the provision of on-site parking for residential uses in a location whereby only car free development would be considered permissible in line with the Council's parking standards outlined in Appendix 7.3 of the Oxford Local Plan 2016-2036 and therefore fails to prioritise sustainable modes of travel contrary to Policies M1 and M3 of the Oxford Local Plan 2016-2036 and the provisions of the NPPF, in particular Paragraph 110.
2. The proposed layout and development form fails to make an optimum and efficient use of a site, which offers capacity to provide higher density development comprising a greater number of dwellings thereby ensuring the delivery of on-site affordable housing. The development would be contrary to Policies RE2 and H2 of the Oxford Local Plan 2016-2036 and Paragraphs 117, 122 and 123 of the NPPF.

6 20/02672/FUL : SAE Institute Oxford, Littlemore Park, Armstrong Road, Oxford, OX4 4FY

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Proposal: Erection of two 2-storey buildings to provide 3,500 sqm (GIA) of flexible commercial floorspace (Use Class E) with associated car and cycle parking; hard and soft landscaping and public realm works; ancillary structures including refuse stores, substation building and vehicular access via existing entrance from Armstrong Road.

Site address: SAE Institute Oxford, Littlemore Park, Armstrong Road, Oxford

The East Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; subject to:
 - The satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the

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recommended heads of terms which are set out in the report;
and

2. **delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary;
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

7 **20/03072/FUL: 16 Lytton Road Oxford OX4 3PB**

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Proposal: Erection of a part single part two storey rear extension.
Alteration to one door to front elevation. (Amended Details)

Site address: 16 Lytton Road Oxford OX4 3PB

The East Area Planning Committee is recommended to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission.
2. **delegate authority** to the Head of Planning Services to: finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

8 **Minutes**

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Recommendation: to approve the minutes of the meeting held on 3 March 2021 as a true and accurate record.

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9 Forthcoming applications

Items currently expected to be considered by the committee at future meetings are listed for information. This is not a definitive list and applications may be added or removed at any point. These are not for discussion at this meeting.

20/00934/FUL: Land To The Rear Of The George Inn, 5 Sandford Road, Littlemore, Oxford, OX4 4PU	Committee level decision
20/01535/FUL: McDonalds, 298 London Road, Headington OX3 8DJ	Called in
20/02450/FUL & 20/02455/LBC: Meadow Larkins, Larkins Lane, Oxford, OX3 9DW	Committee level decision
20/03034/FUL: Hill View Farm, Mill Lane, Marston, Oxford OX3 0QG	Committee level decision
20/03218/FUL: 244 Barns Road, Oxford, OX4 3RW	Committee level decision
20/03272/FUL: 142 London Road, Oxford, OX3 9ED	Called in
21/00203/FUL: 40 And 42 Dene Road, Oxford, OX3 7EE	Committee level decision
21/00300/FUL: 17, 17A, 17B And 19 Between Towns Road, Oxford, OX4 3LX	Called in
21/00317/FUL: WIC House, Transport Way, Oxford, OX4 6LT	Committee level decision
21/00380/FUL: 47 White Road Oxford OX4 2JJ	Called in
21/00502/FUL: Rear Of 10 - 28 Marshall Road, Oxford, OX4 2NR	Committee level decision/ Called in

10 Dates of future meetings

Council on 17 February agreed that after Annual Council the two area planning committees will be replaced by a single Oxford City Planning Committee.

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This will meet on

2021

Wednesday 26 May

Tuesday 15 June

Tuesday 13 July

Tuesday 10 August

Tuesday 7 September

Tuesday 12 October

Tuesday 9 November

Tuesday 7 December

2022

Tuesday 25 January

Tuesday 15 February

Tuesday 8 March

Tuesday 12 April

Meetings will start at 3.00pm while the committee is meeting remotely.

Information for those attending regulatory committees - Remote meetings guidelines

Regulations passed in April 2020 enable the Council to hold meetings without some or all Members being physically present together in a room. To ensure the smooth running of remote meetings the Council has agreed a Protocol for Remote Meetings and everyone is asked to follow these guidelines which are based on that Protocol.

Attendance at remote meetings

Members (councillors) are “in attendance” provided that they can hear and be heard by the other participants. Any loss of visual connection does not give rise to non-attendance but a loss of audio connection does.

Should you lose connection to the meeting try to reconnect immediately. If you cannot immediately re-join the meeting by video link, please dial in to the meeting using the telephone number provided in the joining instructions.

If a Councillor loses connectivity to this meeting they will be prohibited from participating in the debate and voting on that agenda item unless the discussion is paused for the period of their non-attendance.

If other participants lose connection, this does not affect the debate or vote.

Remote meetings etiquette

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Oxford City Council, Town Hall, St Aldate's Oxford OX1 1BX

All participants are asked to:

- Stay visible on camera while your video feed is on. Turn the camera off if you stand up or leave your seat.
- Keep your microphone muted unless speaking. Un-mute / mute your own microphone before and after speaking.
- Use the “raise hand” icon to indicate a wish to speak. This is located in the “Participants” tab. Please be patient, the Chair will call you to speak and has absolute discretion to determine the order in which participants speak. Please lower your virtual hand after speaking.
- Not speak over other participants.
- Keep contributions relevant and concise.
- Councillors and officers must use the Chat function only to assist with the smooth administration of the meeting, e.g. to alert officers to a loss of audio connectivity.

Voting at remote meetings

When determining an application the voting will be by a roll call.

When called by the Clerk, Councillors are asked to state how they are voting on the proposal (e.g. “for”, “against” or “abstain”). Any Member who has not been in attendance to hear the full presentation and debate on an agenda item will be required to abstain from voting on that matter.

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Information for those attending

Recording and reporting on meetings held in public

Members of public and press can record, or report in other ways, the parts of the meeting open to the public. You are not required to indicate in advance but it helps if you notify the Committee Services Officer prior to the meeting so that they can inform the Chair and direct you to the best place to record.

The Council asks those recording the meeting:

- To follow the protocol which can be found on the Council's [website](#)
- Not to disturb or disrupt the meeting
- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule or show a lack of respect towards those being recorded.
- To avoid recording members of the public present, even inadvertently, unless they are addressing the meeting.

Please be aware that you may be recorded during your speech and any follow-up. If you are attending please be aware that recording may take place and that you may be inadvertently included in these.

The Chair of the meeting has absolute discretion to suspend or terminate any activities that in his or her opinion are disruptive.

Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest. If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". The matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Procedure for dealing with planning applications at Area Planning Committees and Planning Review Committee

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interests is available from the Monitoring Officer.

The following minimum standards of practice will be followed:

1. All members of the Committee will have pre-read the officers' report. Committee members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful. (In accordance with the guidance at 24.15 (Planning Code of Practice) in the Council's Constitution).
2. At the meeting the Chair may draw attention to this procedure. The Chair may also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:
 - (a) the planning officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant officers and/or other speakers); and
 - (f) voting members will debate and determine the application.
4. In determining an application Committee members should not:
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for overturning the officer's recommendation have been formulated including the reasons for refusal or the wording of any planning conditions; or
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

Public requests to speak

Members of the public wishing to speak must notify the Committee Services Officer by noon on the working day before the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Committee Services Officer (details are on the front of the Committee agenda).

Written statements from the public

Any written statement that members of the public or Councillors wish to be considered should be sent to the planning officer by noon two working days before the day of the meeting. The planning officer will report these at the meeting. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Committee Services Officer of their intention by noon two working days before the start of the meeting so that members can be notified.

Recording meetings

This is covered in the general information above.

Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

This procedure is detailed in the Annex to part 24 of the Council's Constitution as agreed at Council in January 2020.

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EAST AREA PLANNING COMMITTEE

Application number:	20/00688/LBC		
Decision due by	20th May 2020		
Extension of time	TBA		
Proposal	Demolition of The Church of the Holy Family in association with erection of replacement Church, 21 residential units, and community facilities. (Additional information).		
Site address	Holy Family Church, 1 Cuddesdon Way, Oxford, OX4 6JH – see Appendix 1 for site plan		
Ward	Blackbird Leys Ward		
Case officer	Amy Ridding		
Agent:	Mr Huw Mellor	Applicant:	Trustees of Church of Holy Family
Reason at Committee	Proposed demolition of a listed building		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:-

1.1.1. approve the application, subject to the concurrence of the Secretary of State and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to in this report and subject also to the required listed building conditions set out in section 12 of this report and delegate authority to the Head of Planning Services to:

- refer the application to the Secretary of State and, subject to him not directing refusal of the application :-
- 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;
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the listed building consent) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the listed building consent: or

1.1.2. delegate authority to the Head of Planning Services to refuse listed building consent should the Secretary of State recommend that the application be refused for such reasons as the Head of Planning Services considers reasonably necessary.

2. EXECUTIVE SUMMARY

2.1. This report considers the demolition of The Church of the Holy Family, a grade II listed building. This is in association with the proposed redevelopment of the site (planning application 18/03405/FUL) which involves the demolition of the church and vicarage and their replacement with a new church building, café, community facilities and 21 residential units, including 20 x 1 and 2 bed flats and 1 x 4 bed vicarage.

2.2. The existing church was constructed in 1964 on the newly planned and constructed Blackbird Leys estate to the south east of Oxford, that was built to meet the city's severe housing shortages, and in particular to provide for the growing workforce of the nearby car factory at Cowley. The church, which replaced a former timber hut on the site that was erected to meet the community's needs, is a unique heart-shaped building with facing brickwork walls designed by the architect Colin Shewring. The church incorporates a distinctive hyperbolic paraboloid roof designed by the engineer Hugh Tottenham, which is a sweeping doubly-curved roof that is formed of four layers of 22mm pine boards, cross laid and bonded. The hyperbolic paraboloid roof is considered to be of an innovative style and construction technique, and is one of around 100 roofs that was built between 1957 and 1966, but is now one of very few remaining.

2.3. This report considers the technical construction, history and condition of the roof, which has suffered from water ingress and failure since as early as the 1980s, undergoing a replacement covering in 1991 followed by numerous patch repairs. The roof has been the subject of a number of technical condition reports and the church was closed in late-2018 when structural engineers concluded that the structural integrity of the building had been compromised to such an extent by the water ingress that it was declared a dangerous structure. The church was closed at a similar time to the submission of the planning application for the replacement church, community facilities, and housing.

2.4. Subsequent to the submission of the planning application in 2018, the Church of the Holy Family was listed by the Department of Culture and Media in August 2019 as Grade II and this report includes the reasons for this designation and its heritage significance which include: the church as a largely intact example of a 1960s church with heart-shaped plan form; its carefully considered interiors; the technical interest of its hyperbolic paraboloid roof; and its historic interest as illustrative of post war churches serving new towns and suburban estates, designed to the principles of the Liturgical Movement.

2.5. This report considers the policy framework of the NPPF and that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, and that any loss of a designated heritage asset should

require clear and convincing justification with substantial harm or loss of a grade II listed building being exceptional. In this instance, the options of repair, renewal or replacement of the roof have been assessed and informed by the work and advice of Historic England as a statutory consultee. It is considered that the first two options are unfeasible due to the inability to rule out failures in the original roof design which would lead to longer term future maintenance issues, resulting in an unviable heritage asset. The replacement of the roof with an alternative structure would result in substantial harm to the listed building, which together with the limitations of the building to meet the functional requirements of the church users and its wider community, officers consider would be an unviable option. The heart-shaped plan form, sloping floor and fixed internal arrangement significantly limits the flexibility of the building in accommodating the needs of the existing congregations and wider Blackbird Leys community, which require it for a wide range of services and events of various sizes, of up to 300 people. Overall the building does not meet the functional needs of the church and the wider community and the chances of funding being raised for a replacement roof is an unrealistic prospect. For these reasons the case for the loss of the church is considered to be clear and convincingly justified.

2.6. The report considers whether public benefits exist that would outweigh the substantial harm to and total loss of the listed church. In this case the report considers that a number of public benefits exist which would deliver economic, social and/or environmental objectives. Firstly, the reinstatement of the church in the community; that without the church, the ability to provide for worship and for baptisms, weddings and funerals which lies at the heart of the community, as well as the ability to provide for wider community events and groups, would be lost. Secondly, that the redevelopment would provide for a new café, new community hall and 10 incubator spaces would be an enhancement over the current community offer, meeting social objectives and enhancing social infrastructure which would have a considerable impact on the socio-demographics of Blackbird Leys. Lastly, that the scheme would provide an additional 20 x 1 and 2 bed units which would make efficient use of the site and deliver much needed housing in Oxford, which is under pressure. Officers consider that these public benefits are substantial and consider that, on balance whilst the loss of a listed building should be in exceptional circumstances, and whilst giving great weight to the conservation of the designated heritage asset, in this instance, a case for the loss of the church is justified and the substantial harm caused would be outweighed by substantial public benefits.

2.7. In accordance with section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 5 of the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, the application is required to be referred to the Secretary of State as it proposes the demolition of a grade II listed building and an objection has been received from the Twentieth Century Society.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to prevent any commencement of the development, and crucially that the church is not demolished, until evidence is provided as to the removal of the covenant on the land which restricts

replacement development on the site (see paragraph 10.67) and also that there are adequate finances in place for the whole construction cost, and that the cost is secured by a bond. The legal agreement will also require that the development is commenced and completed within a set timeframe, and prohibit the occupation of the dwellings until the church is completed and available for use, to ensure that the development is realised.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The Church of the Holy Family is a grade II listed building, built in 1964-65 by Colin Shewring with a sweeping timber hyperbolic paraboloid (hypar) roof designed by Hugh Tottenham. The church, constructed from pale grey brickwork, is of an unusual heart-shaped plan form with a single-storey rectilinear extension situated to the north east, part of which was added in 1983 and contains the narthex, hall, kitchen, toilets, common room and offices. The church was added to the statutory list of buildings of special architectural and historic interest in August 2019.

5.2. To the north east of the site is the vicarage, a two-storey building of pale grey brick construction with an asymmetric roof, which is contemporary with the church and also designed by Shewring. The vicarage is separated from the church by an area of grass and is not a listed building.

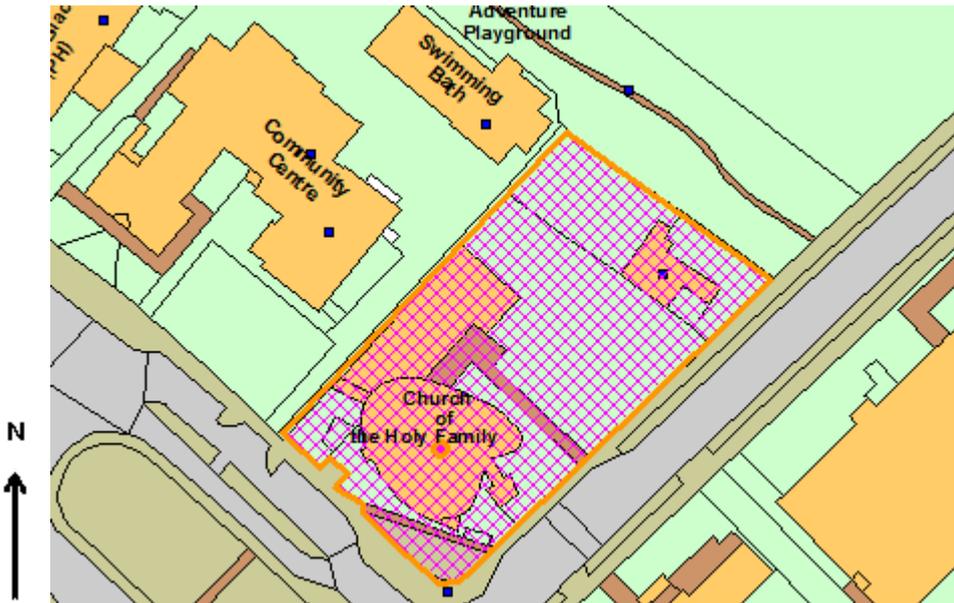
5.3. The church is situated in the Blackbird Leys District Centre and occupies a prominent position on the corner of Blackbird Leys Road and Cuddesdon Way. Within the District Centre, sited adjacent and nearby the church, are a number of other key community uses including the Blackbird Leys Community Centre, Blackbird Leys Library, the City of Oxford College, shops, bakery and other retail units.

5.4. The Blackbird Leys Parish which is made up of two wards, Blackbird Leys and Northfield Brook, has a population of approximately 13,000. According to an Equalities Impact Assessment from 2020, the parish experiences higher levels of poverty, unemployment and health inequalities in comparison to Oxford and national averages, which are due to numerous barriers including social isolation, discrimination, reduced opportunities for child development, limited access to information and resources, and low levels of English literacy. As a result the parish suffers from multiple levels of deprivation.

5.5. The church has been empty since its closure in December 2018, following a structural engineer's condition report into the failing roof of the church, the result of which led to the engineers condemning the building as a dangerous structure. The investigations identified that the building was in a dangerous structural condition due to the failure of the roof from water ingress, which had had a damaging impact on the structural condition of the building. In April 2019 the roof suffered a partial collapse.

5.6. Presently the church is operating services, events, the café facility and community groups from the meeting hall and adjoining spaces in the extension to the side of the main church building. There is a restriction on the number of services, events and groups able to take place due to the restricted size of the meeting hall which has a capacity for 50 people, significantly less than the 300 capacity of the existing church. Ceremonies such as baptisms, weddings and funerals are unable to take place within the meeting hall due to its restricted size and the fact it is an unlicensed premises.

5.7. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. The application proposes the demolition of The Church of the Holy Family, a grade II listed building. The proposed demolition of the church is part of a wider scheme to redevelop the entire site which is being considered under associated planning application 18/03405/FUL. The planning application, which was initially submitted in December 2018, proposes the demolition of the church and vicarage and the construction of a new church and community facilities which include a community hall, café and 10 office / meeting rooms. The proposed scheme also includes the erection of a residential block to provide a total of 21 units, comprising 10 x 1 bed flats, 10 x 2 bed flats and 1 x 4 bed house to serve as the new replacement vicarage.

6.2. The new church and community facilities would be accommodated in a new building two storeys in height, constructed with buff brick. The roof would be flat and made up of a series of green roofs. Above the café to the south west would be a bell tower with a curved top. The church façade would feature vertical elements to the ground and first floor with coloured glazing. Overall the church building and community facilities would have a contemporary design aesthetic.

- 6.3. The church would provide for up to 300 attendees. The church space would provide flexibility with the ability to subdivide the floor area to create a separate meeting rooms if needed.
- 6.4. Opposite the church, but within the frontage of Blackbird Leys Road would be the proposed 'Communi-tea Café'. This would be accessed from the internal courtyard garden but has the option to provide access from the existing community centre side to the north west.
- 6.5. Further facilities would be accessed within the ground floor off of the internal courtyard, comprising a community hall; a community garden/allotment; a church office/admin room; 2 additional meeting rooms; WCs and bin stores. There would also be bicycle stores. Within the courtyard would be access to the first floor where 8 additional meeting rooms are laid out. In total the community facilities offer comprises the replacement church, the community hall, 10 incubator/meeting rooms and a community café.
- 6.6. The proposed redevelopment scheme, which is described in full in the committee report for the associated planning application 18/03405/FUL, has been the subject of community involvement and engagement. In October/November 2019 the applicant commissioned www.givemyview.com to canvas the views of the people of East Oxford and Blackbird Leys regarding the proposed scheme, including its benefits and merits in conjunction with the wider regeneration and as a standalone scheme. The applicants advise that they received over 1000 responses and almost 1000 completed full surveys, of which 978 were positive and 13 were negative. Engagement on the previous original scheme was undertaken through the Leys Fair in July 2018.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

57/06434/A_H - Outline application for housing and ancillary purposes including the stopping up of part of Long Lane and Sandy Lane. APPROVED 8th October 1957.

60/10078/A_H - Temporary timber church. APPROVED TEMPORARILY 8th November 1960.

63/13141/A_H - Church, Church Hall and priest's house. APPROVED 23rd April 1963.

64/13141/AB_H - Priest's house (revised). APPROVED 14th April 1964.

64/13141/AC_H - Church (revised). APPROVED 8th September 1964.

82/00431/NF - Demolition of existing church hut and construction of single storey extension. APPROVED 13th August 1982.

84/00005/GF - Use of room in Church Hall for rent collection office. DEEMED

CONSENT 14th February 1984.

91/00896/NF - New gate and fence to south west side. New cross mounted on wall at south corner. APPROVED 8th October 1991.

06/01645/ADV - Proposed church sign and cross. APPROVED 13th October 2006.

18/03405/FUL - Redevelopment of existing Church to provide new Church building, community facilities and 21 residential units (10 x 1 bed and 10 x 2 bed flats, and 1 x 4 bed house). (Revised Plans). (Additional information). PENDING CONSIDERATION.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Conservation/Heritage	184-202	DH3	NPPG Historic England guidance notes

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 5th April 2020 and an advertisement was published in The Oxford Times newspaper on 2nd April 2020.

9.2. Following the receipt of additional information, the application was re-advertised and site notices were displayed around the application site on 27th January 2021 and an advertisement was published in The Oxford Times newspaper on 28th January 2021.

Statutory and non-statutory consultees

9.3. Historic England (original comments) – Objection. “This application involves the demolition of The Church of the Holy Family, which is listed as Grade II, and its replacement with a new church, community centre, community café and flats. While we recognise the problems facing this building due to the condition of its roof, the demolition of a listed building should only be permitted in exceptional circumstances; there must be a clear and convincing justification in accordance with paragraph 194 of the NPPF and the tests set out in paragraph 195 of the Framework have to be met.

We have met with the applicant and discussed in depth the difficulties involved in repairing or replacing the roof and the economic challenges present by any development on the site. At present we do not think that a case for demolition has been made which meets the tests as set out in the NPPF and therefore must object to the current application and recommend that listed building consent and planning is not granted. However we are willing to consider further information

and have been liaising with the applicant about what considerations need to be explored further.”

- 9.4. Historic England (revised comments) – Comments. “The Church of the Holy Family is a remarkable building; it is testament to the optimism of the 1960s when new and exciting structural forms were being developed for buildings, and at the same time the Church of England was creating innovative buildings that allowed congregations to explore new ways of worship and work more cooperatively with other denominations. However, we recognise that this building is now facing major problems; its roof has failed and repair or like-for-like replacements are not practical propositions.

Legislation and planning policy set out a strong presumption against the demolition of a listed building. In this case we consider that the issues faced by this building may justify demolition and replacement.

Any application for the demolition of a listed building must either satisfy the four tests set out in paragraph 195 of the NPPF or it must be demonstrated that the loss is outweighed by substantial public benefits. While the grounds put forward by the applicant for demolitions are understandable, the four tests have not yet been met so the application must be just judged against the first part of this policy. This is not a matter for Historic England to judge but we recognise that there are considerable public benefits associated with the proposals. It is for your Council to determine whether these benefits are indeed substantial and outweigh the loss.” See Appendix 2 for full comments.

- 9.5. Twentieth Century Society (original comments): Objection. “The Twentieth Century Society objects in the strongest possible terms to this application to demolish a building that has very recently been listed. The Church of the Holy Family is a grade II listed heritage asset and as such is irreplaceable. It is recognised as being of national importance and of high significance: any threat to the original fabric should be afforded the same scrutiny as any other Grade II listed building, regardless of its state of repair. It should be noted that the criteria for listing are far stricter for younger buildings and there is a particularly careful selection process for buildings from the post-war period. The Church’s designation should be understood in this context. There is a clear opportunity here for imaginative refurbishment proposals not just a short sighted and overpowering development. This application contains no evidence that the applicant has taken any of the necessary steps to conserve this important and unique heritage asset, nor to modify their approach to development for the 2019 application to take into account its high significance, which has since been confirmed by its addition to National List. The Society therefore urges the City Council to refuse this application”. See Appendix 2 for full comments.

- 9.6. Twentieth Century Society (revised comments based on additional information): Objection. “The Society has no further comments to make, and would reiterate our previous letter on the application objecting to the proposals remains our official response.”

- 9.7. Blackbird Leys Parish Council: Support. “The Parish Council recognise there is a real need to have a new church building and look forward to having a fully

functional church on the estate. We would however, like to bring your attention to the following considerations: i) the new development appears to be overlooking the school; ii) a generation of architecture would be lost, could thus be incorporated into the new church design, iii) an opportunity to preserve a part of the history of the church, for example, could the existing font be relocated to the new church”.

9.8. The following consultee response to the listed building consent application was received, but relates to and is dealt with under the associated planning application 18/03405/FUL:

Thames Valley Police – Comments on original design submission have not been responded to relating to surveillance over the parking areas, controls on openings. Would ask that any approval has a condition that requires the development to achieve Secured by Design accreditation.

Public representations

9.9.3 responses from amenity groups were received:

9.10. Oxford Preservation Trust (original comments): Objection. “We are aware of the issues related to the Church and which resulted in its recent listing. We have read the documents accompanying the application and those attached to the Historic England website, which are extremely helpful and comprehensive. We are also familiar with Blackbird Leys and this particular building which lies at the heart of the place, as we have previously visited the site and know the area being familiar with Oxford and Blackbird Leys generally.”

“It is clear from the correspondence and comments on the application that it means a great deal to local people. It is also the only listed building in Blackbird Leys and an important part of its heritage and should not be taken away lightly. Indeed there is surely more to be done to recognise the importance of Blackbird Leys generally and its innovative town planning approach at the time. The Church is not a vast building and we have been surprised to learn of the extraordinary amount of money being suggested as necessary to save the roof at circa £2million. We would ask that this is questioned and would be happy to give details of suitable structural engineers to do this if it would be helpful.”

“OPT are concerned about the precedent which would be set if demolition of this listed Church was allowed. We question where this would lead on the many other Grade II listed churches where the repairs are often expensive, and whether it would lead to an argument that they could be demolished and rebuilt.”

“We have not commented on the design of the development being proposed, other than to note and to agree with the view that there is a wider development opportunity within the site which could act as enabling development, helping towards the costs of the repair of the church. It is our view that the application needs further examination to see if the suggested housing and other community facilities can be achieved whilst keeping the present church building in situ and we ask that the application is refused.”

9.11. Oxford Preservation Trust (revised comments based on additional information): Comments. “We note that Historic England have provided an updated consultation response on the 10th November 2020, where they have considered in detail the exceptional circumstances which are being put forward to justify the existing listed building’s demolition and replacement. OPT feels that their updated consultation response sets out a fair and reasoned consideration of the proposals and we agree with their comments. Within their response they acknowledge that any application which seeks permission for the demolition of a listed building must satisfy the four tests as set out within paragraph 195 of the NPPF, or, it must be demonstrated that the loss is outweighed by substantial public benefits.

Whilst the clear desire would be to keep and conserve the heritage asset, we feel in that in this instance sufficient justification has been provided to demonstrate that this may not be possible due to both cost, and flaws in the original design. Furthermore, the provision of new community facilities and residential units provide benefit to the wider community.

On balance, therefore, and whilst the loss of the listed building is regrettable and should be avoided if at all possible, if the Local Planning Authority consider that there are exceptional circumstances and that substantial benefits will outweigh the loss of this protected building – its demolition and replacement could be permitted in this instance.”

9.12. Oxfordshire Architectural and Historical Society (original comments): Objection. “The complete demolition of a listed building is a rare and deplorable event. Damage is not a justification for demolition, and the precedent set, if the Council should permit it, would be extremely dangerous. In this case it seems quite unnecessary, as the tender for repair comes to only £2million, which these days is not a large sum, especially when set against the cost of demolishing the existing building and erecting the replacement structure. One does not get the impression that serious attempts at raising funds have been made.

We should like to emphasise the importance of the building to Blackbird Leys, which is an area otherwise lacking building of major architectural significance. We understand there is much local support for the church which the early settlers of Blackbird Leys saw as symbolic of the ‘brave new world’ they would get in exchange for giving up the close-knit communities in central Oxford which were being cleared as ‘slums’.

It is regrettable that the proposed replacement building is so thoroughly undistinguished as architecture. It could never be seen as a ‘heritage asset’ to the estate. We note that it was objected when Holy Family was built that it ‘did not look like a church’. The proposed replacement could hardly look less like a church.”

9.13. Oxfordshire Architectural and Historical Society (revised comments based on additional information): Objection. “We agree with the Twentieth Century Society that this church should not be demolished, and we therefore reiterate our objections to the proposals, as outlined in our letter to you of 30 April 2020.”

9.14. SOSBrutalism (a German based initiative which aims to save brutalist buildings worldwide): Objection. “We want to promote the preservation of the Holy Family Church by architect Colin Shewring. The building is outstanding in its area, creating a significant landmark with its design with curved roof and walls. The building counts to "brick-brutalism", a style that has occurred especially from the 50s-70s, for example Sigurd Lewerentz`s Markus Church (<http://sosbrutalism.org/cms/15892133>). The expressive curved shape of the building characterizes it clearly with a quality that the building is sharing with many other brutalist examples worldwide, like Eduardas Chlomauskas' Vilnius Concert and Sports Palace (<http://sosbrutalism.org/cms/15963855>) or Helmut Striffler`s Church of Reconciliation (<http://sosbrutalism.org/cms/15889987>) The Parish Church of the Holy Family clearly stands in an architectural tradition and should be valued as an artefact of architectural history. We recommend to find a preservation concept instead of demolishing it.”

9.15. 18 letters of objection were received; 9 from local addresses, 8 from national addresses and 1 with no address. The salient points are as follows:

- The church is a real known iconic landmark in Blackbird Leys. It is one of a kind and should be preserved for future generations. Its heart shape plan is unique. The new church building looks quite plain in comparison and has nowhere near the quality of design and construction that the current building has. The proposal has little architectural merit and will appear dated in the not too distant future.
- Although the church has a flawed design, see no reason to demolish it given the other architectural points in the listing.
- There are numerous examples of listed buildings being sensitively refurbished and extended for alternative use, it seems as though this route has been summarily dismissed because of cost after a high level feasibility was undertaken.
- The Church should try to get grants to replace the roof before it is allowed to be demolished. The repair costs of other listed churches are often very high and the repair costs for the Holy Family Church seem around the same as the repair bills for other churches. The Church of England should be able to help repair the church or sell land/assets to find money for the church.
- Once repaired the existing church would make a good space for other community meetings like choirs, crèches, book clubs as well as being used as a church.
- It would be a tragedy to allow this listed building to be demolished, given Oxford is famous for its listed buildings and how well it looks after its buildings
- The plans for a café and community hall are much needed but can they not be built next to the existing church building. Rather than demolish and rebuild, with some imagination on the part of the designers the listed building could be repurposed and incorporated in to a far more aspirational scheme

that improves the street scape rather than just reflects the low expectations of how the regeneration of Blackbird Leys will be undertaken.

- The Holy Family Church is the only listed building in Blackbird Leys and an integral part of its history. The church is heart shaped and it was designed to be the 'heart' of the community when it was built. It gives Blackbird Leys a building it can be proud of. As the area has many factors of deprivation, surely taking away such an iconic building that will only age well and increase in appreciation is not in the benefit of the community culture and respect.
- If this church were in a more wealthy part of the city, the funds would be found to repair the church. It is socially unjust that this listed church cannot be repaired.
- The church is a beautiful modernist structure which represents an important phase in design and liturgical thinking; a fascinating piece of history would be lost.
- Believe it would not have been left to deteriorate had it been on a site other than a Council Estate.
- If the church is demolished it will set a dangerous precedent.
- The land is for a church and not residential. Housing need is used for sometimes bad reasons to allow local authorities the right to demolish rare and unusual structures. Could this great city not preserve or repurpose this little gem in the otherwise uniform Blackbird Leys landscape.
- The church only occupies 1/3 of the site, so couldn't the remaining 2/3 of the site still be used for development and community regeneration to help fund the refurbishment.
- Why has this building been allowed to fall into a state of disrepair?
- Other iconic 1960s experimental buildings which suffered similar problems have been repaired, e.g. Liverpool Cathedral. The repair bill seems very high and possibly at the top end. Is this repair bill correct? Surely the repair could be achieved for much less. The roof is barely visible so a modern flat roof material might be ok, together with improved lighting, general update and the rest of the site could be redeveloped for the community which is the most important thing.
- Concern that the new block of flats will overlook the adventure playground and school and college with a lack of privacy with the adventure playground 15 m away.
- Concern with the church public area being used by drug dealers as it will be secluded from other dwellings.
- Not clear if any housing is affordable.
- Loss of green space.

- If the regeneration of Blackbird Leys goes ahead can CIL money given to the Parish and the City Council be spent on community facilities such as community space from advice centre, drug rehabilitation which would be separate from this church project. There is complete lack of coordination between Oxford City Council, Blackbird Leys Parish Council, Catalyst and the Church.

9.16. 3 letters of support were received from local addresses. The salient points are as follows:

- The church is not fit for purpose and not being available for worship is a grievous loss to the community.
- The planned redevelopment of the site is the best solution for Church Members and local people as it will add to the facilities available.
- The historic nature of the building alone should not be sufficient to prevent redevelopment.
- The community needs a building that works and is sustainable. The current building does not work and despite numerous attempts to repair it, and numerous experts looking at it, the roof and other aspects of the building are very problematic. If we are not able to rebuild we stand a strong chance of not being able to have a church anymore and instead a crumbling monument for the benefit of architecture fans instead of a well-used and much loved church.
- This is an ugly and badly made building. Replacing it with a well-designed community hub of some sort is an excellent idea

Officer response

9.17. All of the points raised in the above representations have been considered as part of officers' assessment of the application.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Impact on the architectural and historic special interest of the grade II listed building
- Justification
- Public benefits

a. Policy context

10.2. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when considering whether to grant listed building consent, to have special regard to the desirability of preserving a listed

building or its setting or any features of special architectural or historic interest which it possesses.

- 10.3. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development, through meeting the three overarching objectives categorised as economic, social and environmental objectives. These objectives should be delivered in decision making and collectively form the heart of the NPPF as the presumption in favour of sustainable development.
- 10.4. This presumption in favour of sustainable development is reflected in policy S1 of the Local Plan, which states “When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.” The policy goes on to state that “It will work proactively with applicants to find a solution jointly which means that the applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.”
- 10.5. The NPPF recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 10.6. In determining applications, paragraph 192 of the NPPF requires local planning authorities to take account of:
- a) “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.”
- 10.7. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset’s conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, with substantial harm or loss of a grade II listed building being exceptional (paragraph 194).
- 10.8. Policy DH3 of the Oxford Local Plan 2036 requires great weight to be given to the conservation of heritage assets, and states that “substantial harm to or loss of Grade II listed buildings should be exceptional”.
- 10.9. Where a proposed development will lead to substantial harm to or total loss of the significance of a designated heritage asset, NPPF paragraph 195 sets out

the following tests which must be applied in the local planning authority's assessment of the application:

Consent should be refused "unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use."

10.10. Local Plan Policy DH3 requires consent to only be granted for development that will lead to substantial harm to a designated heritage asset if the same tests as set out in NPPF paragraph 195 can be met.

b. Assessment

Impact on the architectural and historic special interest of the grade II listed building

Significance of the listed building

10.11. Blackbird Leys housing estate was developed between the 1950s and 1980s by Oxford Council in a response to the city's severe housing shortages, and in particular to provide housing for the growing workforce of the car manufacturing industry, namely the nearby Cowley car factory. A church was first established on the site, at the core of the estate, in 1960 as a temporary timber hut. This was replaced in 1964 with the church in situ today which was named Holy Family. Architect Colin Shewring sought to build a modern church that was functional and included what the congregation thought a church should contain. In 1973 Blackbird Leys was declared an Area of Ecumenical Experiment. Today, the church is a single congregation Local Ecumenical Partnership sponsored by five church traditions (Anglican, Methodist, Moravian, URC and Baptist) and serves the Anglian parish of Blackbird Leys. As a result it draws its congregation from a wide range of the different ethnic communities of the area.

10.12. The church's unusual curved heart-shaped plan form was designed to represent the church as the heart of the community and reflect the oval street layout of the Blackbird Leys estate, and includes a projecting quadrilateral sacristy (vestry) to the south east, and a rectangular narthex to north. The church is of a concrete post and beam construction with cavity walls faced in pale grey brickwork with concrete blockwork internally. Designed so that natural lighting would flood the altar during the main Sunday morning services, high level aluminium framed glazing is situated below the concrete ring beam, which replaced the original timber framed louvered windows. Historic photos indicate

that the area of external wall below the windows was originally rendered and painted white.

10.13. The hypar roof, designed by Hugh Tottenham, is a doubly curved structure that is formed of four layers of 22mm pine boards, cross laid and bonded together by nails and glue with a layer of cork above. The roof is finished with a roofing felt which replaced the original aluminium roof covering. An innovative style and construction technique, the first hypar roof in Britain was designed by Tottenham in 1957 and by 1966 more than 100 had been built in Britain. Although not all still in existence today, a number of these hypar roofs remain and form part of functioning buildings. The Church of St Peter in Ravenshead, Nottingham, constructed in 1972 by Shewring and Tottenham and similar in design to Holy Family Church, is grade II listed and in better functioning condition.

10.14. The interiors of the church comprise concrete rendered walls and a concrete floor with hardwood strip divisions which slopes down from west to east. The highly symbolic internal arrangement comprises a slightly raised egg-shaped Sanctuary, a reversion to ancient Christian practice, with a circular altar flanked by an angular pulpit, and the curved choir beyond. The baptistery wall is tomb-shaped, symbolising death and resurrection, and is situated between the two areas of pews which were arranged with the intention of creating a family feel to the building. The majority of the interior finishes and fixtures, which are constructed from materials including Clipsham limestone, grey brick, hardwood, cork tiles flooring, cobbled and brick paving, are original to the building and designed by Shewring.

10.15. The church was added to the statutory list of buildings of special architectural and historic interest in August 2019 for the following reasons:

- as a largely intact example of an innovative 1960s church with an unusual heart-shaped plan;
- for its carefully considered interior, with high quality, architect-designed fixtures and fittings;
- for the technical interest of its hyperbolic paraboloid roof, an early surviving example by Hugh Tottenham, the principal exponent of the technology in England; and
- as being illustrative of the boom in post-war churches, often serving new towns and new suburban estates, designed to the principles of the Liturgical Movement.

10.16. The 1983 extension does not comprise architectural or historic special interest, and is not included in the listing. See Appendix 3 for the full listing description of the building.

10.17. The church has been empty since its closure in December 2018, following a structural engineer's condition report into the failing roof of the church, the result of which led to the engineers condemning the building as a dangerous structure.

The investigations identified that the building was in a dangerous structural condition due to the failure of the roof from water ingress, which had had a damaging impact on the structural condition of the building. In 2019 the roof suffered a partial collapse.

10.18. Following the listing of the church in August 2019, the Trustees of the Holy Family Church submitted a request to the Secretary of State to review the decision to list the church. A decision was received in March 2020 stating the Secretary of State's view that the church should remain listed for the principal reasons listed above.

Level of harm

10.19. The proposed demolition of the church would result in substantial harm to, and complete loss of, the significance of a grade II listed building.

Justification

10.20. NPPF paragraph 191 states "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision" and NPPG paragraph 014 states "Disrepair and damage and their impact on viability can be a material consideration in deciding an application".

10.21. The representation from the Twentieth Century Society suggests that the current problems with the roof are due to a history of inappropriate repair and lack of maintenance and that neglect of a listed building that has fallen into disrepair should not be sited as a reason for demolition. From the information available, it is evident that there have been various attempts at repairing the roof structure prior to its listing in 2019, which include the replacement of the aluminium roof covering with a rubber sheet membrane in 1991 and subsequent patch repairs. Following the listing of the building in 2019, further assessment work addressing the condition and feasibility of repairing the roof was carried out (as detailed in the paragraphs below). Notwithstanding the fact that the historic repair works, which were carried out within the means of the church community at the time, may not have been the most appropriate, there is no indication that the heritage asset has suffered deliberate neglect or damage. Therefore, having regard to NPPF paragraph 191 and NPPG paragraph 014, the deteriorated state of the building is considered a material consideration in the assessment of this application.

10.22. Paragraph 194 of the NPPF states that any harm to a designated heritage asset should be clearly and convincingly justified, and that the total loss of a grade II listed building should be exceptional. Therefore, a strong case setting out the justification for the loss of the church is required to overcome the presumption that the building should be retained.

10.23. The case put forward by the applicants is that neither the repair, renewal nor replacement of the church roof are feasible options, for practical, economic and functional reasons which are discussed in detail below, and that if the building is retained it would remain closed to the community and prevent the delivery of

much needed community facilities which are fit for purpose and future use. The option of repairing the roof would involve retaining as much of the existing original roof fabric as possible and carrying out repairs following the original form of construction. The renewal of the roof would comprise replacing the existing roof in its entirety with a new roof of the same construction and design form as the original roof. Replacement of the roof with an alternative structure would involve creating a new roof to replicate the shape of the existing roof but using current day technology and construction methods.

Feasibility of roof repair, renewal or replacement

- 10.24. Records show that the original roof covering was first replaced in 1991 when the installation of a new rubber sheet membrane over 50mm of new insulation on top of the existing cork layer was carried out. Following the subsequent failure of this work, numerous patch repair works have been carried out over the years to keep the building in use, but nevertheless due to the ponding and leaking of water throughout the structure of the roof, damage was caused to its structural integrity.
- 10.25. In mid-2018 the roof condition was assessed by structural engineers Andrew R Martin Associates, who concluded that as a result of the water ingress the upper layers of the timber structure had no structural integrity left in them, and declared the building a dangerous structure. Immediately following which, the church was closed. By mid-2019 the condition of the roof structure had worsened with the area above the altar beginning to pull apart and disintegrating, leading to the erection of scaffolding to prevent its total collapse. Following the listing of the building in August 2019, assessments were carried out on behalf of the applicant by Buro Happold (structural engineers), Floyd Consult (conservation scientist and surveyor), Tottenham Bennett Engineers (Hugh Tottenham's original practice) and Greenoak Carpentry (experts in alternative timber roof structures) into the condition of the roof and the viability of repairing, renewing and replacing it.
- 10.26. The results of the applicant's reports from their specialist experts conclude that repair or renewal of the roof would not be feasible due to the fact that the problems believed to have contributed to the current issues, such as the lack of curvature, high movements, dishing on the central spine line, will still remain. The reports also outline the difficulties in gaining building control approval relating to factors of safety and sufficient capacity to modern loading standard, and the inability to demonstrate that the roof is able to resist the applied loads or for a warranty to be provided on the repair or renewal.
- 10.27. In their consideration of the application as a statutory consultee, Historic England and their in-house specialist experts have worked closely with the applicant team to explore the feasibility of repairing, renewing and replacing the roof. Following which, Historic England commissioned independent expert advice from Oxley Conservation on the potential for the repair and replacement of the roof and received advice from the Historic England Advisory Committee, a panel of experts in heritage matters drawn from outside the organisation who advise staff on casework that is novel, contentious or sets a precedent.

10.28. Historic England have concluded “that there is a possible justification for demolition in this case given the difficulties of securing the repair of the church. Put briefly these are:

- Firstly, that the failure of the roof may be a result of flaws in the original design. It is not clear why the original structure failed, but design defects could well have been contributory causes. As built the curvature of the hyperbolic-paraboloid roof was at the limits of what is technically possible for this type of construction and it has always been vulnerable to deflection due to wind load.
- While repair might be possible it would probably result in the loss of the majority of the historic fabric of the roof.
- Repairing or replicating the roof might be futile, as this would repeat the deficiencies of the original. Therefore we accept that repair or replication of the original structure is not a practical proposition.”

10.29. Officers are satisfied that the feasibility of both options of repair or renewal of the roof have been adequately explored. From the evidence presented with the application and from Historic England, officers consider that the repair or renewal of the roof would not be feasible options due to the inability to rule out failures in the original roof design which would lead to longer term future maintenance issues, resulting in an unviable heritage asset.

10.30. In terms of the replacement option, the applicant’s reports have concluded that the replacement of the roof with an alternative structure would result in a visually noticeable external change, and a total change in the original technical and structural solution for the roof, which is the primary reason for the listing of the building.

10.31. Further to the findings of the Oxley Conservation report, Historic England consider that “replacement with a roof of similar appearance but different structural logic would be technically possible. However, this would itself diminish the significance of the building as its technical interest, which is one of its key aspects of its significance, would be lost.”

10.32. Officers consider that the replacement of the roof with a visually similar but structurally different roof would result in substantial harm to the listed building (albeit a slightly lower level of substantial harm than the total loss of the building) due to the loss of its technical interest and the diminishing of its heritage value as a largely intact example of an innovative 1960s church.

Functionality of the church

10.33. Ensuring that the church has a viable use is imperative to its future conservation. NPPG paragraph 015 recognises that “...sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.”

- 10.34. Prior to its closure in late-2018, the church catered for a variety of congregations and users, holding numerous services and events of a range of sizes, which occur at various frequencies throughout the year, many taking place at the same time as one another. It is evident that the church played a critical societal role in the Blackbird Leys parish and wider community, providing the community with an invaluable resource to help meet their cultural, societal and well-being needs, including the needs of all existing congregations and vulnerable groups. It is therefore essential that the church use is reinstated and can operate from a building that fulfils its functional requirements to enable it to deliver and serve the specific needs of the community.
- 10.35. Ordinarily, numerous services would be held in the church and its facilities on a frequent basis, including daily prayers, weekly and bi-weekly communion services, weekly 'Junior Church', and weekly evening prayers. The church would also be hired out by the Bethel Church for their weekly communion services. Various seasonal services are held throughout the year for Christmas, Easter, Lent and Harvest, along with specialist services including baptisms, funerals and weddings. Due to the lack of sizeable local venues, other local churches rely on the Holy Family Church for their specialist services including funerals, prayer vigils and New Years Eve. The applicants state that the church holds more baptisms than in other Oxford parishes, due to the importance that baptisms represent for the local community in providing their children with a 'good start' in life. The services are of variety of sizes ranging from 10 to 300. For the Afro-Caribbean community, the specialist services draw large numbers of between 250 and 300.
- 10.36. Being the largest performance space on the estate, the church would be used for large community events such as seasonal musicals and concerts, as well as for use by local school groups for Easter and Harvest events. In addition, the church facilities would be used on a daily basis for the Caribbean Communi-tea Café and on a weekly basis for support groups for vulnerable people, and for Brownies, Guides and Rainbows. The church offers the use of its facilities to these important community groups for an affordable, much reduced rate that other alternative local venues are not in a position to offer.
- 10.37. The unique heart-shaped layout, curved internal walls, fixed internal arrangement, and sloping and raised floor areas of the existing church, prevent it from being used in a flexible and space efficient manner, with internal subdivisions not being possible. Notwithstanding the condition of the roof, this restricts the ability for the existing church to adequately accommodate the needs of the community and meet the demand for the wide range and number of services and events.
- 10.38. In addition to the issues with the existing roof, it should also be taken into account that there are a number of shortfalls with the building in terms of its thermal capacity, energy efficiency and acoustic properties. Whilst overcoming these shortfalls is not insurmountable, the alterations necessary to improve the quality of the internal environment so that it is fit for purpose is likely to cause further harm to the heritage significance of the listed building, that together with the substantial harm caused by the loss of the roof, would further diminish its special architecture interest.

10.39. The option of an alternative redevelopment scheme which would retain the existing church, replace its roof with an alternative structure, replace the existing narthex, hall and associated facilities with a new structure providing a larger café facility, community hall and office space, and provide a new housing development of 14 flats and 1 house (vicarage) on the remainder of the site, has been explored with the applicants. From the information available, it is evident that the alternative scheme would provide a lesser amount of floorspace for housing and community facilities than the proposed redevelopment scheme, and there would be a significant shortfall in the returns from the housing development to fund the replacement of the church roof resulting in an unviable scheme. Furthermore, as the existing church does not meet the functional requirements of the church and wider community, the chances and opportunity of funding being raised for a replacement roof are extremely low.

10.40. In summary, officers consider that due to the substantial harm that would be caused to the heritage significance of the church by the replacement of its roof with an alternative structure, and the limitations of the building to meet the functional requirements of the church and wider community, the chances of funding being raised for the replacement of its roof is an unrealistic prospect. Therefore, officers consider the loss of the building to be justified.

Public benefits

10.41. Local Plan policy DH3 and NPPF paragraph 195 require consent to be refused “unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm, **or** all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

10.42. In this instance the applicant has had regard to this policy and states that public benefits would arise that should be weighed in the balance of the harm identified.

10.43. The NPPF defines public benefits as anything that delivers economic, social or environmental objectives, which are the three overarching objectives of achieving sustainable development. The benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit (NPPG paragraph 020). NPPF paragraph 8 states that the three objectives of achieving sustainable development “are interdependent and need to be pursued in mutually supportive ways”.

- 10.44. Economic objectives are described as helping “build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”
- 10.45. Social objectives are described as supporting “strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.
- 10.46. Environmental objectives are described as contributing “to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”
- 10.47. In officer’s assessment of the scheme, there are considered to be three public benefits associated with the scheme which are the reinstatement of a church in the community, the provision of community and social infrastructure and the provision of housing. These are explained in detail below.

Reinstatement of a church in the community

- 10.48. The Church of the Holy Family has been closed since late 2018 and church services have been compromised by its closure. Presently the Church is operating services from the meeting hall in the extension to the side of the current church which has a capacity for 50 people, which is significantly less than the capacity of the existing church or proposed church. This structure is of a sub-standard construction quality and in poor condition and as such is an inadequate facility for this use. Services such as weddings, baptisms and funerals are unable to take place within the parish as the existing meeting hall is an unlicensed premises and due to its size, the Sacred Heart Roman Catholic Church in Blackbird Leys does not have capacity, having a detrimental impact on community life as well as the church’s relationship with the community. Due to the meeting hall needing to be used as seating for the Communi-tea Café on a daily basis, this reduces its availability to accommodate other services, events and groups.
- 10.49. The feasibility of bringing the existing church back into use through repair or renewal of the roof is not considered a practical proposition for the reasons outlined above. The replacement of the existing roof with an alternative structure, would cause substantial harm to the significance of the building, and would also not be an economically feasible option for the applicants given the highly unlikely prospect of being able to raise funds for the replacement of the roof, due to the shortfalls of the existing church in terms of its functionality and ability to meet the needs of the church community.

- 10.50. The proposed replacement church would provide a more flexible worship space that can cater for both church services and other community events, accommodating large services and events of up to 300 people, as well as smaller services and events that occur concurrently. Due to its rectangular floorplan, level floor and internal layout with moveable seating, the space can be subdivided into a smaller meeting area at ground floor level, a first floor gallery area, and a church area. The flexibility of the building would enable the church to rent out the spaces, generating additional income and help future-proof the site.
- 10.51. The new development would reinstate the primary function as a place to worship in the community and a place to hold regular weekly services, as well as other primary events such as weddings, baptisms and funerals that have been compromised and curtailed since it was closed. Without this, based on the information provided, the church would continue to remain closed to the community, and would be unlikely to be repaired or reinstated for the reasons that it is shown not to be economical to repair in its own right. Without the means to repair the building, the building could be abandoned entirely, which would have limited benefit to the community.
- 10.52. The ongoing provision of a fully functioning and viable church in the community is a substantial public benefit to the residents and community of Blackbird Leys that has been lost for over 2 years and one which significant value is placed on.

Community and social infrastructure

- 10.53. The redevelopment of the site would bring about enhanced community facilities for Blackbird Leys residents. The community café provided by the church is the only facility of this type in Blackbird Leys and was set up following the results of a community survey as the facility people most wanted the church to provide. The existing café space is approximately 47sqm, with the meeting hall needing to be used for additional seating which restricts the functioning of the hall. The new enhanced space would provide a café area of 90sqm and additional upgraded facilities including a 20sqm kitchen, toilet and bin storage, as well as direct connection to outside space. Thus the ongoing provision of this facility is a benefit to the wider community, so the continued and enhanced provision of the community café is an important benefit associated with the scheme. In addition to the community café, a new community hall of 121sqm is proposed, replacing the existing meeting hall which is approximately 77sqm in floor area.
- 10.54. In addition to the re-provided and enhanced Communi-tea Café and community hall, the scheme would provide for social infrastructure and entrepreneurial incubator office spaces, providing 10 meeting rooms/offices that can be occupied flexibly by the community, a total of 397sqm. The incubator space would be managed by local social enterprise MakeSpace, who have indicated they will take on the upper floors of the building. This venture supports local young entrepreneurs wanting to get a start in business. Across Blackbird Leys there is no incubator space, so this is a new offer locally. It has been advocated that there is space for the Agnes Smith Citizens Advice centre which currently occupies space in the District Centre; space for the Credit Union which

assists local people deal with debt and space for drugs outreach administration. Agnes Smith have indicated they are interested in moving across from the District Centre when their lease expires and for the Credit Union have also indicated an interest. The total floor area of community provision is 682sqm.

Housing

- 10.55. The scheme would provide a total of 20 flats, providing 10 x 1 bed flats and 10 x 2 bed flats (1 house is also provided but this is the re-provided vicarage). The pressure on housing and for sites to be maximised so that there is an efficient use of the land, is high in Oxford, and thus to provide a net gain of 20 smaller units would provide a key public benefit and help to deliver much needed housing.
- 10.56. The ability to realise two of these public benefits, the provision of community and social infrastructure, and the provision of housing, whilst retaining the existing church has been explored with the applicant, as detailed in paragraph 10.39 above. It is apparent that the amount of floorspace achievable for community infrastructure and housing would be less than the proposed scheme, there would be a significant shortfall in the returns from the housing development to fund the replacement of the church roof, substantial harm would be caused to the heritage significance of the building and the functional needs of the church community would not be met. For these reasons, a scheme that would retain the existing church, provide upgraded and additional community facilities and housing is not considered a feasible alternative to the proposed redevelopment scheme.
- 10.57. The public benefits of reinstating an ecumenical church in the community, providing much needed community and social infrastructure and housing would achieve both economic and social objectives, responding to the specific needs of the community in tackling the existing inequalities and barriers, which would otherwise not be realised with the retention of the existing church. These public benefits would contribute towards achieving a strong, vibrant and healthy community in Blackbird Leys, future-proofing the church use on the site ensuring that the community benefits can grow and be sustained for the long-term future.
- 10.58. These substantial public benefits are considered to outweigh the substantial harm and total loss of the grade II listed building, and therefore meet the requirement of Local Plan policy DH3 and NPPF paragraph 195.

Substantial harm tests

- 10.59. Notwithstanding the assessment of the public benefits associated with the scheme as outlined above, officers have considered the second part of the policy requirements of DH3 and NPPF paragraph 195 which requires the four tests to be met if it is considered that the public benefits would not be substantial enough to outweigh the total loss of the heritage asset. Officers' assessment has taken into account the views of statutory consultees Historic England and the Twentieth Century Society, the local and international amenity groups, together with those of other public representations.

a) *“the nature of the heritage asset prevents all reasonable uses of the site”*

10.60. Given the difficulty in repairing or replacing the roof as outlined in the above sections of the report, officers consider that the nature of the heritage asset is likely to compromise the use of the site with it proving extremely difficult for the present owner to use it.

b) *“no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation”*

10.61. No marketing evidence has been provided by the applicant to demonstrate that a new owner could not be secured for the building. However, taking into account the condition of the building, the cost of the repair, the nature of the local property market and the limitations of the building in terms of its internal arrangement, that the ability to find a new user that would be able to use the church within the limitations of its existing interior *and* willing and able to fund the replacement of its roof, is considered extremely unlikely.

c) *“conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible”*

10.62. Inadequate evidence has been provided which demonstrates that grant-funding for the repair of the church would not be possible. However, for the reasons outlined above under tests a) and b), and given the competition for historic building grants, the possibility of finding available grant-funding is considered unlikely.

d) *“the harm or loss is outweighed by the benefit of bringing the site back into use”*

10.63. The benefit of bringing the site back into use is associated with the public benefits of the proposed scheme which are discussed above, and are considered to be substantial enough to outweigh the total loss.

10.64. In summary, although there are strong arguments that have been put forward with regards to these tests, officers do not consider that all of them have been met and that the applicant would need to provide further evidence to satisfy the tests, if it is considered that the public benefits would not be substantial enough to outweigh the substantial harm.

c. Planning obligations

10.65. It is considered that this application should be subject to a section 106 legal agreement to prevent the commencement of development and the demolition of the church until evidence is provided as to the removal of the covenant on the land which restricts replacement development on the site (see paragraph 10.67 below) and also that there are adequate finances in place for the whole construction cost, and that this is secured by a bond. The legal agreement will also require that the development is commenced and completed within a set timeframe, and prohibit the occupation of the dwellings until the church is completed and available for use, to ensure that the development is realised.

d. Other matters

Precedent

10.66. A number of the public representations received have stated serious concern regarding the setting of a dangerous precedent should consent be granted for the demolition of the church. Officers' assessment of the application has been made on the individual merits and circumstances of the case, which in this instance are extremely complex, difficult and exceptional, and have given a balanced judgement in line with the requirements of government legislation, and national and local planning policy.

Covenant

10.67. There is a covenant on the land of which Oxford City Council are the beneficiary. Whilst this is not a planning matter, it would need to be removed in order for the development to proceed. Advice has indicated that there would be no objection to the removal of this covenant and evidence of this being removed would be obtained as part of any legal agreement.

Protected Species

10.68. All species of bat and their roosts are protected under the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2017. The Local Planning Authority in exercising any of their functions, have a legal duty to have regard to the requirements of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, which identifies the main offences for development affecting European Protected Species (EPS).

10.69. A Preliminary Ecological Appraisal, Preliminary Roost Assessment and single bat emergence survey were undertaken in June and July 2020 and the findings submitted in the Ecological Impact Assessment (Non-EIA) report (July 2020, Ecology by Design). Officers are satisfied that the potential presence of protected habitats and species has been given due regard. The surveys undertaken found the church has low potential to support roosting bats, however no evidence of bats or potential roosting spaces for bats internally was found. Overall there is no objection to the proposals subject to a condition in respect of securing ecological enhancements, which is addressed in the associated planning application 18/03405/FUL.

11. CONCLUSION

11.1. Great weight and importance has been given to the desirability of preserving this grade II listed building as a designated heritage asset, and the exceptional circumstances surrounding its total loss have been carefully considered.

11.2. The demolition of the grade II listed church would cause substantial harm to and total loss of a designated heritage asset. The available options for repairing the church roof have been adequately explored and due to the inability to rule out failures with the original roof design, the substantial harm that would be caused by the replacement of the roof with an alternative structure, and the limitations of

the building to meet the functional requirements of the church and its wider community, officers consider the loss of the church to be clear and convincingly justified.

- 11.3. The public benefits of reinstating an ecumenical church in the community, providing much needed community and social infrastructure and housing would achieve both economic and social objectives which would otherwise not be realised with the retention of the existing church. These public benefits would contribute towards achieving a strong, vibrant and healthy community in a community which currently experiences inequalities and barriers, future-proofing the church use on the site ensuring that the community benefits can grow and be sustained for the long-term future. These substantial public benefits are considered to outweigh the substantial harm and total loss of the grade II listed church.
- 11.4. Subject to conditions, the scheme would comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 192, 193, 194 and 195 of the NPPF and policy DH3 of the Oxford Local Plan 2036.
- 11.5. It is recommended that the Committee resolve to grant listed building consent for the development proposed subject to referral of the application to the Secretary of State, the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 (and other enabling powers) and to the conditions listed in the section below.

12. CONDITIONS

Contract for redevelopment before demolition

1. No works of demolition shall begin until a legally binding contract has been entered into for the carrying out of works for redevelopment of the site in accordance with all the necessary permissions and consents and evidence of the contract has been submitted to and agreed in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the replacement buildings has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the listed building does not take place without confirmation that the new development will proceed after the loss has occurred, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

Historic Building Recording

2. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local

Planning Authority. All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

The archaeological historic building recording should consist of a Level 4 comprehensive analytical record (Historic England, Understanding Historic Buildings: A Guide to Good Recording Practice, 2016) undertaken prior to the demolition works and an intermittent watching brief carried out during the demolition works. The recording should be undertaken by a professionally qualified archaeologist working to a brief issued by the Local Planning Authority.

Reason: Because the development will have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

Re-use of interior fittings

3. Prior to the commencement of demolition works, a schedule shall be compiled of all of the existing interior fittings of heritage interest, detailing the retention, re-use and re-location of the interior fittings in the new church and community development. The schedule shall detail the means of suitable safe storage locations for the retained interior fittings during the construction of the new development. The schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of demolition works. The development shall be carried out in accordance with the approved schedule.

Reason: To ensure the preservation of valuable features of historic interest, which might otherwise be harmed or lost during the proposed works in accordance with policy DH3 of the Adopted Oxford Local Plan 2036.

Informatives

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable

development.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Consultee responses:
 - Historic England
 - Twentieth Century Society
- **Appendix 3** – Listing entry

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 listed building consent, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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Appendix 1

20/00688/LBC & 18/03405/FUL – Holy Family Church

Site plan



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Appendix 2

20/00688/LBC – Holy Family Church

Consultee responses

- **Historic England**
- **Twentieth Century Society**

Miss Amy Ridding
Oxford City council
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS

[REDACTED]
Our ref: L01258070

10 November 2020

Dear Miss Ridding

**Arrangements for Handling Heritage Applications Direction 2015
& T&CP (Development Management Procedure) (England) Order 2015
& Planning (Listed Buildings & Conservation Areas) Regulations 1990**

**HOLY FAMILY CHURCH, 1 CUDESODON WAY, OXFORD
Application Nos 20/00688/LBC & 18/03405/FUL**

Thank you for your letters of 28 October 2020 regarding further information on the above applications for listed building consent and planning permission. On the basis of this information, we offer the following advice to assist your authority in determining the applications.

This letter consolidates our advice on the future of this church and is informed by further consideration of the questions to which the application gives rise. Our advice has been informed by expert advice commissioned from Oxley Conservation on the potential for the repair and replacement of the roof (attached to this letter) and advice received from the Historic England Advisory Committee (HEAC), a panel of experts in heritage matters drawn from outside the organisation who advise staff on casework that is novel, contentious or sets a precedent.

Summary

The Church of the Holy Family is a remarkable building; it is a testament to the optimism of the 1960s, when new and exciting structural forms were being developed for buildings, and at the same time the Church of England was creating innovative buildings that allowed congregations to explore new ways of worship and work more cooperatively with other denominations. However, we recognise that this building is now facing major problems; its roof has failed and repair or like-for-like replacements are not practical propositions.

Legislation and planning policy set out a strong presumption against the demolition of a listed building. In this case we consider that the issues faced by this building may justify demolition and replacement.



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.

Any application for the demolition of a listed building must either satisfy the four tests set out in paragraph 195 of the NPPF or it must be demonstrated that the loss is outweighed by substantial public benefits. While the grounds put forward by the applicant for demolitions are understandable, the four tests have not yet been met so the application must be judged against the first part of this policy. This is not a matter for Historic England to judge, but we recognise that there are considerable public benefits associated with the proposals. It is for your Council to determine whether these benefits are indeed substantial and outweigh the loss.

Historic England Advice

The Significance of the Church of the Holy Family

The Church of the Holy Family is significant both for its architectural quality and its historical interest. Its architectural interest can be summarised as follows:

- as a largely intact example of an innovative 1960s church with an unusual heart-shaped plan;
- for its carefully considered interior, with high quality, architect designed fittings;
- for the technical interest of its timber hyperbolic paraboloid roof, an early surviving example by Hugh Tottenham, the principal exponent of the technology in England.

Its historical interest is as an illustration of the boom in post-war churches, often serving new towns and new suburban estates, designed to the principles of the liturgical movement.

These qualities led the church to be added to the statutory list at Grade II on the 12 August 1999.

The current proposals and their impact on the significance of the listed building

The current applications for listed building consent and planning permission would involve the complete demolition of the church. A new church, community centre and flats would be building on the site. The flats would part-fund the new church and community centre.

These proposals would of course entail the complete loss of the building's significance.

Legal and planning policy issues

As a listed building the church has a very high degree of protection both in law and in



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national planning policy. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to have "special regard" to the desirability of preserving a listed building.

Paragraph 192 of the National Planning Policy Framework (NPPF) states that "in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage asset can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

As the church is a designated heritage asset (in this case a listed building) the Council will need to apply Paragraphs 193 and 194 of the NPPF. Paragraph 193 states that:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."

Paragraph 194 continues:

"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."

As the proposal involves the total loss of a listed building paragraph 195 of the Framework will need to be applied:

"Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and



d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

Historic England’s position with regards to this application

The requirement of the 1990 Act to have special regard to the desirability of preserving a listed building, and the instruction in paragraphs 192 and 193 of the NPPF to take into account the desirability of sustaining and enhancing the significance of heritage assets and to give great weight to the conservation of a heritage asset, mean that there is a presumption that the Church of the Holy Family should be retained and repaired if practically possible.

The statement in paragraph 194 of the Framework that any harm to a designated heritage asset requires clear and convincing justification, and that the total loss of a grade II building should be exceptional, means that a very strong case needs to be made to overcome the presumption that this building should be retained.

We acknowledge that there is a possible justification for demolition in this case given the difficulties of securing the repair of the church. Put briefly these are:

- Firstly, that the failure of the roof may be a result of flaws in the original design. It is not clear why the original structure failed, but design defects could well have been contributory causes. As built the curvature of the hyperbolic-paraboloid roof was at the limits of what is technically possible for this type of construction and it has always been vulnerable to deflection due to wind load.
- While repair might be possible it would probably result in the loss of the majority of the historic fabric of the roof.
- Repairing or replicating the roof might be futile, as this would repeat the deficiencies of the original. Therefore we accept that repair or replication of the original structure is not a practical proposition.
- Replacement with a roof of similar appearance but different structural logic would be technically possible. However, this would itself diminish the significance of the building as its technical interest, which is one of its key aspects of its significance, would be lost.

Nevertheless, consent should be refused unless the proposals are considered to meet the tests set out in paragraph 195 of the NPPF. It should be noted that this policy consists of two parts: *either* there are substantial public benefits that outweigh the loss of the building *or* all of the four tests have been met.

With regards to the second part of the policy we would make the following comments:

- With regards to the first test, in this case the nature of the heritage asset may compromise the use of the site, and even make it impossible for the present owner to use it, given the difficulty posed by repairing or replacing the roof.



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- It has not been proven that marketing could not secure a new owner who could repair and use the building, although its condition, the cost of repair, the nature of the local property market and the limitations of the building make this improbable. The nature of the interior imposes severe limitations on the potential use of the building. Much of its significance is due to the internal fittings and the removal of these, combined with the replacement of the roof with one using different structural principles, might amount to substantial harm to the significance of the church. The potential for finding a user who would be able to use the church with its current interior *and* willing to finance its repair appears limited.
- It has not been proven that grant funding is not available. This cannot be conclusively proven unless applications to funders are made. However, given the cost of repairs (estimated at between £1 and £2million) and the competition for grants for historic buildings we think it unlikely that sufficient funding to repair the building is likely to be available.
- The question of whether the loss is outweighed by bringing the site into use is a wider one that is bound up with the wider public benefits of the proposals.

We therefore conclude that while the arguments put forward with regards to these tests are strong, the tests have not been met.

The first part of paragraph 195 of the NPPF requires the decision-maker to consider whether total loss would be outweighed by substantial public benefits. It is not for us to assess the benefits or attempt that general balancing exercise. However, we are conscious that the proposals would not only provide the ecumenical congregation with a new church, but would also provide wider benefits to the community.

Taking these considerations together, we withdraw our formal objection to this application. We advise your council to approve this application only if it considers that in this case the proposals would procure such substantial public benefits, and that these would outweigh the total loss of this interesting and historic post-war church.

Recommendation

Historic England considers this to be a very difficult case. The presumption that listed buildings should be conserved is a strong one. The condition of the Church of the Holy Family is very poor; and the failure of its extraordinary roof appears possibly to be caused by the nature of its original construction.

A strong case has been made for demolition, in respect of the relevant policy in the National Planning Policy Framework (paragraph 195). After assessing this carefully, Historic England does not consider that the tests for demolition in the second part of that policy have been met conclusively. Whether the first part of that policy has been satisfied depends on the balance between the harm which the demolition of the church





Historic England

would entail and the public benefits which the wider proposals would secure. While we acknowledge that those public benefits would seem considerable, it is not for Historic England to carry out this balancing exercise.

We consider that this is one of the rare cases where there may be exceptional circumstances in which the loss of a grade II building can be considered. We advise your council that it should assess the application against the first part of the Framework's policy in paragraph 195. It is for your Council to assess whether the public benefits to which we have referred are substantial and outweigh the loss of the listed building in accordance with the first part of paragraph 195 of the NPPF.

Please advise us of the decisions in due course.

Yours sincerely

Richard Peats
Team Leader



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Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.



Amy Ridding
Oxford City Council
By email:

29 April 2020

Dear Amy Ridding

SITE: Church of the Holy Family, Blackbird Leys, Oxford

Application Ref: 20/00688/LBC

Our ref: 19 02 02

The Twentieth Century Society **objects in the strongest possible terms** to this application to demolish a building that has very recently been listed. The Church of the Holy Family is a grade II listed heritage asset and as such is irreplaceable. It is recognised as being of national importance and of high significance: any threat to the original fabric should be afforded the same scrutiny as any other Grade II listed building, regardless of its state of repair. It should be noted that the criteria for listing are far stricter for younger buildings and there is a particularly careful selection process for buildings from the post-war period. The Church's designation should be understood in this context. There is a clear opportunity here for imaginative refurbishment proposals not just a short-sighted and overpowering redevelopment. This application contains no evidence that the applicant has taken any of the necessary steps to conserve this important and unique heritage asset, nor to modify their approach to development for the 2019 application to take into account its high significance, which has since been confirmed by its addition to the National List. The Society therefore urges the City Council to **refuse** this application.

The Holy Family Blackbird Leys was listed at Grade II as an important example of a church designed according to the principles of the Liturgical Movement, with a forward-placed altar, fan shaped seating

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Registered Charity no 1110244

and peripheral choir. It is an unusual survival completely intact and largely unaltered, featuring a rare hyperbolic paraboloid roof by Hugh Tottenham. It was an innovative design by Colin Shewring who, in an article in the Oxford Times on July 17th 1962, was quoted as saying of the inverted dome-shaped roof that it was lower over the altar and pulpit in order to act as a large sounding board. A prominent feature of the building is the sanctuary, an egg-shaped area standing out from the wall, with a circular altar flanked by the pulpit, a reversion to very ancient Christian practice. The textures employed in the interior reflect the differing functions of the baptistery and sanctuary whilst including them in one inter-connected space. The church is referenced in the introduction to the Buildings of England volume for Oxford as being of note, and declares the design to be 'the 1960s at its most radical.' It is described in detail by Elain Harwood in her book Space Hope and Brutalism. The importance of the interior and the overall form of the building has been recognised by Historic England who say in the listing report that the church's significance lies in its 'carefully considered interior, with high quality, architect-designed fixtures and fittings' as well as its intactness, unusual form and the technical interest of its roof. All this will be lost if these proposals are allowed to proceed.

The onus on the local authority is to conserve heritage assets and not destroy them. No attempt has been made by the applicant to sustain or enhance the significance of the heritage asset on this site. The proposed new buildings will remove the architectural distinctiveness and diversity of form that the church adds to the area, thus making a negative contribution, not a positive one as sought by the NPPF. The Society would urge Oxford City Council to act on paragraphs 193 and 194 of the NPPF, in particular giving 'great weight...to the asset's conservation' and to refuse this application on the grounds that loss of a grade II listed building should be 'exceptional' and that justification for this total loss has not been met by this application. The NPPF also states that neglect of a listed building that has fallen into disrepair should not be taken into consideration in any planning decision and the Society therefore believes that it should equally not be cited as a reason for demolition. The current problems with the roof are due to a history of inappropriate repair and lack of maintenance, despite years of water ingress. In their listing assessment Historic England noted that the problems could not be blamed on the original design. The need for roof repairs to a listed building from an earlier century would not be considered a valid excuse for its demolition, nor should they be for a twentieth century building.

It is almost always more sustainable to retain and refurbish a listed building than to build a replacement. This case is no exception and the council should consider paragraph 192 of the NPPF which states that account should be taken of 'the desirability of sustaining and enhancing the significance of heritage



assets.' Demolition is considered to be the last resort for a listed building when all other avenues have been explored. The Society contends that no adequate attempt to find a way of preserving this building has been made by the applicants. The Society believes that this building can be retrieved from its current condition. Not only will the development of the land adjacent generate funding, but substantial grants are available for the repair of historic listed buildings. Funds such as the National Lottery particularly favour uses that provide community support and this project would certainly fulfil this important criteria. A full, rigorous and complete evaluations and applications for grant funding would no doubt yield a substantial proportion – if not all – of the costs of bringing this unique heritage asset back into repair and beneficial use. It is therefore demonstrably the case that the requirements set in paragraph 195 of the NPPF have not been met and consent should therefore be refused.

The case has been presented to the Society's Casework Committee which has expressed its unanimous condemnation of the proposals to demolish this building. This listed building requires a sympathetic conservation-led approach that begins with the assumption that it should be preserved and enhanced as an asset. The Society therefore reiterates its objection and its opinion that consent should be refused for these destructive and detrimental proposals.

I hope that the Society's comments are useful in your deliberations on this case. Should you have any queries in relation to this letter, please do not hesitate to contact me.

Yours sincerely



Clare Price

Head of Casework
The Twentieth Century Society
70 Cowcross Street
London EC1M 6EJ



The Twentieth Century Society, 70 Cowcross Street, London EC1M 6EJ – Tel 020 7250 3857





Remit: The Twentieth Century Society was founded in 1979 and is the national amenity society concerned with the protection, appreciation, and study of post-1914 architecture, townscape and design. The Society is acknowledged in national planning guidance as the key organisation concerned with the modern period and is a constituent member of the Joint Committee of the National Amenity Societies. Under the procedures set out in *ODPM Circular 09/2005*, all English local planning authorities must inform the Twentieth Century Society when an application for listed building consent involving partial or total demolition is received, and they must notify us of the decisions taken on these applications.

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Appendix 3

20/00688/LBC – Holy Family Church

Listing entry

<https://historicengland.org.uk/listing/the-list/list-entry/1464513>

Location

Statutory Address: 1 Cuddesdon Way, Blackbird Leys, Oxford, OX4 6JH

The building or site itself may lie within the boundary of more than one authority.

County: Oxfordshire

District: Oxford (District Authority)

Parish: Blackbird Leys

National Grid Reference: SP5526402781

Summary

Church. 1964-1965 by Colin Shewring with a timber hyperbolic paraboloid roof designed by Hugh Tottenham. The hall, kitchen and offices added in 1983 are not included in the listing.

Reasons for Designation

The Church of the Holy Family, Blackbird Leys, Oxford, built in 1964-1965 by Colin Shewring with a timber hyperbolic paraboloid roof designed by Hugh Tottenham, is listed at Grade II for the following principal reasons:

Architectural interest:

- * as a largely intact example of an innovative 1960s church with an unusual heart-shaped plan;
- * for its carefully considered interior, with high quality, architect-designed fixtures and fittings;
- * for the technical interest of its timber hyperbolic paraboloid roof, an early surviving example by Hugh Tottenham, the principal exponent of the technology in England.

Historical interest:

* illustrative of the boom in post-war churches, often serving new towns and new suburban estates, designed to the principles of the Liturgical Movement.

History

The Church of the Holy Family was built to serve the Blackbird Leys housing estate which was developed by Oxford Council between the 1950s and 1980s to address severe housing shortages in the city and in particular to provide housing for the workforce at the nearby Cowley car factory. In 1958 the Anglican Diocese of Oxford designated Blackbird Leys as a Conventional District separate from the existing parishes of Littlemore and Cowley and a young curate from Hammersmith, Peter Walton, was appointed as the priest. A timber-hutted temporary church was established on the current site, at the heart of the estate, in 1960 and plans for a new church were undertaken. Peter Walton, who had seen examples of his work, recommended the architect, Colin Shewring. Shewring visited the site in October 1960 and canvassed opinion from the congregation on their requirements as he sought to build a modern church that was functional and included what people thought a church should contain. From these discussions it was decided, for example, that the altar and pulpit should be in the same area and should be visible from all parts of the church without raising the sanctuary too high above floor level. There should be no lighting behind the sanctuary which would distract the eye and it was thought that a separate lectern was not necessary.

By December 1961 Colin Shewring had produced a model of the interior layout of the church and drawn up plans which included a hall, classrooms, toilets and a rectory. In an article in the Oxford Mail of 16 July 1962 the name of the church, which had been chosen by the Bishop of Oxford from two suggestions supplied by the congregation, was announced. It went on to describe the proposed church as being heart-shaped in plan with serpentine concrete walls to a height of 11 feet inside. The upper half of the wall would be timber, reaching a total height of 22 feet. The roof was to have a copper surface and would be flat. The Church Times, however, criticised the proposed design commenting "this is a brave, generous yet modest venture, but unfortunately does not look like a church". Colin Shewring was quoted in a somewhat contradictory article in the Oxford Times of 17 July 1962 as saying of the inverted dome-shaped roof that it was lower over the altar and pulpit in order to act as a large sounding board. A prominent feature of the building would be the sanctuary, an egg-shaped area standing out from the wall, with a circular altar flanked by the pulpit, a reversion to ancient Christian practice. Natural lighting would be arranged so that it would flood the altar during the main service each Sunday morning and a ring of lights in the roof would illuminate the altar and pulpit at night. The baptistery wall would be tomb-shaped, symbolising death and resurrection, and would be situated between the two main blocks of seats. The font would be approached by three shallow steps to symbolize the descent into the river Jordan from the bank. The siting of the pews was intended to give a family feel to the building. The altar, font and lectern were to be of Clipsham stone. A total estimated cost of £50,000 was quoted.

Building work was eventually scheduled for the spring of 1964. By this time the cost had escalated, and as a result the project was reduced to only providing the church, the toilets and a rectory. The plans for the church appear to have been modified somewhat from the early press descriptions, including, perhaps most notably, the addition of the hyperbolic paraboloid roof. Work got underway on 2 August 1964 with a blessing of the altar which was symbolically put in place before the rest of the building was started. The roof was designed by Hugh Tottenham of Tottenham, Hume and Bennett. David Bennett acted as structural engineer. Construction was by Messrs Marshall-Andrew with the roof erected by Gardner and Company. The Clipsham stone altar, pulpit and font were made by Axtell and Perry of Oxford.

The church was dedicated by Bishop Carpenter on 10 April 1965. It was dedicated rather than consecrated as a legal move in order to allow its use for an experiment in Joint Evangelism with the Free Church which had been agreed in early 1965. A Free Church Minister was appointed in September 1965 and the ministry was shared between the Anglicans and Nonconformists. Following the Sharing of Church Buildings Act of 1969 this arrangement was formalised and Blackbird Leys was declared an Area of Ecumenical Experiment in 1973.

In 1983 an extension was added which belatedly provided a church hall, café and offices.

Colin Shewring (1924-1996) studied at the Regent Street Polytechnic and specialised in church design, working both on restorations and new builds. His primary works are the Church of the Holy Family, the interior of St Luke's Church, Leicester (1960-1966) by David Boddington and the Church of St Peter, Ravenshead, Nottingham (1972), listed at Grade II. His restorations include parts of the Grade I listed St Margaret's Church, King's Lynn. He was also known for his artwork, contributing a window to the Grade I listed Red Mount Chapel, in King's Lynn, and the altar furniture of the Grade I listed Church of St Andrew, Plymouth. He also designed a number of private houses such as that for himself at Compass Yard, Pollard's Hill, Norbury and later settled in Kings Lynn as the borough architect.

Hugh Tottenham (1926-2012) trained at Cambridge as an engineer and from 1954 worked for the Timber Development Association where he designed the first timber hyperbolic paraboloid roof in Britain; the weaving shed of the Royal Carpet Factory in Wilton (1957 by Robert Townsend, now demolished). He left the Association in 1959, to form his own practice and to conduct research at Southampton University, and went on to design a number of other hyperbolic paraboloid roofs. These included the Silhouette Corset Factory in Market Drayton (1959-1960), by Robert Townsend which was listed at Grade II in 2000 but was demolished shortly after, the Church of the Holy Family, the Church of St Peter, Ravenshead, Nottingham (1972) also with Colin Shewring (listed at Grade II). He was probably also involved in the design of the roof of the Grade II* listed Church of St Aldate, Gloucester (1959-1961, Robert Potter and Richard Hare), although EWH Gifford was the lead engineer.

Details

Church. 1964-1965 by Colin Shewring with a timber hyperbolic paraboloid roof designed by Hugh Tottenham. The interiors of the hall*, kitchen* and offices* added in 1983 are not included in the listing.

MATERIALS: reinforced concrete post and beam frame with cavity walls of pale grey brick with concrete block internally. The doubly curved surface of the hyperbolic paraboloid roof is formed of four layers of 22mm pine boards, cross laid and bonded together by nails and glue with a layer of cork above, originally with an aluminium covering later replaced with roofing felt. The original fenestration was of louvered windows in timber frames, replaced with aluminium-framed windows.

PLAN: the church is broadly heart-shaped with a projecting quadrilateral sacristy on the eastern side, a small square campanile and sacrament house which projects from the south wall and a rectangular narthex and toilets to the north-west. The curved plan reflects the oval street layout of the Blackbird Leys estate. The 1980s extension* containing a hall*, offices* and a kitchen* is rectangular in plan and extends north-eastwards from the narthex, encasing it on its eastern side. The original main entrance is approached via a walled forecourt into the narthex from Blackbird Leys Road with a secondary entrance directly into the church from the east off Cuddesdon Way. The current main entrance is via the hall block.

EXTERIOR: the curved exterior of pale grey brick, laid in stretcher bond, slopes up to a rounded peak at the east and west ends. Fenestration consists of long strips of square-paned windows set below the concrete ring beam. These are later aluminium framed replacements but follow the pattern of the louvered originals. Historic photographs appear to show that the walling below the windows and the campanile were originally rendered and painted white. The curve of the exterior walls is broken on the Blackbird Leys Road frontage by the low square narthex and the campanile. The narthex has a felted flat roof, timber folding doors and a wooden fascia. The west elevation retains the original louvered windows. The paved forecourt is surrounded by grey brick walls, laid in English bond, which descend in height away from the building, and has a low screen wall of blue engineering brick. The projecting campanile rises slightly above the dipping roofline of the church. At the corner of Blackbird Leys Road and Cuddesdon Way, the covered secondary entrance projects away from the curve of the walls and has a flat roof below the line of windows, with a timber fascia and three concrete steps with blue engineering brick risers. The single-storey, projecting, sacristy to the north also has a flat roof, with skylights, and a pair of tall narrow windows. Further along the north side of the building the valley of the main roof discharges rain runoff into a waterspout consisting of a concrete trough supported on a concrete projection. This is connected by a downpipe to a circular basin made of two soldier courses of engineering bricks.

INTERIOR: the main body of the church has concrete rendered walls and a concrete floor with hardwood strip divisions which slopes down gentry from west to east to a slightly raised oval Sanctuary containing the altar and pulpit. The raised area is of black tiling edged with engineering brick and is bordered at the rear by two low curved walls of grey brick with hardwood sills. The angular pulpit and circular altar are of Clipsham limestone, designed by the architect. The altar stands on a base of cobbles.

Beyond the Sanctuary, in a tight curve of the walling, is the choir, again bordered by low brick walls and fronted by three, architect-designed, hardwood bucket-seats set on a curved concrete plinth. The choir has bench seating with individual seat backs attached to the rear wall (three removed), set on a raised dais and with a fixed hardwood slab table in front.

Seating for the congregation consists of pews arranged in two blocks to the south and east of the sanctuary, set either side of the baptistery. These retain the original cork tile flooring with hardwood edging. The baptistery is inset into the sloping floor with two steps to the rear down to a grey brick paved area and defined by low grey brick walling. The font is of Clipsham limestone (with a later Greek inscription) on an offset brick plinth and is fed from a grey marble waterspout of similar design to that on the exterior. The font stands on a base of cobbles and there is an angled hardwood bench on brick piers. The two entrances to the interior of the church have similar plate-glass doors with large square wooden handles.

The timber roof slopes down to a lowest point over the Sanctuary. At the time of the site visit (April 2019) the roof was suffering from a high degree of rot caused by water ingress, mainly above the Sanctuary. The choir is lit by four round skylights.

The sacristy is utilitarian in nature with plain painted brick walls.

The narthex has light grey brick walling to the curved wall of the main church and darker grey brickwork to the other walls. The floor is of glazed clay tiles with a curved concrete apron inside the main doors. The ceiling is of the same timber as in the main part of the church.

* Pursuant to s1 (5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') it is declared that these aforementioned features are not of special architectural or historic interest, however any works which have the potential to affect the character of the listed building as a building of special architectural or historic interest may still require Listed Building Consent and this is a matter for the Local Planning Authority to determine.

Sources

Books and journals

Harwood, Elain , *Space, Hope and Brutalism*, (2015), 443-451, 665, 669

Sherwood, J, Pevsner, N , *The Buildings of England: Oxfordshire*, (1990)

Maguire, R, 'Church Design since 1950' in *Journal of the Ecclesiological Society*, , Vol. 27, (January 2002), 2-12

'7 New Churches - Anglican Church Blackbird Leys, Oxford' in *Architectural Review*, (October 1965), 253-254

Harwood, E, 'Twentieth Century Architecture 3: The Twentieth Century Church - Liturgy and Architecture: The Development of the Centralised Eucharist Space' in *Twentieth Century Society Journal* , (1998), 51-74

Websites

Blackbird Leys: A 30 Year History and a Celebration of 40 Years of The Church of the Holy Family, accessed 9 May 2019 from

<http://s482467435.websitehome.co.uk/linked/blackbird%20leys%20a%20thirty%20year%20history.pdf>

Other

Asset Heritage Consulting - Heritage Appraisal - Church of the Holy Family, Blackbird Leys, Oxford (October 2018)

Colin Shewring - Original plan drawings for Church at Blackbird Leys

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

EAST AREA PLANNING COMMITTEE

07.04.2021

Application number:	18/03405/FUL		
Decision due by	26th April 2019		
Extension of time	TBA		
Proposal	Redevelopment of existing Church to provide new Church building, community facilities and 21 residential units (10 x 1 bed and 10 x 2 bed flats, and 1 x 4 bed house). (Revised Plans). (Additional information).		
Site address	Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH – see Appendix 1 for site plan		
Ward	Blackbird Leys Ward		
Case officer	Clare Gray		
Agent:	Mr Huw Mellor	Applicant:	Trustees of Church of Holy Family
Reason at Committee	The application constitutes a major development		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. Approve the application subject to the concurrence of the Secretary of State, and subject to the satisfactory receipt of comments from the Local Lead Flood Authority, the satisfactory receipt of a further Health Impact Assessment and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to in this report and subject also to the required planning conditions set out in section 12 of this report and delegate authority to the Head of Planning Services to:

- refer the application to the Secretary of State and, subject to him not directing refusal of the application :-
- 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; and
- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to

dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission or,
- 1.1.2 delegate authority to the Head of Planning Services to refuse planning permission should the Secretary of State recommend that the application be refused for such reasons as the Head of Planning Services considers reasonably necessary.
- Delegate authority to the Head of Planning Services to decide whether to refer the application back to Committee should the Local Lead Flooding Authority not remove their objection and/or if the satisfactory receipt of a revised Health Impact Assessment hasn't been received.

2. EXECUTIVE SUMMARY

2.1. This report considers the redevelopment of the Church of the Holy Family, comprising the total loss of a Grade II listed church and its replacement with a new church building, café, community facilities and 21 residential units, including 20 x 1 and 2 bed flats and 1 x 4 bed vicarage.

2.2. The existing church was constructed in 1964 on the newly planned and constructed Blackbird Leys estate to the south east of Oxford, that was built to meet the city's severe housing shortages, and in particular to provide for the growing workforce of the nearby car factory at Cowley. The church, which replaced a former timber hut on the site that was erected to meet the community's needs, is a unique heart-shaped building with facing brickwork walls designed by the architect Colin Shewring. The church incorporates a distinctive hyperbolic paraboloid roof designed by the engineer Hugh Tottenham, which is a sweeping doubly-curved roof that is formed of four layers of 22mm pine boards, cross laid and bonded. The hyperbolic paraboloid roof is considered to be of an innovative style and construction technique, and is one of around 100 roofs that was built between 1957 and 1966, but is now one of very few remaining.

2.3. The report considers the technical construction, history and condition of the roof, which has suffered from water ingress and failure since as early as the 1980s, and underwent a replacement covering in 1991 followed by numerous patch repairs. The roof has been the subject of a number of technical condition reports and the church was closed in late-2018 when structural engineers concluded that the structural integrity of the building had been compromised to such an extent by the water ingress that it was declared a dangerous structure. The church was closed at a similar time to the submission of the planning application for the replacement church, community facilities, and housing.

2.4. Subsequent to the submission of the planning application in 2018, the Church of the Holy Family was listed by the Department of Culture and Media in August 2019 as Grade II and the report includes the reasons for this designation and its

heritage significance which include: the church as a largely intact example of a 1960s church with heart-shaped plan form; its carefully considered interiors; the technical interest of its hyperbolic paraboloid roof; and its historic interest as illustrative of post war churches serving new towns and suburban estates, designed to the principles of the Liturgical Movement.

- 2.5. The report considers the policy framework of the NPPF and that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, and that any loss of a designated heritage asset, should require clear and convincing justification with substantial harm or loss of a grade II listed building being exceptional. In this instance, the options of repair, renewal or replacement of the roof have been assessed and informed by the work and advice of Historic England as a statutory consultee. It is considered that the first two options are unfeasible due to the inability to rule out failures in the original roof design which would lead to longer term future maintenance issues, resulting in an unviable heritage asset. The replacement of the roof with an alternative structure would result in substantial harm to the listed building, which together with the limitations of the building to meet the functional requirements of the church users and its wider community, officers consider would be an unviable option. The heart-shaped plan form, sloping floor and fixed internal arrangement significantly limits the flexibility of the building in accommodating the needs of the existing congregations and wider Blackbird Leys community, which require it for a wide range of services and events of various sizes, of up to 300 people. Overall the building does not meet the functional needs of the church and the wider community and the chances of funding being raised for a replacement roof is an unrealistic prospect. For these reasons the case for the loss of the church is considered to be clear and convincingly justified.
- 2.6. The report considers whether public benefits exist that would outweigh the substantial harm to and total loss of the listed church. In this case the report considers that a number of public benefits exist which would deliver economic, social and/or environmental objectives. Firstly, the reinstatement of the church in the community; that without the church, the ability to provide for worship and for baptisms, weddings and funerals which lies at the heart of the community, as well as the ability to provide for wider community events and groups, would be lost. Secondly, that the redevelopment would provide for a new café, new community hall and 10 incubator spaces would be an enhancement over the current community offer, meeting social objectives and enhancing social infrastructure which would have a considerable impact on the socio-demographics of Blackbird Leys. Lastly, that the scheme would provide an additional 20 x 1 and 2 bed units which would make efficient use of the site and deliver much needed housing in Oxford. Officers consider that these public benefits are substantial and consider that, on balance whilst the loss of a listed building should be in exceptional circumstances, and whilst giving great weight to the conservation of the designated heritage asset, in this instance, a case for the loss of the church is justified and the substantial harm caused would be outweighed by substantial public benefits.
- 2.7. The report goes onto consider the replacement church would deliver a high quality civic building in the community on the corner of Cuddesdon Way and Blackbird Leys Road that would be a landmark building in the community, and in

the heart of the District Centre. The report considers the impacts of the development on the community in respect of amenity/noise, and transport, and considers that the site is sustainable and would have limited adverse impact on access to the site and on the residents or neighbouring land users. The report considers that there is sufficient parking and cycle parking to meet the needs of the development and that the scheme is acceptable in respect of biodiversity, trees, energy efficiency and green infrastructure. The comments of the Local Lead Flood Authority are awaited, but subject to the satisfactory receipt of their comments, the proposal is considered to meet with drainage and flood risk policies. Further whilst an initial Health Impact Assessment has been received, a further more detailed Health Impact Assessment is required and satisfactory receipt of comments awaited.

2.8. The application is therefore considered to comply with the guidance in the NPPF and the policies in the Oxford Local Plan 2036.

2.9. In accordance with section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 5 of the Arrangements for handling heritage applications – notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015, the application needs to be referred to the Secretary of State as it proposes the demolition of a grade II listed building and an objection has been received from the Twentieth Century Society

2.10. The recommendation is for approval of the application subject to the concurrence of the Secretary of State, and subject to the satisfactory receipt of comments from the Local Lead Flood Authority, the satisfactory receipt of a further Health Impact Assessment and subject to the prior completion of an agreement made pursuant to section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations which are referred to in this report and subject also to the required planning conditions set out in section 12 of this report and delegate authority to the Head of Planning Services.

3. LEGAL AGREEMENT

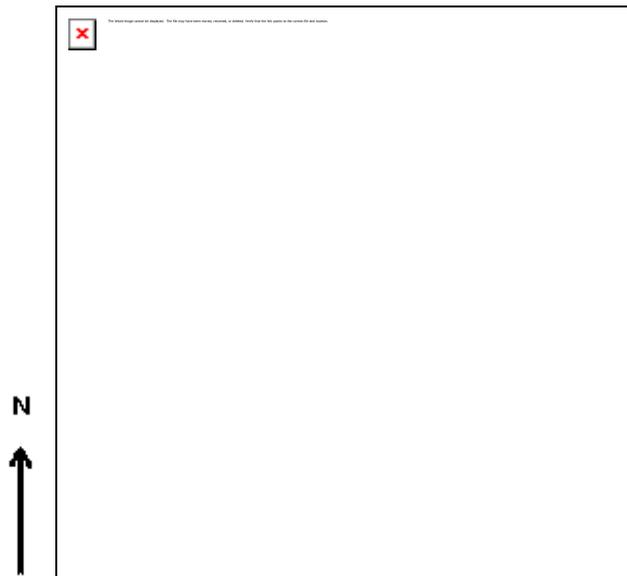
3.1. This application is subject to a legal agreement to prevent any commencement of the development, and crucially that the church is not demolished, until evidence is provided as to the removal of the covenant on the land which restricts replacement development on the site (see paragraph 10.143) and also that there are adequate finances in place for the whole construction cost, and that the cost is secured by a bond. The legal agreement will also require that the development is commenced and completed within a set timeframe to prohibit the occupation of the dwellings until the church is completed and available for use, to ensure the development is realised.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within Blackbird Leys District Centre, located on the corner of Blackbird Leys Road and Cuddesdon Way. The site comprises the Church, which was listed Grade II in August 2019. The building occupies a corner position on the two roads, and is of a heart shape plan form, with a prominent paraboloid roof. The Church is of brick construction with dual access points with the formal entrance from Blackbird Leys Road and a secondary entrance to the community hall and café from Cuddesdon Way. To the north east of the site is the Vicarage, which is of two storey buff brick construction with asymmetric inverted roof. The church is separated from the vicarage by an area of grass.
- 5.2. To the north west of the site is Blackbird Leys Community Centre, a 2 storey flat roof building, beyond which is the Blackbird Public House. On the opposite side of the Church on Cuddesdon Way is the City of Oxford College and the library. Across from the site on Blackbird Leys Road are local shops and services, including a Nisa, takeaway, launderette, bakery, hair salon and Martins Newsagent.
- 5.3. The principal church building has been empty since its closure in December 2018, following a structural engineer's condition report into the failing roof of the church, the result of which led to the engineers condemning the building as a dangerous structure. The investigations identified that the building was in a dangerous structural condition due to the failure of the roof from water ingress, which had had a damaging impact on the structural condition of the building. In April 2019 the roof suffered a partial collapse.
- 5.4. Presently the church is operating limited services, events, the Communi-tea café and community groups from the meeting hall and adjoining spaces in the extension to the side of the main church building. There is a restriction on the number of services, events and groups able to take place due to the restricted size of the meeting hall which has a capacity for 50 people, significantly less than the 300 capacity of the existing church. Ceremonies such as baptisms, weddings and funerals are unable to take place within the meeting hall due to its restricted size and the fact that the church is an unlicensed premises.
- 5.5. The Blackbird Leys Parish which is made up of two wards, Blackbird Leys and Northfield Brook, has a population of approximately 13,000. According to an Equalities Impact Assessment from 2020, the parish experiences higher levels of poverty, unemployment and health inequalities in comparison to the Oxford and national averages, which are due to numerous barriers including social isolation, discrimination, reduced opportunities for child development, limited access to information and resources, and low levels of English literacy. As a result the parish suffers from multiple levels of deprivation.
- 5.6. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the redevelopment of the site, demolishing the existing church and vicarage, to replace the building with a new church, along with community facilities including a community hall, a café and 10 office/meeting rooms. The proposal also includes the erection of a residential block to provide a total of 21 units, comprising 10 x 1 bed flats, 10 x 2 bed flats and 1 x 4 bed house to serve as the new replacement vicarage.
- 6.2. The replacement church and community facility provision is proposed as a series of buildings connected by an internal courtyard that has no roof and is exposed to the elements. The new church would be the principal building within this series of buildings, which is proposed to be sited on the corner of Cuddesdon Way with Blackbird Leys Road. The church is proposed to be of a rectangular form, with a curved gated façade onto the Blackbird Leys Road. The primary entrance into the church and other community facilities would be from Blackbird Leys Road through a series of openable gates that allow entrance into an open but internal courtyard, from which there would be access into the church as well as community facilities off that internal courtyard space. The gates would give full visibility into the courtyard from Blackbird Leys Road.
- 6.3. The church building and the community facilities are proposed to be two storey in height, constructed with buff brick. The roof would be flat and made up of a series of green roofs. Over the café to the south west a bell tower is proposed with a curved top. The façade of the church would be expressed with vertical elements to the ground and first floor. The glazing to the church would be multi-coloured glaze. Overall the church building and community facilities would have a contemporary aesthetic.
- 6.4. The church will provide for up to 300 attendees. The church space is to be provided flexibly with the possibility to divide the floor area to create a separate

meeting room if needed, with a capacity of 100 people. The church also comprises a balcony at the first floor with a capacity for 80 people.

- 6.5. Opposite the church, but within the frontage of Blackbird Leys Road is the proposed 'Communi-tea Café'. This would be accessed from the internal courtyard garden but would have the option to provide access from the existing community centre side to the north west.
- 6.6. Further facilities are proposed to be accessed within the ground floor off the internal courtyard, comprising a community hall; a community garden/allotment; a church office/admin room; 2 additional meeting rooms; WC's and bin stores. There is also proposed bicycle stores. Within the courtyard would be access to the first floor where 8 additional meeting rooms are laid out. In total the community facilities offer comprises the replacement church, the community hall, 10 incubator/meeting rooms and community café.
- 6.7. Adjacent to the replacement church and community facilities is proposed an L shape residential block for 20 x 1 and 2 bed flats with a further 4 bed dwelling located, to serve as the vicarage, on the north western end of the northern limb of the L shaped building.
- 6.8. The residential building extends to 4 storeys in height with a flat roof, with the fourth floor recessed from the wall plates below. The building is proposed to be of a buff brick construction, tonally different to the civic buildings, expressed with inset balconies. The residential block is proposed with a rhythm of vertical elements and inset panels to add visual interest to the building. The upper floor is proposed to be clad with a gold colour cladding.
- 6.9. The ground floor flats would have access to a rear garden, with upper floor flats having an inset balcony with one having a roof terrace. The plan includes a shared garden within the centre of the development.
- 6.10. The vicarage would have its own separate garden amenity space and car parking to the front of the site for 2 car parking spaces.
- 6.11. Amended plans have been received since the original application was submitted in order to address concerns regarding the design of the church in respect of its status and role in the community, and its siting on a prominent gateway corner within the District Centre. A further amended external plan has been submitted which revises the car parking spaces external to the residential units reducing the car parking from 20 spaces overall to 15. 2 spaces are allocated to the vicarage in the north western corner and the remaining 13 spaces are unallocated for the flats. Amended technical reports were submitted to support this revised scheme.
- 6.12. The flatted development would have its own separate bin and bike store integral to the building. There is proposed an integral bike store for 34 bikes to serve the flats, with additional cycle parking outside for the ground floor flats as well and for visitor spaces Overall there would be 50 cycle spaces to serve the residential.

- 6.13. The church and community spaces are shown to be provided with 42 cycle spaces. Bin stores are shown internally.
- 6.14. Throughout the application additional information has been submitted in support of the application including a report from Oxley Conservation and a report from Walker Associates which relate to the condition of the building and the state of the roof, commissioned by Historic England. From the applicant, the application is supported by a series of reports including a Heritage Statement.
- 6.15. A separate listed building application, 20/00688/LBC has been submitted for the demolition of the church and is pending consideration.
- 6.16. The application has been the subject of community involvement and engagement. In October/November 2019, the applicant commissioned www.givemyview.com to canvas the views of the people of East Oxford and Blackbird Leys regarding the proposed scheme, including its benefits and the merits in conjunction with the wider regeneration and as a standalone scheme. The applicants advise they received over 1000 responses and almost 1000 completed full surveys, of which 978 responses were positive, and 13 were negative. Engagement on the previous original scheme was undertaken through the Leys Fair, July 2018.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

57/06434/A_H - Outline application for housing and ancillary purposes including the stopping up of part of Long Lane and Sandy Lane. APPROVED 8th October 1957.

60/10078/A_H - Temporary timber church. TEMPORARY 8th November 1960.

63/13141/A_H - Church, Church Hall and priest's house. APPROVED 23rd April 1963.

64/13141/AB_H - Priest's house (revised). APPROVED 14th April 1964.

64/13141/AC_H - Church (revised). APPROVED 8th September 1964.

82/00431/NF - Demolition of existing church hut and construction of single storey extension. APPROVED 13th August 1982.

84/00005/GF - Use of room in Church Hall for rent collection office. DMD 14th February 1984.

91/00896/NF - New gate and fence to south west side. New cross mounted on wall at south corner. APPROVED 8th October 1991.

06/01645/ADV - Proposed church sign and cross. APPROVED 13th October

2006.

20/00688/LBC - Demolition of Church of the Holy Family in association with erection of replacement Church, 21 residential units, and community facilities. (Additional information).. Pending Consideration.

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	117-123, 124-132	DH1	
Conservation/Heritage	184-202	DH3, DH4	
Housing	59-76	H2, H14, H15, H16	
Commercial	170-183		
Natural environment	91-101	G2, G7, G8	
Social and community	102-111		
Transport	117-123	M1, M2, M3, M4, M5, RE7	Parking Standards SPD
Environmental	117-121, 148-165, 170-183	RE1, RE3, RE4, RE6	Energy Statement TAN
Miscellaneous	7-12		External Wall Insulation TAN,

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 21st May 2020 and 27th January 2021 and an advertisement was published in The Oxford Times newspaper on 21st May 2020 and 28th January 2021.

Statutory and non-statutory consultees

- 9.2. Oxfordshire County Council Highways – No objections. Makes comments discussed in the body of the report below and recommends conditions.
- 9.3. Natural England (amended plans) – No objection
- 9.4. Environment Agency (amended plans) – Comments upon foul drainage/wastewater and the need for new development to be connected to the public mains where possible.
- 9.5. Thames Water – No objections. There are public sewers crossing or close to the development. The planning application sets out that foul waters will not be discharged to the public network and as such Thames Water have no objection. The applicant indicates that surface waters will not be discharged to the public network and as such Thames Water has no objection. In respect of mains water capacity Thames Water advise that with regard to the water network and water treatment infrastructure capacity, they would not have any objection to the planning application.
- 9.6. Thames Valley Police (amended plans) – Comments on original design submission have not been responded to relating to surveillance over the parking areas, controls on openings. Would ask that any approval has a condition that requires the development to achieve Secured by Design accreditation.
- 9.7. Historic England (revised application, original comments) – Objection. “This application involves the demolition of The Church of the Holy Family, which is listed as Grade II, and its replacement with a new church, community centre, community café and flats. While we recognise the problems facing this building due to the condition of its roof, the demolition of a listed building should only be permitted in exceptional circumstances; there must be a clear and convincing justification in accordance with para 194 of the NPPF and the tests set out in paragraph 195 of the Framework have to be met.
- 9.8. We have met with the applicant and discussed in depth the difficulties involved in repairing or replacing the roof and the economic challenges present by any development on the site. At present we do not think that a case for demolition has been made which meets the tests as set out in the NPPF and therefore must object to the current application and recommend that listed building consent and planning is not granted. However we are willing to consider further information and have been liaising with the applicant about what considerations need to be explored further.”
- 9.9. Historic England (revised application, revised comments) – Comments. “The Church of the Holy Family is a remarkable building; it is testament to the optimism of the 1960s when new and exciting structural forms were being developed for buildings, and as the same time the Church of England was creating innovative buildings that allowed congregations to explore new ways of worship and work more cooperatively with other denominations. However, we recognise that this building now facing major problems; its roof has failed and repair of like for like replacements are no practical propositions.

- 9.10. Legislation and planning policy set out a strong presumption against the demolition of a listed building. In this case we consider that the issues faced by this building may justify demolition and replacement.
- 9.11. Any application for the demolition of a listed building must either satisfy the four tests set out in paragraph 195 of the NPPF or it must be demonstrated that the loss is outweighed by substantial public benefits. While the grounds put forward by the applicant for demolitions are understandable, the four tests have not yet been met so the application must be just judged against the first part of this policy. This is not a matter for Historic England to judge but we recognise that there are considerable public benefits associated with the proposals. It is for your Council to determine whether these benefits are indeed substantial and outweigh the loss.”
- 9.12. Blackbird Leys Parish Council: Support. “The Parish Council recognise there is a real need to have a new church building and look forward to having a fully functional church on the estate. We would however, like to bring your attention to the following considerations: i) the new development appears to be overlooking the school; ii) a generation of architecture would be lost, could thus be incorporated into the new church design, iii) an opportunity to preserve a part of the history of the church, for example, could the existing font be relocated to the new church”.
- 9.13. Twentieth Century Society (revised scheme, original comments on the listed building application): Objection. “The Twentieth Century Society objects in the strongest possible terms to this application to demolish a building that has very recently been listed. The Church of the Holy Family is a grade II listed heritage asset and as such is irreplaceable. It is recognised as being of national importance and of high significance: any threat to the original fabric should be afforded the same scrutiny as any other Grade II listed building, regardless of its state of repair. It should be noted that the criteria for listing are far more stricter for younger buildings and there is a particularly careful selection process for buildings from the post-war period. The Church’s designation should be understood in this context. There is a clear opportunity here for imaginative refurbishment proposals not just a short sighted and overpowering development. This application contains no evidence that the applicant has taken any of the necessary steps to conserve this important and unique heritage asset, nor to modify their approach to development for the 2019 application to take into account its high significance, which has since been confirmed by its addition to National List. The Society therefore urges the City Council to refuse this application”.
- 9.14. Twentieth Century Society (revised scheme, revised comments based on additional information): Objection. “The Society has no further comments to make, and would reiterate our previous letter on the application objecting to the proposals remains our official response.”

Public representations

- 9.15. 3 responses from amenity groups were received:

- 9.16. Oxford Preservation Trust (original comments): Objection “We are aware of the issues related to the Church and which resulted in its recent listing. We have read the documents accompanying the application and those attached to the Historic England website, which are extremely helpful and comprehensive. We are also familiar with Blackbird Leys and this particular building which lies at the heart of the place, as we have previously visited the site and know the area being familiar with Oxford and Blackbird Leys generally.
- 9.17. It is clear from the correspondence and comments on the application that it means a great deal to local people. It is also the only listed building in Blackbird Leys and an important part of its heritage and should not be taken away lightly. Indeed there is surely more to be done to recognise the importance of Blackbird Leys generally and its innovative town planning approach at the time. The Church is not a vast building and we have been surprised to learn of the extraordinary amount of money being suggested as necessary to save the roof at circa £2million. We would ask that this is questioned and would be happy to give details of suitable structural engineers to do this if it would be helpful.
- 9.18. OPT are concerned about the precedent which would be set if demolition of this listed Church was allowed. We question where this would lead on the many other Grade II listed churches where the repairs are often expensive, and whether it would lead to an argument that they could be demolished and rebuilt.
- 9.19. We have not commented on the design of the development being proposed, other than to note and to agree with the view that there is a wider development opportunity within the site which could act as enabling development, helping towards the costs of the repair of the church. It is our view that the application needs further examination to see if the suggested housing and other community facilities can be achieved whilst keeping the present church building in situ and we ask that the application is refused”.
- 9.20. Oxford Preservation Trust (revised comments based on additional information): Comments. “We note that Historic England have provided an updated consultation response on the 10th November 2020, where they have considered in detail the exceptional circumstances which are being put forward to justify the existing listed building’s demolition and replacement. OPT feels that their updated consultation response sets out a fair and reasoned consideration of the proposals and we agree with their comments. Within their response they acknowledge that any application which seeks permission for the demolition of a listed building must satisfy the four tests as set out within para 195 of the NPPF, or it must be demonstrated that the loss is outweighed by substantial public benefits.
- 9.21. Whilst the clear desire would be to keep and conserve the heritage asset, we feel in that in this instance sufficient justification has been provided to demonstrate that this may not be possible due to both cost, and flaws in the original design. Furthermore, the provision of new community facilities and residential units provide benefit to the wider community.
- 9.22. On balance therefore and whilst the loss of the listed building is regrettable and should be avoided if at all possible, if the Local Planning Authority consider

there are exceptional circumstances and that substantial benefits will outweigh the loss of this protected building – its demolition and replacement could be permitted in this instance.”

- 9.23. Oxfordshire Architectural and Historical Society: Objection. “The complete demolition of a listed building is a rare and deplorable event. Damage is not a justification for demolition, and the precedent set, if the Council should permit would be extremely dangerous. In this case it seems quite unnecessary as the tender for repair comes to only £2million which these days is not a large sum. Especially when set against the cost of demolishing the existing building and erecting the replacement structure. One does not get the impression that serious attempts at raising funds have been made.
- 9.24. We should like to emphasise the importance of the building to Blackbird Leys, which is an area otherwise lacking building of major architectural significance. We understand there is much local support for the church which the early settlers of Blackbird Leys saw as symbolic of the ‘brave new world’ they would get in exchange for giving up the close-knit communities in central Oxford which were being cleared as ‘slums’.
- 9.25. It is regrettable that the proposed replacement building is so thoroughly undistinguished as architecture. It could never be seen as a ‘heritage asset’ to the estate. We note that it was objected when Holy Family was built that it ‘did not look like a church’. The proposed replacement could hardly look less like a church.”
- 9.26. Oxfordshire Architectural and Historical Society (revised comments based on additional information): Objection. “We agree with the Twentieth Century Society that this church should not be demolished, and we therefore reiterate our objections to the proposals, as outlined in our letter to you of 30 April 2020.”
- 9.27. SOSBrutalism: (a German based initiative which aims to save brutalist buildings worldwide): Objection. “We want to promote the preservation of the Holy Family Church by architect Colin Shewring. The building is outstanding in its area, creating a significant landmark with its design with curved roof and walls. The building counts to "brick-brutalism", a style that has occurred especially from the 50s-70s, for example Sigurd Lewerentz`s Markus Church (<http://sosbrutalism.org/cms/15892133>). The expressive curved shape of the building characterizes it clearly with a quality that the building is sharing with many other brutalist examples worldwide, like Eduardas Chlomauskas' Vilnius Concert and Sports Palace (<http://sosbrutalism.org/cms/15963855>) or Helmut Striffler`s Church of Reconciliation (<http://sosbrutalism.org/cms/15889987>) The Parish Church of the Holy Family clearly stands in an architectural tradition and should be valued as an artefact of architectural history. We recommend to find a preservation concept instead of demolishing it.”
- 9.28. 18 letters of objection were received on the listed building application but have been copied over to this planning report as they make comments on planning matters. The addresses are local, national and international. The salient points are as follows:

- The church is a real known iconic landmark in Blackbird Leys. It is one of a kind and should be preserved for future generations. Its heart shape plan is unique. The new church building looks quite plain in comparison and has nowhere near the quality of design and construction that the current building has. The proposal has little architectural merit and will appear dated in the not too distant future.
- Although the church has a flawed design, see no reason to demolish given the other architectural points in the listing.
- There are numerous examples of listed buildings being sensitively refurbished and extended for alternative use, it seems as though this route has been summarily dismissed because of cost after a high level feasibility was undertaken.
- The Church should try to get grants to replace the roof before its allowed to demolish it. The repair costs of other listed churches are often very high and the repair costs for the Holy Family Church seem around the same as the repair bills for other churches that are often seen. The Church of England should be able to help repair the church or sell land/assets so could find money for the church
- Once repaired the existing church would make a good space for other community meetings like choirs, creches, book clubs as well as being used as a church
- It would be a tragedy to allow this listed building to be demolished, given Oxford is famous for its listed buildings and how well it looks after its buildings
- The plans for a café and community hall are much needed but cannot they be built next to the existing church building. Rather than demolish and rebuild, with some imagination on the part of the designers the listed building could be repurposed and incorporated in to a far more aspirational scheme that improves the street scape rather than just reflects the low expectations of how the regeneration of Blackbird Leys will be undertaken.
- The Holy Family Church is the only listed building in Blackbird Leys and integral part of its history. The church is heart shaped and it was designed to be the heart of the community when it was built. It gives Blackbird Leys a building it can be proud of. As the area has many factors of deprivation surely taking away such an iconic building that will only age well and increase in appreciation is surely not in the benefit of the community culture and respect.
- If this church were in a more wealthy part of the city, the funds would be found to repair the church. It is socially unjust that this listed church cannot be repaired.
- The church is a beautiful modernist structure which represents an important phase in design and liturgical thinking: a fascinating piece of history would be lost

- Believe it would not have been left to deteriorate had it been on a site other than a Council Estate.
 - If the church is demolished it will set a dangerous precedent.
 - The land is for a church and not residential. Housing need is used for sometimes bad reasons to allow local authorities the right to demolish rare and unusual structures. Could this great city not preserve or repurpose this little gem in the otherwise uniform Blackbird Leys landscape.
 - The church only occupies 1/3 of the site, so couldn't the remaining 2/3 of the site still be used for development and community regeneration to help fund the refurbishment.
 - Why has this building been allowed to fall into a state of disrepair.
 - Other iconic 1960s experimental buildings which suffered similar problems have been repaired, e.g. Liverpool Cathedral. The repair bill seems very high and possibly at the top end. Is this repair bill correct? Surely the repair could be achieved for much less. The roof is barely visible so a modern flat roof material might be ok, together with improved lighting, general update and the rest of the site could be redeveloped for the community which is the most important thing.
 - Concern that the new block of flats will overlook the adventure playground and school and college with a lack of privacy with the adventure playground 15m away.
 - Concern with the church public area being used by drug dealers as it will be secluded from other dwellings.
 - Not clear if any housing is affordable.
 - Loss of green space.
 - If the regeneration of Blackbird Leys goes ahead can CIL money given to the Parish and the city council be spent on community facilities such as community space from advice centre, drug rehabilitation which would be separate from this church project. There is complete lack of coordination between Oxford City Council, BBL Parish Council, Catalyst and the Church.
 - The internal space is dark and uninviting
- 9.29. 3 letters of support received from local addresses. The salient points are as follows:
- The church is not fit for purpose and its not being available for worship is a grievous loss to the community. The community needs a building that works and is sustainable. The current building does not work and despite numerous attempts to repair it, and numerous experts looking at it, the roof and other aspects of the building are very problematic. If we are not able to rebuild we stand a strong chance of not being able to have a church anymore and

instead a crumbling monument for the benefit of architecture fans instead of a well used and much loved church.

- The planned redevelopment of the site is the best solution for Church Members and local people as it will add to the facilities available.
- The historic nature of the building alone should not be sufficient to prevent redevelopment.
- This is an ugly and badly made building. Replacing it with a well designed community hub of some sort is an excellent idea^{9.30} All of the responses raised in the above representations have been considered as part of the officer's assessment of the application

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Impact on heritage assets
- Affordable housing
- Design and impact on the character and appearance of the area
- Residential amenity
- Internal/External amenity provision
- Highways
- Biodiversity
- Trees
- New and enhanced green and blue infrastructure
- Energy and sustainability
- Flooding and drainage
- Air Quality
- Land Quality
- Other matters

Principle of the development

10.2. The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development, through meeting three overarching objectives being economic, social and environmental objective. These objectives should be delivered in decision making and collectively form the heart of the NPPF as the presumption in favour of sustainable development.

10.3. This presumption in favour of sustainable development is reflected in policy S1 of the Local Plan, which states "When considering development proposals

the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.” The policy goes on to state that “It will work proactively with applicants to find a solution jointly which means that the applications for sustainable development can be approved where possible, and to secure development that improves the economic, social and environmental conditions in the area.”

- 10.4. Policy H1 states provision will be made for housing and will be achieved by promoting the efficient use and development of land/sites and ensure that all new housing developments contribute to the creation and/or maintenance of mixed and balanced communities.
- 10.5. Policy RE2 states that planning permission will only be granted where development proposals make maximum and appropriate use of the land. The NPPF further makes it clear that maximizing the use of sites to deliver housing is a key planning objective.
- 10.6. Policy V1 states planning permission will be granted for the development of town centre uses (retail, leisure, entertainment, office, arts, culture and tourism) within the defined district centre boundaries, provided that the use is appropriate to the scale and function of each centre and reflects its distinctive character.
- 10.7. 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.
- 10.8. The application site lies prominently in the heart of the Blackbird Leys District Centre within a mixed use character area comprising retail, leisure, community facilities, library, college, church, café and residential. The site lies on the junction of Blackbird Leys Road and Cuddesdon Way in a prominent and pivotal position, and has been the site of the current church and vicarage since it was built in 1964, followed by the erection of the community hall in 1983. The site has been serving the community as a place of worship, as well as hosting principal ceremonies such as weddings, baptisms and funerals, and other key services throughout the year. It is also a place where numerous other groups meet be it organisations such as Brownies, mums toddler events and outreach. The site has clearly supported the community and been an important and valued facility for some time.
- 10.9. The church is a striking building in the District Centre. It was designed by the architect Colin Shewring and comprises a heart plan form with a sweeping hyperbolic paraboloid roof, highly unusual in its construction. Both the plan form of the building and the roof design, construction and shape are unique to the church. However, the roof has failed and decayed considerably due to water ingress, rendering the building structurally unsafe. Through assessment of the building in 2018, a structural engineer appointed by the applicants to assess the condition of the roof found that the upper layers of the timber structure were totally rotten with no structural integrity. The church was subsequently closed and remains out of use since its closure in late 2018. The failure of the roof follows a repair to the roof undertaken in 1991 following water ingress. In 1991, the roof was replaced with rubber sheet membrane with new insulation on top,

but this subsequently failed and followed a number of repairs to patch it, which allowed water to pond and leak through the bottom of the valley area. Failure of the roof due to water ingress has therefore been a considerable issue with the condition of the building and has been a reported fault for some time.

- 10.10. The current application was submitted in late 2018, but the Church was subsequently listed in August 2019 primarily for the reason that the structure is considered a largely intact example of an innovative 1960s church with an unusual heart shaped plan; for its considered interior with high quality architect designed fittings; for the technical interest of its timber hyperbolic paraboloid roof, being an early example by Hugh Tottenham, the principal expense of the technology in England and for its historical interest as an illustration of the boom in post war churches often serving new towns and new suburban estates designed to the principles of the liturgical movement.
- 10.11. The site has therefore been unable to function as a church since its closure, and any services have been limited to the café and hall area to the rear of the church. This has severely impacted upon the ability of the site to hold services, and ceremonies have been abandoned as firstly the areas are not registered but the size of the hall and café are restricted and occupy a small footprint. Smaller groups have been able to utilise the hall, but the diverse range of services the church as an organisation were able to host has been compromised by the failure of the church roof. It is also clear that the quality of the building to the rear of the church is substandard in its construction and has limited scope for storage. Therefore the failure of the church roof, and its subsequent closure, along with the substandard facilities have had a considerable impact on the church and its ability to serve Blackbird Leys residents, as the church's role plays a key part in the life of the local community, and could play a role in addressing the numerous barriers in the area. These issues are set out further in the report below.
- 10.12. The site is a brownfield site and is located in a highly sustainable location within Blackbird Leys District Centre. In land use terms, the principle of providing a replacement church as well as the provision of a replacement café and a new community hall, replacing the existing facilities has the scope to fulfil the economic, social and environmental objectives of the NPPF and policies V1 and V7 of the Local Plan. Moreover, the replacement with enhanced facilities and the creation of 10 incubator spaces would be an enhancement in providing for start up businesses which is not catered for in Blackbird Leys that would accord with policy V1 of the Local Plan. Further, the erection of housing too would provide a much needed supply of housing to Oxford, of which there is a high demand, and would be acceptable in principle having regard to policies H1 and RE2 to maximise and make best and efficient use of the land.
- 10.13. However, the church is a Grade II listed building and the NPPF places great weight on the conservation of heritage assets stating that the loss of a heritage asset is irreplaceable. Paragraph 194 of the NPPF states that any harm to a designated heritage asset should be clearly and convincingly justified, and that the total loss of a grade II listed building should be exceptional. Therefore, a strong case setting out the justification for the loss of the church is required to overcome the presumption that the building should be retained.

10.14. Members should be advised of the statutory duty to protect listed buildings as set out in paragraph 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the policies laid out in the NPPF and DH3 of the Local Plan which consider whether it can be demonstrated that the total loss is necessary to achieve substantial public benefits that outweigh that loss. A full assessment of this is set out in a subsequent section of this report.

10.15. Therefore, whilst the overarching principle of the development is acceptable, the assessment falls to the consideration of the great weight attached to the retention of heritage assets and whether public benefits exist that outweigh the loss of the church, as well as other development management policies pivotal to the assessment of the application.

Impact on heritage assets

Policy context

10.16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities, when considering whether to grant planning permission, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

10.17. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development, through meeting the three overarching objectives categorised as economic, social and environmental objectives. These objectives should be delivered in decision making and collectively form the heart of the NPPF as the presumption in favour of sustainable development.

10.18. The NPPF recognises that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).

10.19. In determining applications, paragraph 192 of the NPPF requires local planning authorities to take account of:

- a) “the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.”

10.20. When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the NPPF requires great weight to be given to the asset’s conservation (and the more important the asset, the greater the weight should be), irrespective of the level of harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its

alteration or destruction, or from development within its setting), should require clear and convincing justification, with substantial harm or loss of a grade II listed building being exceptional (paragraph 194).

10.21. Policy DH3 of the Oxford Local Plan 2036 requires great weight to be given to the conservation of heritage assets, and states that “substantial harm to or loss of Grade II listed buildings should be exceptional”.

10.22. Where a proposed development will lead to substantial harm or total loss of the significance of a designated heritage asset, NPPF paragraph 195 sets out the following tests which must be applied in the local planning authority’s assessment of the application:

Consent should be refused “unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

10.23. Local Plan Policy DH3 requires consent to only be granted for development that will lead to substantial harm to a designated heritage asset if the same tests as set out in NPPF paragraph 195 can be met.

Assessment

Significance of the listed building

10.24. Blackbird Leys housing estate was developed between the 1950s and 1980s by Oxford Council in a response to the city’s severe housing shortages, and in particular to provide housing for the growing workforce of the car manufacturing industry, namely the nearby Cowley car factory. A church was first established on the site, at the core of the estate, in 1960 as a temporary timber hut. This was replaced in 1964 with the church in situ today which was named Holy Family. Architect Colin Shewring sought to build a modern church that was functional and included what the congregation thought a church should contain. In 1973 Blackbird Leys was declared an Area of Ecumenical Experiment. Today, the church is a single congregation Local Ecumenical Partnership sponsored by five church traditions (Anglican, Methodist, Moravian, URC and Baptist) and serves the Anglian parish of Blackbird Leys. As a result it draws its congregation from a wide range of the different ethnic communities of the area.

10.25. The church's unusual curved heart-shaped plan form was designed to represent the church as the heart of the community and reflect the oval street layout of the Blackbird Leys estate, and includes a projecting quadrilateral sacristy (vestry) to the south east, and a rectangular narthex to north. The church is of a concrete post and beam construction with cavity walls faced in pale grey brickwork with concrete blockwork internally. Designed so that natural lighting would flood the altar during the main Sunday morning services, high level aluminium framed glazing is situated below the concrete ring beam, which replaced the original timber framed louvered windows. Historic photos indicate that the area of external wall below the windows was originally rendered and painted white.

10.26. The hyperbolic roof, designed by Hugh Tottenham, is a doubly curved structure that is formed of four layers of 22mm pine boards, cross laid and bonded together by nails and glue with a layer of cork above. The roof is finished with a roofing felt which replaced the original aluminium roof covering. An innovative style and construction technique, the first hyperbolic roof in Britain was designed by Tottenham in 1957 and by 1966 more than 100 had been built in Britain. Although not all still in existence today, a number of these hyperbolic roofs remain and form part of functioning buildings. The Church of St Peter in Ravenshead, Nottingham, constructed in 1972 by Shewring and Tottenham and similar in design to Holy Family Church, is grade II listed and in better functioning condition.

10.27. The interiors of the church comprise concrete rendered walls and a concrete floor with hardwood strip divisions which slopes down from west to east. The highly symbolic internal arrangement comprises a slightly raised egg-shaped Sanctuary, a reversion to ancient Christian practice, with a circular altar flanked by an angular pulpit, and the curved choir beyond. The baptistery wall is tomb-shaped, symbolising death and resurrection, and is situated between the two areas of pews which were arranged with the intention of creating a family feel to the building. The majority of the interior finishes and fixtures, which are constructed from materials including Clipsham limestone, grey brick, hardwood, cork tiles flooring, cobbled and brick paving, are original to the building and designed by Shewring.

10.28. The church was added to the statutory list of buildings of special architectural and historic interest in August 2019 for the following reasons:

- as a largely intact example of an innovative 1960s church with an unusual heart-shaped plan;
- for its carefully considered interior, with high quality, architect-designed fixtures and fittings;
- for the technical interest of its hyperbolic paraboloid roof, an early surviving example by Hugh Tottenham, the principal exponent of the technology in England; and

- as being illustrative of the boom in post-war churches, often serving new towns and new suburban estates, designed to the principles of the Liturgical Movement.

10.29. The 1983 extension does not comprise architectural or historic special interest, and is not included in the listing.

10.30. The church has been empty since its closure in December 2018, following a structural engineer's condition report into the failing roof of the church, the result of which led to the engineers condemning the building as a dangerous structure. The investigations identified that the building was in a dangerous structural condition due to the failure of the roof from water ingress, which had had a damaging impact on the structural condition of the building. In 2019 the roof suffered a partial collapse.

10.31. Following the listing of the church in August 2019, the Trustees of the Holy Family Church submitted a request to the Secretary of State to review the decision to list the church. A decision was received in March 2020 stating the Secretary of State's view that the church should remain listed for the principal reasons listed above.

Level of harm

10.32. The proposed demolition of the church would result in substantial harm to, and complete loss of, the significance of a grade II listed building.

Justification

10.33. NPPF paragraph 191 states "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision" and NPPG paragraph 014 states "Disrepair and damage and their impact on viability can be a material consideration in deciding an application".

10.34. The representation from the Twentieth Century Society suggests that the current problems with the roof are due to a history of inappropriate repair and lack of maintenance and that neglect of a listed building that has fallen into disrepair should not be sited as a reason for demolition. From the information available, it is evident that there have been various attempts at repairing the roof structure prior to its listing in 2019, which include the replacement of the aluminium roof covering with a rubber sheet membrane in 1991 and subsequent patch repairs. Following the listing of the building in 2019, further assessment work addressing the condition and feasibility of repairing the roof was carried out (as detailed in the paragraphs below). Notwithstanding the fact that the historic repair works, which were carried out within the means of the church community at the time, may not have been the most appropriate, there is no indication that the heritage asset has suffered deliberate neglect or damage. Therefore, having regard to NPPF paragraph 191 and NPPG paragraph 014, the deteriorated state of the building is considered a material consideration in the assessment of this application.

10.35. Paragraph 194 of the NPPF states that any harm to a designated heritage asset should be clearly and convincingly justified, and that the total loss of a grade II listed building should be exceptional. Therefore, a strong case setting out the justification for the loss of the church is required to overcome the presumption that the building should be retained.

10.36. The case put forward by the applicants is that neither the repair, renewal nor replacement of the church roof are feasible options, for practical, economic and functional reasons which are discussed in detail below, and that if the building is retained it would remain closed to the community and prevent the delivery of much needed community facilities which are fit for purpose and future use. The option of repairing the roof would involve retaining as much of the existing original roof fabric as possible and carrying out repairs following the original form of construction. The renewal of the roof would comprise replacing the existing roof in its entirety with a new roof of the same construction and design form as the original roof. Replacement of the roof with an alternative structure would involve creating a new roof to replicate the shape of the existing roof but using current day technology and construction methods.

Feasibility of roof repair, renewal or replacement

10.37. Records show that the original roof covering was first replaced in 1991 when the installation of a new rubber sheet membrane over 50mm of new insulation on top of the existing cork layer was carried out. Following the subsequent failure of this work, numerous patch repair works have been carried out over the years to keep the building in use, but nevertheless due to the ponding and leaking of water throughout the structure of the roof, damage was caused to its structural integrity.

10.38. In mid-2018 the roof condition was assessed by structural engineers Andrew R Martin Associates, who concluded that as a result of the water ingress the upper layers of the timber structure had no structural integrity left in them, and declared the building a dangerous structure. Immediately following which, the church was closed. By mid-2019 the condition of the roof structure had worsened with the area above the altar beginning to pull apart and disintegrating, leading to the erection of scaffolding to prevent its total collapse. Following the listing of the building in August 2019, assessments were carried out on behalf of the applicant by Buro Happold (structural engineers), Floyd Consult (conservation scientist and surveyor), Tottenham Bennett Engineers (Hugh Tottenham's original practice) and Greenoak Carpentry (experts in alternative timber roof structures) into the condition of the roof and the viability of repairing, renewing and replacing it.

10.39. The results of the applicant's reports from their specialist experts conclude that repair or renewal of the roof would not be feasible due to the fact that the problems believed to have contributed to the current issues, such as the lack of curvature, high movements, dishing on the central spine line, will still remain. The reports also outline the difficulties in gaining building control approval relating to factors of safety and sufficient capacity to modern loading standard, and the inability to demonstrate that the roof is able to resist the applied loads or for a warranty to be provided on the repair or renewal.

10.40. In their consideration of the application as a statutory consultee, Historic England and their in-house specialist experts have worked closely with the applicant team to explore the feasibility of repairing, renewing and replacing the roof. Following which, Historic England commissioned independent expert advice from Oxley Conservation on the potential for the repair and replacement of the roof and received advice from the Historic England Advisory Committee, a panel of experts in heritage matters drawn from outside the organisation who advise staff on casework that is novel, contentious or sets a precedent.

10.41. Historic England have concluded “that there is a possible justification for demolition in this case given the difficulties of securing the repair of the church. Put briefly these are:

- Firstly, that the failure of the roof may be a result of flaws in the original design. It is not clear why the original structure failed, but design defects could well have been contributory causes. As built the curvature of the hyperbolic-paraboloid roof was at the limits of what is technically possible for this type of construction and it has always been vulnerable to deflection due to wind load.
- While repair might be possible it would probably result in the loss of the majority of the historic fabric of the roof.
- Repairing or replicating the roof might be futile, as this would repeat the deficiencies of the original. Therefore we accept that repair or replication of the original structure is not a practical proposition.”

10.42. Officers are satisfied that the feasibility of both options of repair or renewal of the roof have been adequately explored. From the evidence presented with the application and from Historic England, officers consider that the repair or renewal of the roof would not be feasible options due to the inability to rule out failures in the original roof design which would lead to longer term future maintenance issues, resulting in an unviable heritage asset.

10.43. In terms of the replacement option, the applicant’s reports have concluded that the replacement of the roof with an alternative structure would result in a visually noticeable external change, and a total change in the original technical and structural solution for the roof, which is the primary reason for the listing of the building.

10.44. Further to the findings of the Oxley Conservation report, Historic England consider that “replacement with a roof of similar appearance but different structural logic would be technically possible. However, this would itself diminish the significance of the building as its technical interest, which is one of its key aspects of its significance, would be lost.”

10.45. Officers consider that the replacement of the roof with a visually similar but structurally different roof would result in substantial harm to the listed building (albeit a slightly lower level of substantial harm than the total loss of the building) due to the loss of its technical interest and the diminishing of its heritage value as a largely intact example of an innovative 1960s church.

Functionality of the church

- 10.46. Ensuring that the church has a viable use is imperative to its future conservation. NPPG paragraph 015 recognises that "...sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation."
- 10.47. Prior to its closure in late 2018, the church catered for a variety of congregations and users, holding numerous and events of a range of sizes, which occur at various frequencies throughout the year, many taking place at the same time as one another. It is evident that the church played a critical societal role in the Blackbird Leys parish and wider community, providing the community with an invaluable resource to help meet their cultural, societal and well-being needs, including the needs of all existing congregations and vulnerable groups. It is therefore essential that the church use can operate from a building that fulfils its functional requirements to enable it to deliver and serve the needs of the community.
- 10.48. Ordinarily, numerous services would be held in the church and its facilities on a frequent basis, including daily prayers, weekly and bi-weekly communion services, weekly 'Junior Church', and weekly evening prayers. The church would also be hired out by the Bethel Church for their weekly communion services. Various seasonal services are held throughout the year for Christmas, Easter, Lent and Harvest, along with specialist services including baptisms, funerals and weddings. Due to the lack of sizeable local venues, other local churches rely on the Holy Family Church for their specialist services including funerals, prayer vigils and New Years Eve. The applicants state that the church holds more baptisms than in other Oxford parishes, due to the importance that baptisms represent for the local community in providing their children with a 'good start' in life. The services are of variety of sizes ranging from 10 to 300. For the Afro-Caribbean community, the specialist services draw large numbers of between 250 and 300.
- 10.49. Being the largest performance space on the estate, the church would be used for large community events such as seasonal musicals and concerts, as well as for use by local school groups for Easter and Harvest events. In addition, the church facilities are used on a daily basis for the Caribbean Communi-tea Café and on a weekly basis for support groups for vulnerable people, and for Brownies, Guides and Rainbows. The church offers the use of its facilities to these important community groups for an affordable, much reduced rate that other alternative local venues are not in a position to offer.
- 10.50. The unique heart-shaped layout, curved internal walls, fixed internal arrangement, and sloping and raised floor areas of the existing church, prevent it from being used in a flexible and space efficient manner, with internal subdivisions not being possible. This restricts the ability for the existing church to adequately accommodate the needs of the community and meet the demand for the wide range and number of services and events.

10.51. In addition to the issues with the existing roof, it should also be taken into account that there are a number of shortfalls with the building in terms of its thermal capacity, energy efficiency and acoustic properties. Whilst overcoming these shortfalls is not insurmountable, the alterations necessary to improve the quality of the internal environment so that it is fit for purpose is likely to cause further harm to the heritage significance of the listed building, that together with the substantial harm caused by the loss of the roof, would further diminish its special architecture interest.

10.52. The option of an alternative redevelopment scheme which would retain the existing church, replace its roof with an alternative structure, replace the existing narthex, hall and associated facilities with a new structure providing a larger café facility, community hall and office space, and provide a new housing development of 14 flats and 1 house (vicarage) on the remainder of the site, has been explored with the applicants. From the information available, it is evident that the alternative scheme would provide a lesser amount of floorspace for housing and community facilities than the proposed redevelopment scheme, and there would be a significant shortfall in the returns from the housing development to fund the replacement of the church roof resulting in an unviable scheme. Furthermore, as the existing church does not meet the functional requirements of the church and wider community, the chances and opportunity of funding being raised for a replacement roof are extremely low.

10.53. In summary, officers consider that due to the substantial harm that would be caused to the heritage significance of the church by the replacement of its roof with an alternative structure, and the limitations of the building to meet the functional requirements of the church and wider community, the chances of funding being raised for the replacement of its roof is an unrealistic prospect. Therefore, officers consider the loss of the building to be justified.

Public benefits

10.54. Local Plan policy DH3 and NPPF paragraph 195 require consent to be refused “unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm, **or** all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

- 10.55. In this instance the applicant has had regard to this policy and states that public benefits would arise that should be weighed in the balance of the harm identified.
- 10.56. The NPPF defines public benefits as anything that delivers economic, social or environmental objectives, which are the three overarching objectives of achieving sustainable development. The benefits should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit (NPPG paragraph 020). NPPF paragraph 8 states that the three objectives of achieving sustainable development “are interdependent and need to be pursued in mutually supportive ways”.
- 10.57. Economic objectives are described as helping “build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.”
- 10.58. Social objectives are described as supporting “strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being”.
- 10.59. Environmental objectives are described as contributing “to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”
- 10.60. In officer’s assessment of the scheme, there are considered to be three public benefits associated with the scheme which are the reinstatement of a church in the community, the provision of community and social infrastructure and the provision of housing. These are explained in detail below.

Reinstatement of a church in the community

- 10.61. The Church of the Holy Family has been closed since late 2018 and church services have been compromised by its closure. Presently the Church is operating services from the meeting hall in the extension to the side of the current church which has a capacity for 50 people, which is significantly less than the capacity of the existing church or proposed church. This structure is of a sub-standard construction quality and in poor condition and as such is an inadequate facility for this use. Services such as weddings, baptisms and funerals are unable to take place within the parish as the existing meeting hall is not registered and due to its size, the Sacred Heart Roman Catholic Church in Blackbird Leys does not have capacity having a detrimental impact on community life as well as the church’s relationship with the community. Due to the meeting hall needing to be used as seating for the Communi-tea Café on a

daily basis, this reduces its availability to accommodate other services, events and groups.

10.62. The feasibility of bringing the existing church back into use through repair or renewal of the roof is not considered a practical proposition for the reasons outlined above. The replacement of the existing roof with an alternative structure, would cause substantial harm to the significance of the building, and would also not be an economically feasible option for the applicants given the highly unlikely prospect of being able to raise funds for the replacement of the roof, due to the shortfalls of the existing church in terms of its functionality and ability to meet the needs of the church community.

10.63. The proposed replacement church would provide a more flexible worship space that can cater for both church services and other community events, accommodating large services and events of up to 300 people, as well as smaller services and events that occur concurrently. Due to its rectangular floorplan, level floor and internal layout with moveable seating, the space can be subdivided into a smaller meeting area at ground floor level, a first floor gallery area, and a church area. The flexibility of the building would enable the church to rent out the spaces, generating additional income and help future-proof the site.

10.64. The new development would reinstate the primary function as a place to worship in the community and a place to hold regular weekly services, as well as other primary events such as weddings, christenings and funerals that have been compromised and curtailed since it was closed. Without this, based on the information provided, the church would continue to remain closed to the community, and would be unlikely to be repaired or reinstated for the reasons that it is shown not to be economical to repair in its own right. Without the means to repair the building, the building could be abandoned entirely, which would have limited benefit to the community.

10.65. The ongoing provision of a fully functioning and viable church in the community is a substantial public benefit to the residents and community of Blackbird Leys that has been lost for over 2 years and one which significant value is placed on.

Community and social infrastructure

10.66. The redevelopment of the site would bring about enhanced community facilities for Blackbird Leys residents. The community café provided by the church is the only facility of this type in Blackbird Leys and was set up following the results of a community survey as the facility people most wanted the church to provide. The existing café space is approximately 47sqm, with the meeting hall needing to be used for additional seating which restricts the functioning of the hall. The new enhanced space would provide a café area of 90sqm and additional upgraded facilities including a 20sqm kitchen, toilet and bin storage, as well as direct connection to outside space. Thus the ongoing provision of this facility is a benefit to the wider community, so the continued and enhanced provision of the community café is an important benefit associated with the scheme. In addition to the community café, a new community hall of 121sqm is

proposed, replacing the existing meeting hall which is approximately 77sqm in floor area.

10.67. In addition to the re-provided and enhanced Communi-tea Café and community hall, the scheme would provide for social infrastructure and entrepreneurial incubator office spaces, providing 10 meeting rooms/offices that can be occupied flexibly by the community, a total of 397sqm. The incubator space would be managed by local social enterprise MakeSpace, who have indicated they will take up on the upper floors of the building. This venture supports local young entrepreneurs wanting to get a start in business. Across Blackbird Leys there is no incubator space, so this is a new offer locally. It has been advocated that there is space for the Agnes Smith Citizens Advice centre which currently occupies space in the District Centre; space for the Credit Union which assists local people deal with debt and space for drugs outreach administration. Agnes Smith have indicated they are interested in moving across from the District Centre when their lease expires and for the Credit Union have also indicated an interest. The total floor area of community provision is 682sqm.

Housing

10.68. The scheme would provide a total of 20 flats, providing 10 x 1 bed flats and 10 x 2 bed flats (1 house is also provided but this is the re-provided vicarage). The pressure on housing and for sites to be maximised so that there is an efficient use of the land, is high in Oxford, and thus to provide a net gain of 20 smaller units would provide a key public benefit and help to deliver much needed housing.

10.69. The ability to realise two of these public benefits, the provision of community and social infrastructure, and the provision of housing, whilst retaining the existing church has been explored with the applicant, as detailed in paragraph 10.52 above. It is apparent that the amount of floorspace achievable for community infrastructure and housing would be less than the proposed scheme, there would be a significant shortfall in the returns from the housing development to fund the replacement of the church roof, substantial harm would be caused to the heritage significance of the building and the functional needs of the church community would not be met. For these reasons, a scheme that would retain the existing church, provide upgraded and additional community facilities and housing is not considered a feasible alternative to the proposed redevelopment scheme.

10.70. The public benefits of reinstating an ecumenical church in the community, providing much needed community and social infrastructure and housing would achieve both economic and social objectives, responding to the specific needs of the community in tackling the existing inequalities and barriers, which would otherwise not be realised with the retention of the existing church. These public benefits would contribute towards achieving a strong, vibrant and healthy community in Blackbird Leys, future-proofing the church use on the site ensuring that the community benefits can grow and be sustained for the long-term future.

10.71. These substantial public benefits are considered to outweigh the substantial harm and total loss of the grade II listed building, and therefore meet the requirement of Local Plan policy DH3 and NPPF paragraph 195.

Substantial harm tests

10.72. Notwithstanding the assessment of the public benefits associated with the scheme as outlined above, officers have considered the second part of the policy requirements of DH3 and NPPF paragraph 195 which requires the four tests to be met if it is considered that the public benefits would not be substantial enough to outweigh the total loss of the heritage asset. Officers' assessment has taken into account the views of statutory consultees Historic England and the Twentieth Century Society, the local and international amenity groups, together with those of other public representations.

a) "the nature of the heritage asset prevents all reasonable uses of the site"

10.73. Given the difficulty in repairing or replacing the roof as outlined in the above sections of the report, officers consider that the nature of the heritage asset is likely to compromise the use of the site with it proving extremely difficult for the present owner to use it.

b) "no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation"

10.74. No marketing evidence has been provided by the applicant to demonstrate that a new owner could not be secured for the building. However, taking into account the condition of the building, the cost of the repair, the nature of the local property market and the limitations of the building in terms of its internal arrangement, that the ability to find a new user that would be able to use the church within the limitations of its existing interior *and* willing and able to fund the replacement of its roof, is considered extremely unlikely.

c) "conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible"

10.75. Inadequate evidence has been provided which demonstrates that grant-funding for the repair of the church would not be possible. However, for the reasons outlined above under tests a) and b), and given the competition for historic building grants, the possibility of finding available grant-funding is considered unlikely.

d) "the harm or loss is outweighed by the benefit of bringing the site back into use"

10.76. The benefit of bringing the site back into use is associated with the public benefits of the proposed scheme which are discussed above, and are considered to be substantial enough to outweigh the total loss.

10.77. In summary, although there are strong arguments that have been put forward with regards to these tests, officers do not consider that all of them have been met and that the applicant would need to provide further evidence to satisfy the

tests, if it is considered that the public benefits would not be substantial enough to outweigh the substantial harm

Affordable Housing

- 10.78. Policy H2 of the Oxford Local Plan 2036 states that planning permission will only be granted for residential development of affordable homes if they accord with the criteria within the policy. On self-contained residential developments where sites have a capacity for 10 or more homes or exceed 0.50 ha, a minimum of 50% dwellings should be provided as affordable.
- 10.79. In this case the site is a scheme for a net gain of 20 dwellings (as the site includes the demolition of the Vicarage) and as such, policy H2 is applicable.
- 10.80. As set out above, the scheme has a shortfall in funding to meet the development costs and the application is submitted without any provision for affordable housing on the basis that the scheme is wholly unviable with it. The case for this is made in the Viability Statement that was submitted with the application.
- 10.81. The Viability Statement was reviewed independently by Dixon Searle at the cost of the applicant. The report confirmed that the scheme it is not viable to provide any affordable housing on site. However, critically the report confirmed that the scheme overall is unviable without any affordable housing and that allowing the scheme to proceed without any affordable housing just reduces the shortfall rather than moving the scheme to a viable position.
- 10.82. Consequently, Officers accept that the scheme is not viable with affordable housing and accept that the scheme has been robustly tested as required by policy H2, and accepts the residential element being offered as 100% market housing.

Impact on the character and appearance of the area

- 10.83. The NPPF makes clear that good design is fundamental to what the planning process should achieve and is a key aspect of sustainable development.
- 10.84. Policy DH1 of the Oxford Local Plan states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.
- 10.85. Siting and Layout: The site has been the subject of extensive discussion during the application in respect of the position that the current church occupies, being sited in a prominent position on the corner of Cuddesdon Way and Blackbird Leys Road, and within the District Centre. The building is visually important on approach to the District Centre on these routes, and acts as a gateway marker in the streetscape. It is therefore important that any new church responds in a similar positive manner to the context of its siting in the District Centre, noting its importance visually for a church to be sited in this position as a marker and a gateway building coming into the District Centre.

- 10.86. The proposal has been subject to contextual analysis in terms of the role of the church and its position in the surrounding area, so that in siting and layout, the proposed replacement church, and community facilities extending from this, address this requirement to be visually prominent in the streetscape. In response, the church would be sited on the corner of the two principal thoroughfares legible and visible on approach, and would provide active frontages to both Cuddesdon Way and Blackbird Leys Road as well as clear and legible facades and entry into the site, reinforced by the bell tower acting as a clear signpost to this use. The layout of the community facilities reflects this important relationship of the building to the street, comprising a prominent entrance from Blackbird Leys Road into the site with clear access to the community uses that extend from this entrance. The siting and layout of the church and community uses is considered to respond positively to the position of the road, and its public facades.
- 10.87. In terms of the residential element, this has developed as a separate entity to the church element, with its own separate and legible entrance, but considered to be complementary to each element in their siting. The layout of the residential block and the vicarage, is considered to respond positively to Cuddesdon Way and create clear separate and legible entrances.
- 10.88. Overall the siting and layout of the development is considered to enable movement through the scheme through legible and well-designed routes, which is positive for the way people utilise and access these spaces.
- 10.89. Built form and external appearance: The church would be of two storey height which is not significant in massing terms, but includes various design features which would give a richness and prominence that identifies the building as important civically. The frontage of the site onto Blackbird Leys Road includes a curved wall, which references the hyperbolic paraboloid roof of the existing church; includes floor to ceiling glazing; high quality brick rustication and brickwork and clerestory windows; an entrance courtyard and colourful entrance gates which are identified to be designed by local artists. Together these elements would create a welcoming entrance to the new church and facilities as well as a positive frontage to the street. Internally the strips of stained glass and high level glazing would allow an interesting play of light on internal walls, making clear a use of the language of church architecture which is very positive.
- 10.90. The massing of the residential building would be greater than that of the church site, being 4 storeys height. However, it is considered that the massing would be comfortably broken up through setting back of the upper floor so that it would be subservient and relieve that massing. Further, the use of terraces and balconies, emphasises the verticality of the building, and prevents this part of the development from appearing dominant or over bearing.
- 10.91. The church and the residential site have been developed as two separate elements and both are considered to be architecturally distinct, giving a clear separation between functions. However, the materiality, in terms of form, colour and materials, on both the church the residential building are the same which unites the different elements of the proposal. Further the use of a high quality light coloured brick, as described, references the existing building. The quality of

these materials will be key to the effectiveness of the scheme and will need to be strictly controlled through appropriate conditions.

- 10.92. Overall the massing of the buildings are considered effective in maximising the use of the site but at the same time responding positively to the Cuddesdon Way and Blackbird Leys Road, as well as addressing the internal courtyard within the development.
- 10.93. Public realm and landscape: The scheme addresses the current streetscape of the District Centre fronting onto Blackbird Leys Road and its relationship with the current Community Centre, but has also been tested with the emerging plans for the wider regeneration of Blackbird Leys District Centre, which has been the subject of 2 public consultation events so far. The site is located adjacent to the allocated land for redevelopment of the District Centre as part of the Blackbird Leys regeneration. This is a joint venture between the City Council and Catalyst Housing to redevelop the District Centre to reprovide the shops and services from their existing site to the north west of the site in the current location of the existing community centre. Those discussions on the nature of how that proposal could come forward is still ongoing, although as stated has been the subject of 2 public consultations.
- 10.94. It is considered that the scheme sits into the current context of Blackbird Leys but also comfortably with that emerging scheme. Based on the plans seen to date, the application relating to the church would sit well in that context, primarily as a civic square is proposed to the north east on the site of the current community centre. The Communi-tea café to this proposal would bound this civic square and would provide a desirable facility to serve the community relating positively to the square.
- 10.95. The layout of the public space within the courtyard that connects Blackbird Leys Road to the church, the café and the community facilities provided are considered to provide a welcome environment with places to sit, green areas to enjoy with garden areas and tree planting, and the health benefits associated with this. The quality of the internal square with tree planting internally utilises nature in a positive way creating a welcoming entrance sequence. Outside of the site, landscape has been considered positively with ample tree planting that will contribute to the public realm with the row of street trees on Cuddesdon Way which will enhance the streetscape here. The level of landscape planting promotes access to Blackbird Leys Park nearby. The landscape planting within the car park area also is considered to soften the hard landscape in a positive manner.
- 10.96. Internal space: The church is considered to provide a welcoming worship space appropriate for contemporary use. The internal layout of the church enables a seating plan without hierarchy which is welcome, and a different layout offered by the current church which divides the congregation.
- 10.97. In terms of the flats, the quality of the living spaces is successful with all being dual aspect, with the ground floor flats having front and back gardens with their own entrances, with a clear separation between the private garden spaces and community garden.

- 10.98. As well as the church and flats, the scheme also includes new flexible spaces for community activities with links to external gardens which is welcome
- 10.99. Overall, the architectural design, form and landscape shows a well considered response to the site and its context in the District Centre. The scheme is considered to result in a visually important civic building appropriate for a replacement church, with a series of buildings appropriate in siting, scale, appearance and form that will form a positive relationship with the massing of existing buildings in the District Centre. The development of this site as proposed is considered to provide a high quality scheme which would meet the policy requirements of DH1 and the objectives for design as prescribed in the NPPF.

Residential Amenity and Noise

- 10.100. Policy H14 of the adopted Oxford Local Plan states 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 RE7 states planning permission will only be granted for development that ensures the amenity of communities, occupiers and neighbours is protected and does not have unacceptable impacts. Policy RE8 states 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 not be granted for development that will generate unacceptable noise and vibration impacts.
- 10.101. The site lies within the heart of the District Centre and is surrounded by a number of mixed uses, including the college, school, library, community centre, shops and road. It is considered the continued use of the site for church and community uses is compatible with the existing use of the site and its surrounding context. Further there are no residential buildings outside of the application site that would be adversely affected by the proposal. A key consideration is however, the potential impact on the residential occupiers of the development. To that end a Noise Assessment has been submitted.
- 10.102. Officers have considered the submitted Noise Assessment and advise that the occupants of the new proposed residential units should be protected against external noise sources so the fabric of the building should be constructed to minimise the effects of external noise intrusion. It is also advised that noise breakout from the proposed use has been considered in the submitted acoustic assessment and deemed not to be a material concern given the internal levels to be produced and daytime use. Plant noise has been assessed but the exact specification of plant is not yet known. In light of this, verification will be needed once plant and equipment are known. Overall, the submitted design and acoustic information is considered to be reasonable and practicable and is therefore acceptable in environmental health terms subject to conditions.
- 10.103. In respect of privacy of occupiers within the development, it is considered that there is reasonable separation between units so as not to adversely impact on the amenities of residential occupiers. Turning to the amenity of people outside of the development, comments have been received

raising concerns about the impact on the privacy of the users of the playground to the north east of the site by the occupiers of the flats, as well as the school beyond. However, it is considered that the separation distance of over 10m is appropriate, but that any windows overlooking the playground would offer natural surveillance, which would be beneficial in safety terms.

- 10.104. Overall the scheme is considered to be acceptable with regards to residential amenity and in respect of noise, in accordance with policies H14, RE7 and RE8 of the Local Plan.

Indoor and Outdoor Amenity

- 10.105. The proposal is for 21 dwellings, comprising 10 x 1 bed, 10 x 2 bed and 1 x 4 bed. All units are of a size that would meet with the Nationally Described Internal Space Standards as required by policy H15 of the Oxford Local Plan 2036

- 10.106. In terms of outdoor space, each dwelling is provided with amenity space. The ground floor flats, of which there are 5 are served by a private garden to the rear of each unit. The upper floor flats are all served by a balcony or terrace, but also have access to a shared external amenity space on the ground floor. The external amenity provision is considered to provide the necessary outdoor space commensurate for dwellings of this size in accordance with policy H16 of the Oxford Local Plan 2036.

Highways

- 10.107. Policy M1 of the Local Plan states 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. Policy M2 requires 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, which relates to the submission of a Transport Assessment and a Travel Plan to support the proposal. Policies M3 and M5 requires that the need for car parking is evidenced by the Transport Statement and that bicycle parking, complies with the standards in Appendix 7.4. Electric vehicle charging must be provided at 25% of the spaces provided.

- 10.108. The application site lies on the corner of Cuddesdon Way and Blackbird Leys Road which are primary roads into and out of Blackbird Leys. The site is highly accessible being within the District Centre accessible by residents on foot as well as being served by multiple forms of transport. This includes the number 1/5 bus service which runs approximately every 5 minutes to the city centre and train station, as well as other services also running frequently to the JR Hospital and other local amenities. The site is therefore considered highly sustainable.

- 10.109. Oxfordshire County Highways Authority have had regard to the submitted Transport Statement and the increase in development on the site as a result in the increase of residential units. However, given the site's sustainability,

consider that the increased development on site will not be to the detriment of the local highway network and will not be damaged by an increase in vehicles.

- 10.110. Car Parking: Policy M3 of the Local Plan states in CPZ's where development is within 400m walk to public transport and 800m walk to local supermarket or equivalent services, planning permission will only be granted for residential development that is car free. In all other locations, planning permission will only be granted where the relevant maximum standards set out in Appendix 7.3 are complied with. In that appendix it states that car parking should be provided at 1 space per unit.
- 10.111. In this case, the site is not in a CPZ and whilst the church and community facilities are car free, there is no requirement in policy terms for the development to be car free. An area is shown for car parking to the north west for residential occupiers providing a total of 15 spaces, with 2 allocated to the church and 13 spaces to serve 20 units. This level of provision is less than 1 space per residential unit, which is considered acceptable in policy terms given that the site is in a highly sustainable location. It is noted that the existing lay bays on Blackbird Leys Road and Cuddesdon Way are unaffected by the proposal.
- 10.112. Cycle Parking: Policy M5 of the Local Plan relates to cycle parking and requires units of up to 2 beds need 2 spaces per dwelling and that a unit of 3+ beds requires a minimum of 3 spaces per dwelling.
- 10.113. For the residential use, there is a total of 50 cycle spaces proposed. This is shown as 2 bike spaces to the ground floor units 1 to 3 on Cuddesdon Way, with an integral store for 38 cycles to serve 17 units. A further 3 cycle spaces is shown provided for the vicarage, and an external area for 3 cycles is shown for visitors externally. The quantum of cycle spaces are considered appropriate for the residential element and County Highways have confirmed that this level of cycle parking is acceptable.
- 10.114. In respect of the non residential use, the Local Plan cycle standards states that places of worship and community facilities require a minimum of 2 cycle spaces per 20 sqm. The plans show cycle spaces within the internal courtyard, for a total of 42 spaces. Whilst OCC Highways have raised no objections to the level of cycle parking shown, there is a reduced amount of spaces as compared against the cycle standards. The applicant argues that there is not the demand for cycle parking with the church given the congregation it serves and that people walk to church. The Transport Statement indicates that the church will monitor demand and if there is a requirement for more, spaces shall be provided. To examine the potential for further spaces the applicant has shown on a plan that 14 additional cycle spaces could be provided internally within the courtyard, with space outside of the site for any additional spaces. However, it is considered that there isn't the space to provide the external spaces as shown. Given this, it is considered that subject to a condition to secure the additional 14 spaces, that a total of 56 cycle spaces should be adequate. In addition, officers consider that the wider cycle needs should be looked at holistically with the regeneration of the District Centre to consider how

the community can be served for cycle spaces. Overall, it is considered that 56 spaces is justified.

10.115. Electric Vehicle Charging: Policy M4 of the Local Plan states that provision for electric vehicle charging (EVC) should be provided at 1 electric vehicle charging point with an allocated parking space and that non allocated spaces are provided at least 25%. In this instance both allocated spaces at the vicarage show an EVC point and 12 of the 13 spaces for the residential units include an EVC point. The proposal accords with policy M4 of the Local Plan.

10.116. Travel Plan and Construction Travel Management Plan (CTMP): As the site falls under 1000 sqm there is no requirement for a Travel Plan.

10.117. In respect of construction traffic, County Highways have recommended a condition is imposed on management of this.

10.118. Overall it is considered the application complies with policies M1, M2, M3, M4 and M5 of the Local Plan and the NPPF.

Biodiversity

10.119. Policy G2 states development that results in a net loss of sites and species of ecological value will not be permitted. Further compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. The proposal includes the demolition of the church and the vicarage which have the potential for roosting habitat. To this end an ecology report dated July 2020 has been submitted with the application and officers are satisfied that the potential presence of protected habitats and species has been given due regard. Overall there is no objection to the proposals subject to a condition in respect of securing ecological enhancements. This should include details of new landscape planting of known benefit to wildlife and provision of artificial roost features including bat and bird boxes.

10.120. It is therefore considered the application complies with policy G2 of the Local Plan.

Trees

10.121. Policy G7 of the Local Plan states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. It goes onto state that planning permission will not be granted for development resulting in the loss of other trees except where it can be demonstrated that retention of the trees is not feasible; and where tree retention is not possible, any loss of tree canopy cover should be mitigated by the planting of new trees and alternative measures for mitigation if planting trees is not feasible, such as green roofs.

10.122. An Arboricultural Impact Assessment (AIA) has been submitted with the application and identifies of the existing 17 trees on the site, 13 are to be removed and 4 are shown retained within the new layout. To compensate this loss, 35 new trees are proposed which should be adequate to mitigate loss of tree canopy cover over time. Within the AIA it advises that the 4 retained trees will be compromised by the layout and recommends their removal and extending the new tree planting to mitigate these additional tree removals. Officers have considered this recommendation and consider that although some of the trees have been categorised as high and moderate quality and value, the actual contribution that the retained trees at this site makes to public amenity in the area is currently relatively low and could be significantly enhanced by new planting. Taking this into account, it is argued that there is merit in the loss of the retained trees and to bolster this with new tree planting, which would give greater enhancement of the site and its position in the public realm. A revised landscape scheme can be conditioned as an approval to secure this.

10.123. Overall it is considered that the scheme complies with policy G7 of the Oxford Local Plan.

New and enhanced Green and Blue Infrastructure Network Features

10.124. Policy G8 of the Local Plan states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. It goes on to state all major developments that include flat or gently sloping roofs should incorporate green or brown roofs where feasible.

10.125. The plans show a green roof over the non residential and residential components of the scheme. Green roofs are recognised as being beneficial for supporting biodiversity, increasing energy efficiency, sustainable drainage decreasing the quantity or run off, reduced noise and improvements to appearance and resilience of the building.

10.126. Further the application is supported by a landscape plan that shows the provision of new planting and 35 new trees as discussed above, which supports the provision of new green infrastructure within the scheme.

10.127. It is considered the requirements of policy G8 are met by the development

Energy and Sustainability

10.128. Policy RE1 of the Local Plan states that planning permission will only be granted for development proposals for new building residential developments and new build non residential schemes over 1000m² or more where they achieve at least a 40% reduction in the carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewables and other low carbon technologies and/or energy efficiency measures. The requirement will increase from 31 March 2026 to at least a 50% reduction in carbon emissions.

10.129. An Energy Statement has been submitted with the scheme that demonstrates compliance with the 40% carbon reduction target in RE1. The report identifies that the use of solar PV is a primary design measure that will positively impact upon the extent of carbon use. Other features include other energy efficiency measures including sustainable construction and glazing, air permeability, 100% low energy LED light fittings, high efficiency, low NOx gas fired combi boiler for space heating and hot water and space heating controls. Combined together the Energy Statement indicates an average carbon emission saving of 48.83%.

10.130. In respect of the non residential component of the scheme, the floorspace is less than the policy threshold of 1000sqm, at 998sqm. Therefore there is no policy requirement for the non residential aspects of the application to meet the BREEAM standard, and therefore is policy compliant.

10.131. It is considered the proposal complies with policy RE1 of the Local Plan.

Flooding and Drainage

10.132. RE3 of the Local Plan relates to Flood Risk Management. Policy RE4 relates to the need for all development to manage surface water through SUDS.

10.133. An amended Flood Risk Assessment (FRA) was submitted with the application however, objection was received from the Local Lead Flood Authority (LLFA) in respect of the level of detail to demonstrate a feasible SuDs design. The advice of the LLFA indicates whilst infiltration is likely to be feasible, soakage tests were not carried out. Further, the report also shows that groundwater levels are shallow. Therefore infiltration testing and ground investigation needs to be carried out to determine the in situ infiltration results and the in situ groundwater levels on site to determine whether the infiltration techniques for SUDs is feasible. In addition exceedance flow paths need to be demonstrated for pre development and post development to show that flows will be contained within the site and away from buildings post development as well as details regarding future maintenance and management of the site SuDs features.

10.134. To that end, the applicant has provided the LLFA with that additional information and the comments of the LLFA are awaited. Officers expect a response to have been received by Committee and a verbal update will be given at the time of the meeting. Subject to the satisfactory receipt of these details, and the removal of the objection of the LLFA, it is considered that the applicant has demonstrated compliance with policies RE3 and RE4.

Air Quality

10.135. Policy RE6 states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced.

10.136. To support the application, an Air Quality Assessment has been submitted and officers conclude that there will be no negative air quality impacts over current and future receptors as a result of the new development's operational and construction phases, subject to the imposition of a range of conditions. On this the basis the proposal is considered to comply with policy RE6 of the Local Plan.

Land Quality

10.137. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by appropriate land quality reports.

10.138. A preliminary land quality risk assessment was submitted with the application. Officers advise that the potential risks from land contamination at the site are likely to be low due to the absence of previous contaminative use of the land. However, in the absence of any site investigative data to verify this, it is recommended to impose a number of planning conditions to any permission granted.

10.139. The proposal therefore complies with policy RE9 of the Local Plan.

Archaeology

10.140. Policy DH4 relates to archaeological remains and states development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it.

10.141. An archaeological desk based assessment for this site has been submitted. Having considered the results of this assessment as well as information contained within the Historic Environment Record, it is concluded that on present evidence this scheme would be unlikely to have significant archaeological implications.

10.142. The proposal therefore complies with policy DH4 of the Local Plan.

Other matters

10.143. Covenant: There is a covenant on the land of which Oxford City Council is the beneficiary. Whilst this isn't a planning matter, it would need to be removed in order for the development to proceed. Advice has indicated that there would be no objection to the removal of this covenant and evidence of this being removed would be obtained as part of any legal agreement.

10.144. Health Impact Assessment: A Health Impact Assessment (HIA) has been submitted in accordance with policy RE5 of the Local Plan. Whilst the principles of the HIA are accepted, a revised HIA is required to be submitted. Subject to the satisfactory receipt of a HIA, then it is considered that the requirements of policy RE5 will be met.

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 clear that proposals should be assessed in accordance with the development plan unless material considerations 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 accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3. Officers consider that great weight and importance has been given to the desirability of preserving this grade II listed building as a designated heritage asset, and the exceptional circumstances surrounding its total loss have been carefully considered.
- 11.4. The demolition of the grade II listed church would cause substantial harm to and total loss of a designated heritage asset. The available options for repairing the church roof have been adequately explored and due to the inability to rule out failures with the original roof design, the substantial harm that would be caused by the replacement of the roof with an alternative structure, and the limitations of the building to meet the functional requirements of the church and its wider community, officers consider the loss of the church to be clear and convincingly justified.
- 11.5. The public benefits of reinstating an ecumenical church in the community, providing much needed community and social infrastructure and housing would achieve both economic and social objectives which would otherwise not be realised with the retention of the existing church. These public benefits would contribute towards achieving a strong, vibrant and healthy community in a community which is currently deprived and vulnerable, future-proofing the church use on the site ensuring that the community benefits can grow and be sustained for the long-term future. These substantial public benefits are considered to outweigh the substantial harm and total loss of the grade II listed church.
- 11.6. Officers consider that the proposed replacement church and community uses would provide a high quality civic building in a prominent position in the District Centre, that would respond positively to the streetscape. The intensification of the site to provide housing is considered to comprise an efficient use of this brownfield site and its layout, form, appearance and massing is considered to sit comfortably alongside the civic buildings and neighbouring land uses in the heart of the District Centre. The proposal is acceptable in respect of sustainability and would have limited impact on the highway, offering sufficient parking for cars and

bikes to serve the development. The proposal is acceptable in respect of biodiversity, trees and new green infrastructure as well as archaeology, land quality and air quality. The only remaining issue is the satisfactory receipt of comments on the additional information submitted to the Local Lead Flood Authority, with the LLFA lifting their objection and the satisfactory submission of an updated Health Impact Assessment.

11.7. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and the lifting of the objection from the LLFA and satisfactory receipt of an updated Health Impact Assessment and the conditions set out in the report below.

12. CONDITIONS

1. The development to which this permission relates must be begun not later than the expiration of 18 months 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. Subject to conditions 4, 10 the development hereby permitted 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 and to accord with policy DH1 of the Oxford Local Plan 2036

3. Samples of the exterior materials to be used in the construction of the buildings, including a brick panel, and hard landscape samples, shall be submitted to, and approved in writing by, the Local Planning Authority before the start of above ground works 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 Adopted Oxford Local Plan 2036.

4. Notwithstanding the submitted landscape details, a detailed hard and soft landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts above ground. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies G7 and G8 of the Adopted Local Plan 2036.

5. The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion. Any tree or plant that fails to establish, dies or becomes diseased, within a period of 5 years, shall be replaced in the next available planting season.

Reason: In the interests of visual amenity in accordance with policies G7 and G8 of the adopted Local Plan 2036

6. Before the development hereby permitted is commenced above ground details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter those areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport and to comply with policy M5 of the Oxford Local Plan.

7. Prior to the commencement of development, a Construction Traffic Management (CTMP) Plan shall be submitted to and approved in writing by the Local Planning Authority. The CTMP should follow Oxfordshire County Council's template if possible. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network)
- Details of wheel cleaning/wash facilities to prevent mud etc from migrating onto the adjacent highway
- Contact details for the Site Supervisor responsible for on site works
- Travel initiatives for site related worker vehicles
- Parking provision for site related worker vehicles
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours
- Engagement with local residents

The approved CTMP shall be adhered to at all times during the construction.

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 policy M2 of the Oxford Local Plan 2036 and the NPPF.

8. The car parking as shown on drawing number 604/P/304D shall be laid out and permanently so retained for car parking only unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure the car parking spaces are free for use for the residents of the development and to comply with policy M3 of the Oxford Local Plan.

9. No development shall take place until a Construction Environmental Management Plan (CEMP), containing the site specific dust mitigation measures identified for this development, has first been submitted to and approved in writing by the Local Planning Authority. The specific dust mitigation measures that need to be included and adopted in the referred plan can be found on Table 7-1 (pages 28-30) of the Air Quality that was submitted with this application. The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the development’s dust assessment, and with Policy RE6 of the Oxford Local Plan 2016- 2036.

10. Notwithstanding the submitted plan, prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of EV charging for all 15 parking places that are expected to be generated by the development. The electric vehicle infrastructure shall be formed, and laid out in accordance with the approved details before the development is first occupied and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policies M4 and RE6 of the new Oxford Local Plan 2036.

11. Prior to the occupation of the development, evidence that proves that all emission gas fired boilers that are going to be installed on-site are going to be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details only.

Reason: To ensure that the expected NO2 emissions of the combustion system to be installed at the proposed will be negligible, in accordance with policy RE6 of the Oxford Local Plan 2036

12. To prevent harm to human and plant health from potential contamination in site won or imported soils used in landscaped and garden areas, such soils

shall be tested prior to use to ensure that they are suitable for use. Evidence shall be submitted and approved to the Local Planning Authority in the form of a validation report to demonstrate the suitability of the material used and that appropriate depths have been laid, prior to the commencement of development

Reason: To ensure that any ground 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 2036

- 13.** A watching brief shall be undertaken throughout the course of the development to identify any unexpected contamination. Any unexpected contamination that is found during the course of construction of the approved development shall be reported immediately 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 2036.

- 14.** The development shall be carried out in accordance with the revised Red Six Energy Statement dated 1st June 2020, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development reduces carbon emissions and incorporates sustainable design and construction principles in accordance with policy RE1 of the Oxford Local Plan 2036.

- 15.** Prior to the development of the site above ground, further details of the proposed green roofs including plants, roof construction and maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To provide new green infrastructure for the site for the benefit of biodiversity and sustainability and to satisfy policy G8 of the Oxford Local Plan.

- 16.** The development hereby approved shall be of such a standard that it will protect residents within it from existing external noise so that they are not

exposed to levels indoors of more than 35 dB L_{Aeq} 16 hrs daytime and of more than 30 dB L_{Aeq} 8hrs in bedrooms at night

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policy RE8 of the Oxford Local Plan

- 17.** The proposed air conditioning, mechanical ventilation or associated plant shall be a minimum of 10db below the existing background level as measured one metre from the nearest noise sensitive elevation.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policy RE8 of the Oxford Local Plan

- 18.** Prior to the occupation of the café, details of the proposed means of extraction and filter shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction and filter shall be installed in accordance with the approved details prior to the occupation of the café and retained/maintained as such thereafter.

Reason: In the interests of the amenity of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with policy RE7 of the Oxford Local Plan.

- 19.** Prior to the first use of the community facilities, café and incubator spaces, details of the proposed opening hours for all uses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved opening hours unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with policy RE7 of the Oxford Local Plan.

Informatives

Alterations to the Public Highway (Dropped Kerbs)

Any alterations to the public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from the Oxfordshire County Council (Contact – 0845 310 1111 or refer to <https://www.oxfordshire.gov.uk/cms/content/dropped-kerbs> for this action).

Construction works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other

times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

No waste materials should be burnt on site of the development hereby approved.

All waste materials and rubbish associated with the construction should be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

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.

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EAST AREA PLANNING COMMITTEE

07.04.2021

Application number:	21/00216/FUL
Decision due by	24 th March 2021
Extension of time	16 th April 2021
Proposal	Proposed demolition of existing light industrial buildings; zero-emission housing comprising the erection of 4 pairs of semi-detached dwellings, providing 4no 3-bed and 4no 4-bed dwellings along with private gardens. Upgrade to existing vehicular access onto Jack Straw's Lane.
Site address	5-7 , Jack Straw's Lane, Oxford, OX3 0DL – see Appendix 1 for site plan
Ward	Headington Hill And Northway Ward
Case officer	Michael Kemp
Agent:	Mr Simon Sharp Applicant: Cantay Estates Ltd.
Reason at Committee	The development comprises more than five dwellings.

1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **Refuse planning permission** for the reasons given in the report and delegate authority to the Head of Planning Services to:

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

The refusal reasons are as follows:

1. The development would include the provision of on-site parking for residential uses in a location whereby only car free development would be considered permissible in line with the Council's parking standards outlined in Appendix 7.3 of the Oxford Local Plan 2016-2036 and therefore fails to prioritise sustainable modes of travel contrary to Policies M1 and M3 of the Oxford Local Plan 2016-2036 and the provisions of the NPPF, in particular Paragraph 110.
2. The proposed layout and development form fails to make an optimum and efficient use of a site, which offers capacity to provide higher density

development comprising a greater number of dwellings thereby ensuring the delivery of on-site affordable housing. The development would be contrary to Policies RE2 and H2 of the Oxford Local Plan 2016-2036 and Paragraphs 117, 122 and 123 of the NPPF.

2. EXECUTIVE SUMMARY

2.1. This report considers an application relating to the demolition of existing employment buildings on a back land site to the rear of Marston Road and Jack Straws Lane and the redevelopment of the site to provide a total of 8 dwellings (4 x 4 bedroom and 4 x 4 bedroom units).

2.2. The principle of redeveloping the site for a residential use would be supportable in line with Policy E1 of the Oxford Local Plan. This is accounting for the site's status as a low category (3) employment site and other specific factors including the very poor condition of existing buildings on the site and the potential environmental, biodiversity and amenity benefits arising from redevelopment of the site, alongside the provision of additional homes to meet local housing need.

2.3. Officers however consider that the proposals would fail to achieve an optimum density of development and additional dwellings could be provided on the site which would represent a more efficient use of land. Officers are of the view that a higher density of development would be achievable on this site notwithstanding site constraints. This would also be achievable in a way which respects the character and appearance of the surrounding area. As the proposals would, in officer's view, fail to make efficient use of the site the development would be contrary to Policy RE2 of the Oxford Local Plan and Paragraphs 117, 122 and 123 of the NPPF. The result would be an under delivery of homes on the site, in particular affordable housing which would otherwise be required were the development to provide 10 or more dwellings. The lower number of dwellings proposed on the site would circumvent the affordable housing requirements of Policy H2 of the Oxford Local Plan.

2.4. The application site is sustainably located and lies within a controlled parking zone, within 800 metres of a supermarket and 400 metres of a bus stop benefitting from regular services. In line with Policy M3 of the Oxford Local Plan and the Council's maximum parking standards, development on the site should be car free, with the exception of disabled and operational parking. The proposals would not however be car free and the development would consist of 1 space per dwelling, this would be contrary to Policy M3 of the Oxford Local Plan and runs contrary to Policy M1 of the Oxford Local Plan, which aims to give priority to sustainable means of travel.

2.5. For the reasons cited within this report officers recommend that planning permission is refused.

3. COMMUNITY INFRASTRUCTURE LEVY (CIL)

3.1. The proposal would be liable for a CIL contribution of £78,794.06

4. SITE AND SURROUNDINGS

- 4.1. The development site is a 0.24 hectare backland site located within a residential area of New Marston. The site is accessed from Jack Straws Lane to the south and comprises a collection of single storey light industrial buildings last used by a carpentry and joinery business which vacated the site in 2019. Access to the site is via a narrow driveway leading between Nos.3 and 9 Jack Straws Lane. The buildings on the site are vacant and are in a state of disrepair. The remainder of the site surrounding the buildings consists of gravel hardstanding and grass areas.
- 4.2. The surrounding area is suburban in character and typically consists of 20th century semi-detached houses and small terraces of red brick and rendered homes. This includes much of the development parallel to Marston Road. Jack Straws Lane features a number of detached houses, though the general character of the houses along the lower sections of Jack Straws Lane is broadly similar to that of the surrounding area. The Church of St Michael and All Angels, which features a prominent tower is a notable building in the area which sits on the corner of Marston Road and Jack Straws Lane.
- 4.3. Lynn Close to the north of the site is of a differing character and consists of five rows of two storey 1960's terraced brick houses sited in rows with the end gables of the houses facing the road. There are several rows of single storey garages on the southern side of Lynn Close, which adjoin the boundary with the site. At the far end of Lynn Close, to the east of the site is a small, early 2000's development of red brick and rendered terraced houses. No.44 Lynn Close which is an end of terrace house adjoins the eastern boundary of the site.
- 4.4. The access to the site falls within the Headington Neighbourhood Plan Area, though the remainder of the site, including the proposed dwellings falls outside this defined area.
- 4.5. See block plan below:



5. PROPOSAL

5.1. This application proposes the demolition of the existing light industrial buildings on the site. The site would be redeveloped to provide 8 semi-detached dwellings (4 x 3 bed and 4x 4 bed units). The houses would each be served by rear gardens. Each of the houses would be served by a single allocated parking space. The proposed houses would be accessed via the existing vehicular access road leading from Jack Straws Lane between Nos.3 and 9 Jack Straws Lane which would be resurfaced and a new access and turning space formed within the site.

5.2. The three bedroom homes would be two and a half storeys and include bedrooms in the roof spaces, whilst the four bedroom homes would be three storeys and feature prominent front facing three storey gables. The height of the houses would be 9.7 metres to the roof ridge and the buildings would be constructed from red brick with plain clay tiles.

6. RELEVANT PLANNING HISTORY

6.1. The table below sets out the relevant planning history for the application site:

14/01772/FUL - Demolition of existing buildings on site. Erection of 5 x 3-bed and 3 x 4-bed houses, together with car parking, landscaping and ancillary works.. Refused 9th September 2014.

19/00779/FUL - Redevelopment of the site comprising demolition of existing carpenter's yard buildings, 1 and 3 Jack Straw's Lane, and 302, 304, 312 Marston Road, and the erection of six new buildings to provide 5 C3 dwellings (3 x 1 bed, 2 x 2 bed), 153 student rooms, and 140sqm (Class B1 (a)) office space. (Amended plans 10.03.2020). Withdrawn 28th August 2020.

7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2016-2036	Headington Neighbourhood Plan
Design	117-123, 124-132	DH1	CIP1, CIP3
Conservation/Heritage	184-202	DH2, DH3	CIP2, CIP4
Housing	59-76	H1, H2, H4, H10, H14, H15, H16	

Commercial	170-183	E1	
Natural environment	91-101	G2, G7	
Transport	117-123	M1, M2, M3, M4, M5	TRP2, TRP5
Environmental	117-121, 148-165, 170-183	RE1, RE2, RE3, RE4, RE6, RE7, RE8, RE9	

8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 4th February 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

8.2. The application seeks the proposed demolition of existing light industrial buildings, erection of 4 x 3 bed dwellinghouses and 4 x 4 bed dwelling houses. The proposals are in a highly sustainable location with good access to public transport and local amenities. The proposals are in a CPZ.

8.3. Cycle Parking – The property must demonstrate 3+ covered and secure cycle parking spaces to conform to 2036 local plan policy and be considered acceptable.

8.4. Car Parking – The proposals are in a CPZ, within 800m of a shop and 400m of a bus stop. Therefore, according to 2036 Local Plan Policy M3 the dwellings should be car free and no off-street parking should be provided. Oxfordshire County Council will object to the proposals on this basis.

8.5. Refuse – A refuse vehicle would be required to enter and exit the site in a forward gear. The vehicle tracking diagrams show a 9.86m refuse vehicle barely making a turning manoeuvre when Oxford County Council uses refuse vehicles 10.12m long.

8.6. Trip Generation – The conclusions drawn regarding trip generation in the transport statement are considered acceptable. Trip generation is unlikely to significantly increase as a result of the development.

8.7. The proposals are likely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council object to the granting of planning permission.

Public representations

8.8. Two letters of support have been received in relation to the application. The letters expressed support for the following aspects of the scheme:

- Development is an enhancement on the previously submitted proposals for student accommodation.
- Provision of family homes is welcomed.
- Scale of development and use of materials in in keeping with the surrounding context.

8.9. A general comment was received expressing support for the provision of more family homes but suggesting that the houses would be viable without parking provision.

9. PLANNING MATERIAL CONSIDERATIONS

9.1. Officers consider the determining issues to be:

- Principle of development
- Density of development and affordable housing
- Design and heritage
- Neighbouring amenity
- Transport
- Sustainability
- Trees
- Ecology
- Contamination
- Flooding

Principle of development

9.2. The site has been subject of two previous planning applications in 2014 and 2019, the former of these applications was refused, whilst the latter of the applications was withdrawn. The 2019 planning application also included Nos. 1 and 3 Jack Straws Lane and Nos. 302, 304 and 312 Marston Road within the application site, the properties would have been demolished under the proposals.

9.3. The 2014 planning application was refused for the following reasons:

The site is currently in employment use. No evidence has been submitted to demonstrate that the site has created environmental problems in the past, and no marketing of the site or evaluation of employment on the site has been undertaken to help assess its role in, and value to the local economy. It has not been convincingly demonstrated therefore that the site is not acceptable or needed for continuing employment use and its redevelopment for housing is contrary to Policy CS28 of the adopted Core Strategy.

The area of the site exceeds 0.25 hectares and therefore policies CS24 of the Core Strategy and HP3 of the Sites and Housing Plan require the provision of 50% of the housing units on site as affordable. No affordable units are proposed and the development therefore fails to make adequate provision for affordable housing need. A financial contribution has been offered but this is no longer relevant given the extent of the site area that requires consideration under a separate policy. The viability appraisal submitted with the application lacks robustness and suggested an amount that would not have complied with the requirements of policy HP4. The proposal therefore fails to comply with policy CS24 of the Core Strategy and policy HP3 of the Sites and Housing Plan.

9.4. The Oxford Local Plan 2016-2036 has been adopted since the refusal of this planning application in 2014 and consequently the planning policy context has altered greatly, particularly in terms of applications involving the redevelopment of employment sites.

9.5. The site is classed as a Category 3 (lowest category) employment site in line with Policy E1 of the Oxford Local Plan. This designation covers all employment sites in the city, which are not specifically designated or afforded protection for the purposes of retaining employment use on site, or other uses directly related to the employment use of the site. Proposals for residential development on Category 3 employment sites will be assessed by a balanced judgement which will take into account the following objectives:

f) the desirability of meeting as much housing need as possible in sustainable locations within the city; g) the need to avoid loss of or significant harm to the continued operation or integrity of successful, and/or locally-useful, or high-employment businesses and employment sites, and to avoid impairing business operations through the juxtaposition of incompatible residential uses; h) the essential importance of creating satisfactory residential living conditions and a pleasant residential environment with a sense of place, connected by safe walking routes to shops, schools, open space, community facilities and public transport; i) the desirability of achieving environmental improvements such as remediation, planting, biodiversity gains, sustainable development forms, improvements in highway conditions and the improvement of living conditions for existing residents.

9.6. The subtext to Policy E1 recognises that category 3 sites do not perform such an important economic function compared to Category 1 and 2 employment sites. It is also specified that these sites should be considered for housing if these sites become available for development.

9.7. The site is currently derelict and consists of an uncoordinated arrangement of single storey timber and pre-fabricated structures several of which are in a very poor physical condition. The site would likely require comprehensive redevelopment to be brought up to a reasonable standard whereby it could be reused for employment purposes. Policy E1 of the Oxford Local Plan specifically recognises that housing uses should be considered if category 3 employment sites become available for redevelopment.

- 9.8. The site lies directly to the rear of several residential dwellings in Jack Straws Lane, Marston Road and Lynn Close. Given the proximity to these residential dwellings a residential use of the site would be more compatible in amenity terms, compared with the site's existing light industrial use which has the potential to cause greater issues in terms of noise disturbance and pollution which may adversely affect the living conditions of adjacent occupiers. There would also be potential biodiversity and environmental gains from a residential redevelopment of the site in securing ecological enhancements and remediation.
- 9.9. Policy RE2 of the Oxford Local Plan, alongside Paragraphs 117 and 118 of the NPPF promotes the reuse of previously developed land, including for the purposes of providing housing therefore the redevelopment of this site for the purposes of providing additional housing should be supported in line with local and national planning policy.
- 9.10. Taking the above factors into consideration officers consider that the loss of the employment uses on the site and the redevelopment of the site for the purposes of providing housing would be justified in line with Policy E1 of the Oxford Local Plan.

Site Density and Provision of Affordable Housing

- 9.11. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or on sites which exceed 0.5 hectares. A total of 8 dwellings are proposed on this site and the overall size of the application site is 0.24 hectares.
- 9.12. The number of dwellings proposed within this application would not trigger a requirement to provide affordable housing under the provisions of Policy H2 of the Oxford Local Plan, neither would the overall site area. Policy H2 however states that across all types of development, where the number of dwellings proposed falls below the relevant thresholds set out above to require affordable housing, the Council will consider whether or not the site reasonably has capacity to provide the number of dwellings that would trigger a requirement to provide affordable housing. This provision is to ensure that developers do not circumvent the policy requirement by artificially subdividing sites or by proposing development which makes inefficient use of land.
- 9.13. It is stated within the applicant's Planning Statement that the layout of the development and semi-detached housing is designed to reflect the loose knit suburban grain of surrounding development in the area. It is the case that semi-detached and looser knit forms of development are characteristic of Marston Road and some of the adjacent roads such as Nicholson Road and Crotch Crescent. Such an approach, whilst not unacceptable purely in design terms, would typically result in relatively low density development. It is noted that more recent developments on similar backland plots depart from these characteristically suburban layouts, for example Lynn Close immediately to the east of the site is a terraced layout, and similarly this is the case at Doris Field Close and Hadow Road to the east and north east of the site. The 1960's development to the north of the site at Lynn Close also consists of rows of terraced housing. It could not therefore be argued that a higher density

development consisting for example of terraced housing would appear out of place given the lack of strict design uniformity within the immediate context and examples of other such terraced forms of residential development.

9.14. Turning to the matter of density, the Oxford Local Plan does not prescribe a minimum density of development for unallocated sites which may become available for housing as this depends on site specific and contextual factors which may limit the number of units deliverable on a given site. Whilst there are constraints in terms of the width of the access road, the site is not otherwise greatly constrained given its relative proximity to existing dwellings, with the exception of No.44 Lynn Close which lies close to the site boundary.

9.15. Policy RE2 of the Oxford Local Plan Development states that 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 ensuring that:

a) The density must be appropriate for the use proposed;

b) The scale of development, including building heights and massing, should conform to other policies in the plan. It is expected that sites at transportation hubs and within the city and district centres in particular will be capable of accommodating development at an increased scale and density, although this will also be encouraged in all other appropriate locations where the impact of so doing is shown to be acceptable;

c) Opportunities for developing at the maximum appropriate density must be fully explored; and

d) Built form and site layout must be appropriate for the capacity of the site.

9.16. Paragraph 122 of the NPPF states that planning decisions should support development that make efficient use of land. Paragraph 123 of the NPPF states that where there is a shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. Paragraph 123 also states that local planning authorities should refuse applications which they consider fail to make efficient use of land.

9.17. The Councils HELAA which informed the housing densities for allocated sites in the Oxford Local Plan suggests that for suburban sites a minimum density of 50-60 dwellings per hectare should be achieved to make optimum use of land (Table 4 HELAA March 2019). The application site is 0.24 hectares in size and when applying the HELAA density guidance of 50-60dph, this would suggest that 12-14 dwellings would be an appropriate number of dwellings for this site. This would suggest that the proposed number of dwellings (8) would constitute a low density of development for a suburban site such as this.

9.18. Officers consider that the proposed density of development would be low even where accounting for the constraints of the site and consequently the proposals fail to make an efficient use of the site. The implications of this are twofold, firstly

there would be an under delivery of housing on the site, which would run contrary to Paragraph 123 of the NPPF. It is important given local housing need in the city and lack of availability of sites that where sites come forward for housing development that an optimum number of units are delivered on sites. Secondly the low number of dwellings and density of development circumvents the need to provide on-site affordable housing, a requirement which would be triggered were the development to comprise more than 10 dwellings. Given the need for affordable homes in the city this is not considered acceptable and Policy H2 of the Oxford Local Plan includes specific provision to prevent developments being built at low density to circumvent a requirement to provide affordable housing.

9.19. Turning to the layout, it is officer's view that this could be tightened to include terraced housing for example, possibly comprising two terraces, either in a west/north or east/west arrangement. The layout could also include a greater mix of dwellings including smaller two bedroom dwellings. It is noted that an alternative site layout is proposed within the applicant's planning statement, this suggests that the maximum density of development achievable would be 9 dwellings. Officers would however dispute whether this layout makes efficient use of the site. Whilst the alternative layout includes additional smaller two bedroom dwellings, the layout along with the proposed site plan includes parking provision at one space per dwelling, which also necessitates further areas for vehicles to manoeuvre. The proposed site layout includes areas of on plot parking and a semi-circular area of general amenity space both of which are areas of the site which could be used more effectively within an alternative layout for housing. As outlined in the section of this report which deals with highways matters, the site is in a location where new residential development should be car free with the exception of disabled and operational parking. The applicant has not demonstrated that it would not be feasible to provide a higher number of dwellings on the site, were the development to be car free, which in any event would be expected in line with Policy M3 of the Oxford Local Plan.

9.20. Officers conclude that the proposals fail to achieve an optimum density of development and fail to represent an efficient use of the site contrary to Policy RE2 of the Oxford Local Plan and Paragraphs 117, 122 and 123 of the NPPF. The result would be an under delivery of homes on the site, in particular affordable housing which would be required were the development to provide 10 or more dwellings, which would be contrary to Policy H2 of the Oxford Local Plan.

Design and Heritage

9.21. The site does not fall within a Conservation Area, though the Headington Hill Conservation Area extends up to the edge of Doris Field Close, around 150 metres to the east of the site. Given the sites close proximity to the Conservation Area, development on the site has the potential to impact on the setting and the significance of the Conservation Area within views from within and into the Conservation Area from Jack Straws Lane and in slightly longer distance views from Doris Field to the north east. It is therefore important that the development is assessed in line with the relevant national and local policies relevant to developments which may impact on the setting of Conservation Areas.

- 9.22. Policy DH3 of the Oxford Local Plan specifies that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), and responds positively to the significance, character and distinctiveness of the heritage asset and locality. For all planning decisions affecting the significance of designated heritage assets (including Listed Buildings and Conservation Areas), 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.
- 9.23. Policy CIP4 of the Headington Neighbourhood Plan states that where the significance of a heritage asset, either designated or non-designated, would be affected by a development proposal, that development proposal will only be permitted where it addresses the conservation and enhancement of the significance, character and any special architectural or historic features of significance the asset may possess.
- 9.24. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: "In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."
- 9.25. For development within or affecting the setting of Conservation Areas, the NPPF requires special attention to be paid towards the preservation or enhancement of the Conservation Area's architectural or historic significance. Paragraph 193 of the NPPF requires that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 9.26. The site lies to the rear of an existing row of buildings fronting Jack Straws Lane and the proposed buildings on the site would be of a low height, therefore it is unlikely that development would be seen, or would appear prominent in views from within the Conservation Area from this particular perspective.
- 9.27. The site falls within the Doris Field View Cone, which also lies within the Headington Hill Conservation Area and offers views of the historic skyline of the city. The viewpoint itself is within 250 metres of the site to the north east. When assessing the scheme from this perspective, the proposed development would consist of an arrangement of residential buildings of a relatively low height, which visually would sit alongside residential buildings of a similar scale and height on all sides. There is also relatively dense screening in the foreground of the views from Doris Field which further restricts views towards the site.
- 9.28. Given the lack of prominence of the development and accounting for the low height of the buildings, the presence of existing development and vegetation screening which would significantly obstruct views of the site from within the Conservation Area, officers conclude that the development would have a

negligible impact on the Conservation Area setting and significance and would not result in harm.

9.29. The layout would consist of a cul-de-sac arrangement of semi-detached dwellings intended to reflect development in the immediate area. The housing typologies are similar to the adjoining early 2000's housing in Lynn Close, which similar to the 4 bedroom houses in the proposed development feature prominent front facing gables. The houses would be red brick, similar to the existing houses in Lynn Close, whilst red brick is also prevalent along Marston Road. The site is elevated in relation to development to the west on Marston Road, though given the presence of existing houses, views of the development would be somewhat restricted by the presence of the existing houses facing Marston and the heights of the houses would not be excessive in the context of surrounding development. Overall when considered in the context of similar suburban forms of development, notwithstanding the concerns outlined above with respect to the low density of development, the overall design approach would be acceptable and would not conflict with Policy DH3 of the Oxford Local Plan.

Amenity

Existing Occupiers

9.30. The application site is surrounded by residential dwellings on three sides. The relatively deep rear gardens of Nos.304, 302 and 300 Marston Road all extend up to the western boundary of the site. There would be a separation distance of between 8.8 and 9.9 metres between the rear elevation of proposed plots 1 to 4 and the end boundary of the gardens serving Nos.304, 302 and 300 Marston Road. The depth of the adjacent garden plots means that there would be a separation distance of between 27.8 and 32.3 metres between the facing sets of dwellings. This distance is considered to be sufficient in ensuring that the development would not result in unacceptable overlooking of the adjoining houses. Whilst there would be an increase in overlooking of the adjacent gardens, officers consider that there would still be a reasonable distance between the back of the proposed houses and the adjoining gardens to retain an acceptable degree of privacy for existing occupiers.

9.31. The gardens of Nos. 1, 3, 9 and 11 Jack Straws Lane extend up to the southern edge of the site. These properties also have very deep rear gardens. The existing access to the site, which would also be used to serve the proposed residential development adjoins Nos. 3 and 9 Jack Straws Lane. The proposed access would be widened to serve the development, however when accounting for the site's existing light industrial use it is considered that vehicular use of the access would not have a significantly detrimental impact on the amenity of adjacent occupiers. It is likely that the use of the access to serve a residential development of 8 dwellings would result in a decrease in vehicle movements compared with the existing use, particularly larger vehicle movements.

9.32. There would be a distance of 22 metres between the side elevation of Plot 1 and the rear elevation of Nos. 1 and 3 Jack Straws Lane which is a relatively substantial distance. Plot 1 would be close to the boundary of Nos. 1 and 3 Jack Straws Lane, though owing to the depth of the gardens and relative distance

between Plot 1 and the existing houses, officers consider that the development would not have an overbearing impact on these properties. It is noted that there would be two side facing windows in the first and second floors of Plot 1, though these windows would serve stairs and could be conditioned as obscured glazed windows to prevent overlooking of the gardens of Nos.1 and 3 Jack Straws Lane. Owing to the relative distance between the proposed dwellings and the existing properties and accounting for the depth of the gardens serving Nos.1 and 3 Jack Straws Lane, officers consider that the development would not be overbearing and would not have a detrimental impact on the outlook of these properties.

9.33. No.44 Lynn Close, which is a two storey end of terrace dwelling adjoins to the eastern boundary of the site. It is noted that there are two windows at ground and first floor level in the west facing side elevation, which faces the application site. A gap of 7.5 metres is retained between the side elevation of Plot 8 and No.44 Lynn Close. It is indicated on the proposed site plan that a sufficient gap would be retained to ensure that the siting of Plot 8 would not breach the 45 degree code with respect to the two side facing windows in No.44 Lynn Close. The separation distance between the proposed dwellings and No.44 Lynn Close would ensure that the development does not appear overbearing in relation to this property and the development would not have an adverse impact on the outlook of existing occupiers.

9.34. In summary officers consider that the development retains appropriate standards of amenity for existing occupiers in accordance with Policy H14 of the Oxford Local Plan.

Future Occupiers

9.35. Policy H15 of the Oxford Local Plan 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 1.

9.36. Each of the units has been assessed to be compliant with the Nationally Described Space Standards in terms of the size of the individual rooms and units therefore the development is considered to comply with Policy H15 of the Oxford Local Plan.

9.37. Policy H16 of the Oxford Local Plan states that planning permission will only be granted for dwellings that have direct and convenient access to an area of private open space. Houses of 1 or more bedrooms should provide a private garden, of adequate size and proportions for the size of house proposed, which will be considered to be at least equivalent in size to the original building footprint.

9.38. Each of the proposed houses would be served by private gardens located to the rear of the houses, each of which exceed to the footprint of the existing dwelling and would be considered to be of an appropriate standard.

9.39. In summary officers consider that the development retains appropriate standards of amenity for future occupiers in accordance with Policy H15 and H16 of the Oxford Local Plan.

Transport

9.40. 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.

9.41. The site and surrounding streets fall within a Controlled Parking Zone (Marston South) and are within 150 metres of bus stops on Marston Road which benefit from regular services to the City Centre. The site is within walking distance of two supermarkets, including the Co-operative, Old Marston Road (540 metres) and the larger Co-operative store on Cherwell Drive (740 metres) which lies within the Marston Neighbourhood Centre, which benefits from a range of other local shops.

9.42. In accordance with the residential parking standards outlined under Policy M3 of the Oxford Local Plan it would be expected that development on the site is car free as the site development is within a CPZ and is located within a 400m walk to frequent (15minute) public transport services and within a 800m walk to a local supermarket.

9.43. It is stated within the submitted Transport Assessment that the current informal layout of the site has capacity for the parking of up to 30 vehicles. A plan is provided in support of this, though parking on the site does not consist of marked bays and the site plan assumes that all of the areas surrounding the buildings on the site could be used for parking which may not in reality be the case depending on the nature of the employment use and also accounting for there being sufficient space for vehicles to manoeuvre. It is also suggested within the Transport Assessment that redevelopment of the site for a residential use would result in a reduction in parking spaces and overall traffic movements.

9.44. The proposed site layout includes 8 allocated parking spaces, one per dwelling, which would be the maximum amount of parking permissible on sites within the city which do not fall within CPZ's or within 400 metres of a bus stop or 800 metres of a supermarket.

9.45. The Oxford Local Plan states 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 in parking where there is good accessibility to a range of facilities. This provision is not intended to be applied and therefore allow parking where the use of the site would change from an employment to a residential use and would apply only were another non-residential use or employment related development on the site to be proposed. Where dealing with a new, residential use on what is currently a

non-residential site, the Council's maximum parking standards for residential development should be applied which would require that development on this site should be car free with the exception of disabled, operational or car club parking.

9.46. Policy M1 of the Oxford Local Plan emphasises the need to ensure that new development minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport, the purpose being that new development encourages a modal shift towards more sustainable means of travel. The Council's maximum parking standards outline locations where car free development would be expected, where this can reasonably be controlled through the presence of controlled parking zones and where residents can access public transport and are in close proximity to local services and facilities. The site's location meets each of these requirements and officers consider that there is insufficient justification for parking aside from disabled, car club or operational parking and consequently the development would be contrary to Policy M3 of the Oxford Local Plan.

9.47. The submitted site plan is noted to include the provision of cycle parking which would comply with Policy M5 of the Oxford Local Plan and Policy TRP5 of the Headington Neighbourhood Plan.

9.48. The applicant has since provided further drawings following the comments made by Oxfordshire County Council, demonstrating refuse vehicle tracking through the site.

Sustainability

9.49. Proposals for development are expected to demonstrate how sustainable design and construction methods will be incorporated in line with Policy RE1 of the Oxford Local Plan. All development must optimise energy efficiency by minimising the use of energy through design, layout, orientation, landscaping and materials, and by utilising technologies that help achieve Zero Carbon Developments. Planning permission will only be granted for development proposals for new build residential developments which achieve at least a 40% reduction in the carbon emissions from a code 2013 Building Regulations.

9.50. The application is accompanied by an Energy and Sustainability Statement. The recommendations include a number of active and passive design measures to reduce energy use. Passive measures include use of sustainably sourced materials, high insulation standards and high performance glazing, air tightness, reduced artificial lighting and site waste management. Active measures include high efficiency and low energy lighting, enhanced water efficiency and water reclamation/recycling. In terms of generating renewable energy it is proposed that the buildings on the site would be fitted with solar PV panels.

9.51. The regulated carbon reduction against a part L compliant base would be 42.1% which would exceed the requirements of Policy RE1 of the Oxford Local Plan.

Trees

9.52. Policy G7 of the Oxford Local Plan states that planning permission will not be granted for development that results in the loss of green infrastructure features including trees where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated.

9.53. The arboricultural report prepared indicates the removal of four category C trees, three of which would be sited in the position of proposed plot 1 and another would impact on access arrangements. A small section of hedge along the southern boundary of the site is also shown for removal. The trees indicated for removal are considered to be of low visual amenity value and opportunity would exist within the site to provide additional tree planting which would outweigh the loss of these relatively low value trees which would ordinarily be sought by condition. It is therefore considered that the development would comply with Policy G7 of the Oxford Local Plan.

Ecology

9.54. Policy G2 of the Oxford Local Plan states that development that results in a net loss of sites and species of ecological value will not be permitted.

9.55. The application is accompanied by a preliminary ecological appraisal. No evidence of bats was found during the bat survey and the buildings on the site were assessed to have limited scope to support bat roosts. It can be concluded that the development would not result in ecological harm and redevelopment of the site offers the opportunity to provide ecological enhancements compared with the existing circumstances. The development would therefore comply with the requirements of Policy G2 of the Oxford Local Plan.

Contamination

9.56. The site has been used historically for purposes including a brickworks, coal yard and most recently as a builder's yard. In this regard there is the potential for contamination to exist on site that may present a significant risk to future occupiers or the surrounding environment. As such, an intrusive site investigation would be required to identify any potentially significant contamination risks that may be present and remediate as necessary to ensure that the site is suitable for residential use after development. A phased risk assessment would therefore be required by condition alongside a validation report were the proposals otherwise considered acceptable in accordance with Policy RE8 of the Oxford Local Plan.

Flooding

9.57. The application site lies within Flood Zone 1 and is considered to be at a low risk of flooding. A drainage strategy has been prepared in support of the planning application which is considered to be broadly acceptable, subject to the submission of a final drainage strategy, which could be conditioned were the proposals otherwise considered acceptable. The development would therefore comply with Policies RE3 and RE4 of the Oxford Local Plan.

10. CONCLUSION

- 10.1. On the basis of the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. In the context of all proposals Paragraph 11 of the NPPF requires that planning decisions apply a presumption in favour of sustainable development, this means approving development that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3. Officers consider that the proposals would fail to achieve an optimum density of development in terms of the number of dwellings provided and consequently would fail to represent an efficient use of the site. Officers are of the view that a higher density of development and additional dwellings would be achievable on this site notwithstanding the site constraints. This would also be achievable in a way which respects the character and appearance of the surrounding area. As the proposals would in officers' view fail to make effective use of the site the development would be contrary to Policy RE2 of the Oxford Local Plan and Paragraphs 117, 122 and 123 of the NPPF. The result would be an under delivery of homes on the site, in particular affordable housing which would be required were the development to provide 10 or more dwellings, which would be contrary to Policy H2 of the Oxford Local Plan.
- 10.4. The application site lies within a controlled parking zone, within 800 metres of a supermarket and 400 metres of a bus stop benefitting from regular services. In line with Policy M3 of the Oxford Local Plan and the Council's maximum parking standards development on the site should be car free, with the exception of disabled and operational parking. The proposals would not be car free and the development would consist of consist of 1 space per dwelling which would be contrary to Policy M3 of the Oxford Local Plan.
- 10.5. It is recommended that the Committee resolve to refuse planning permission for the development proposed.

11. APPENDICES

- **Appendix 1 – Site location plan**

12. HUMAN RIGHTS ACT 1998

- 12.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and

freedom of others or the control of his/her property in this way is in accordance with the general interest.

13. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

Appendix 1 - 21/00216/FUL – 5-7 Jack Straws Lane



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EAST AREA PLANNING COMMITTEE

07.04.2021

Application number:	20/02672/FUL
Decision due by	15th February 2021
Extension of time	TBA
Proposal	Erection of two 2-storey buildings to provide 3,500 sqm (GIA) of flexible commercial floorspace (Use Class E) with associated car and cycle parking; hard and soft landscaping and public realm works; ancillary structures including refuse stores, substation building and vehicular access via existing entrance from Armstrong Road.
Site address	SAE Institute Oxford, Littlemore Park, Armstrong Road, Oxford – see Appendix 1 for site plan
Ward	Littlemore Ward
Case officer	Clare Gray
Agent:	Mr Ben Peirson Applicant: C/o agent
Reason at Committee	The application is being reported to Committee as it constitutes major development

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1 **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission; subject to:

- The satisfactory completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report;

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;
- finalise the recommended legal agreement under section 106 of the Town

and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers the proposed development of the site for the erection of 2 buildings for the use as “grow on space” under class E of the revised Town and Country Planning (Use Classes) Order 1987. The scheme would provide 2 buildings off the Armstrong Road in Littlemore, within the grounds of the existing Littlemore House, which is currently occupied employment floorspace operated by the SAE Institute. Each building will provide 1 unit on each floor of a two storey building, thereby providing a total of 4 units overall and a total internal floorspace of 3500sqm.
- 2.2. The site is not allocated for development in the Local Plan, but is an existing employment site within a mixed use area, closely located to the Oxford Science Park. The intensification of this site for further employment development is considered to maximise the use of this site and meet a need for buildings within the Knowledge Sector, which is a key employment sector important to Oxford locally and regionally, with space being provided for “grow on” companies that need hybrid laboratory office space that have outgrown existing incubator space.
- 2.3. The buildings have a contemporary aesthetic which are considered to deliver a high quality design, whilst remaining subservient in building height, mass and scale to the existing Littlemore House, and wider former Littlemore Hospital that characterise building forms along Armstrong Road. The site is also defined by its landscape features which includes a lime tree avenue, existing boundary planting and a tree covered by a TPO. It is considered the development of the site builds upon the landscape characteristics and provides a well designed landscape, which enhances the site’s existing characteristics and the visual amenity of Armstrong Road. It is also considered that the development sensitively responds to the setting of Littlemore House as a non designated heritage asset.
- 2.4. The impact of the development has been assessed by way of highway implications and it is considered that the scheme in conjunction with other development proposals in and around Littlemore will not significantly increase highway movements to the detriment of the network. The site is accessible by bus and by bike, but it is required that a financial contribution is secured towards the ongoing provision of bus route 3A which will continue to support and enhance this existing bus service between Littlemore and Cowley and Oxford, in order that this service is improved and made more frequent, thus making it more attractive for users. Equally the Local Highways Authority consider it necessary for the provision for a bus shelter at the southbound ‘Mental Health Centre’ bus

stop. This would increase the attractiveness of public transport use, particularly during inclement weather.

- 2.5. Parking is known to be an issue on Armstrong Road and the Local Highways Authority consider further controls are needed to prohibit ad hoc parking, in a similar manner to those controls imposed following the approval of the residential scheme at Littlemore. A financial contribution is thus requested for the implementation of parking controls, as well as a financial contribution for Travel Plan monitoring. Car parking has been considered across the site in conjunction with the SAE Institute and is supported by a Transport Assessment. Further cycle parking is also provided across the site. Subject to the above measures being secured via a legal agreement it is considered that the scheme complies with policies to encourage alternative modes of transport and with highway policies in the Local Plan.
- 2.6. The site has a Horse Chestnut the subject of a TPO and it is considered that the scheme is acceptable in terms of safeguarding this tree, subject to appropriate controls.
- 2.7. The development is unable to provide biodiversity net gain on site, however, 3 projects have been identified off site that will offset this and subject to a legal agreement to secure 25 year management, maintenance and replanting in case of failure, it is considered that this is an appropriate alternative in accordance with policy G2.
- 2.8. In terms of other development management policies, it is considered that the drainage is acceptable, the design incorporates measures for 40% carbon reduction and BREEAM excellent, is acceptable for air quality, the development adequately attenuates noise disruption, contamination and archaeology.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to cover the following matters:

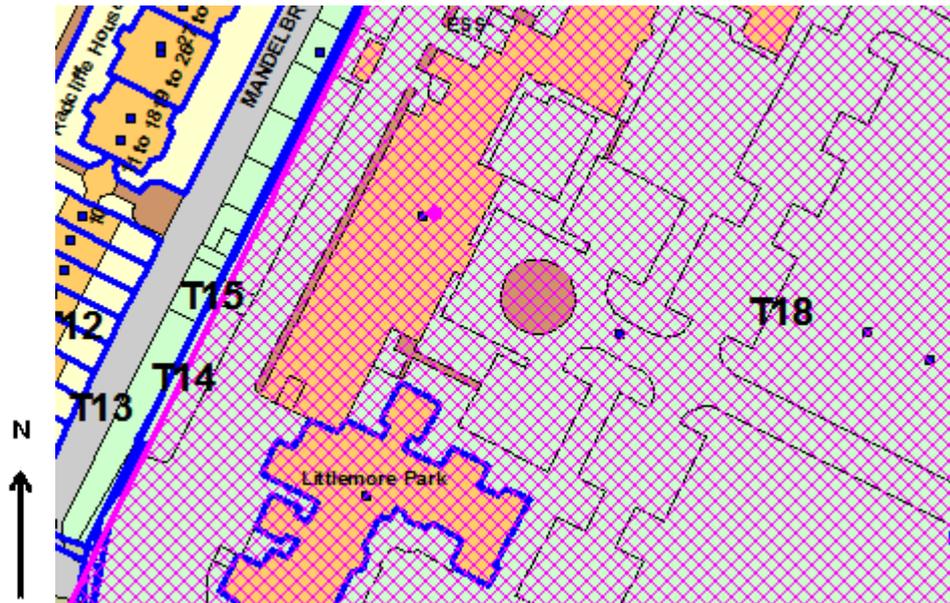
- A financial contribution of £96,365 towards supporting and enhancing public transport services between Littlemore, Cowley and Oxford
- A financial contribution of £15,000 towards parking restrictions in the vicinity of the site to prevent detrimental overspill parking
- To secure a financial contribution of £6,412 towards the provision of a bus shelter at the southbound Mental Health Centre bus stop
- Travel Plan monitoring for a period of 5 years
- A financial contribution of £22,405 towards 3 off site Biodiversity Projects including 25 year management, maintenance and replanting.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site is located to the north of Armstrong Road and east of Littlemore House, which was formerly part of the wider Littlemore Hospital. Littlemore House adjacent to the site was converted in the late 1980s to research purposes, before it was then acquired and occupied by SAE Institute for a media college and office space.
- 5.2. The site comprises an expanse of grassed landscape which forms part of the landscaped setting to the SAE buildings. The primary access is from Armstrong Road and runs through the centre of the site, characterised by an avenue of 4 lime trees, and creates 2 parcels of land. Defining the perimeter of the site with Armstrong Road is a belt of hedgerow and trees, which has been subject to previous maintenance. Within the site is a Horse Chestnut tree the subject of a Tree Preservation Order (TPO). TPO trees are also located adjacent to Littlemore House which are outside of the application site. The site slopes to the south east by approximately 3m.
- 5.3. Vehicular access to the site is from Armstrong Road, via Sandford Road and the A4074. The nearest bus stop which serves bus route 3A is just off the junction between Armstrong and Sandford Roads.
- 5.4. The site lies within Flood Zone 1, but adjacent to Flood Zone 2. Littlemore House is not listed, but is considered a non-designated heritage asset for reason that the adjacent Littlemore Hospital is Grade II listed. There are no Conservation Areas covering the site or immediate surrounding area.
- 5.5. To the south of Armstrong Road is land under development by Catalyst Housing for 270 homes (18/02231/VAR and 18/02303/RES). To the north lies dense vegetation separating the site from the Cowley Branch line. Beyond the residential development under construction to the east is Oxford Science Park.
- 5.6. The site is not subject to any specific site allocations in the adopted Local Plan.
- 5.7. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

- 6.1. The application proposes the construction of two new office and dry laboratory buildings within the grounds of Littlemore House. The two new buildings will be erected either side of the existing entrance into Littlemore House from Armstrong Road. Building A in the south eastern corner of the site measures a gross internal area of 2041 sqm and Building B proposes an internal area of 1459 sqm. The two buildings are proposed to be used principally as hybrid laboratory space for research and development uses within Class E.
- 6.2. The buildings are of 2 storey height and are proposed with a contemporary aesthetic of buff brick construction with vertical louvres. The buildings would have flat roofs. Internally the buildings will have 2 floors with 1 unit on each floor. Over the 2 buildings there will be a total of 4 units overall.
- 6.3. The buildings are proposed to the south east of the site, with car parking to the north west adjacent to the existing spaces at the SAE Institute. 101 car parking spaces are proposed to serve the new development, of which 6 spaces are for disabled provision and a total of 26 spaces provided with electric vehicle charging capacity. The development also includes 7 total 2 wheeler spaces. A further 110 spaces are provided for the SAE Institute.
- 6.4. In respect of cycle parking, three separate secure cycle shelters are proposed across the site, with 1 at Plot A and 1 at Plot B. A further separate secure cycle shelter is proposed adjacent to serve the occupiers of that building. Further external cycle stands are proposed outside the new buildings for visitors. Overall there is a provision of 140 cycle spaces.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

00/00737/NF - Erection of 2 additional prefabricated buildings to provide start up units for bioscience companies for 5 year period. Shared use of existing access and car parking. APPROVED 3rd July 2000.

00/00738/NT - Renewal of planning permission 98/1629/NF for the erection of single storey prefabricated buildings arranged around paved courtyard to provide start up units for Bioscience Companies (998.4 sq.m.) for a further 5 year period. REFUSED 12th July 2001.

88/00882/PN - Change of use from hospital building to scientific research use, buildings 10, 11, 12. TEMPORARY PERMISSION 22nd March 1990.

91/00041/PN - Use of hall for entertainment and recreation facilities (building to be occupied by the Beckley Snooker Club soon to be renamed the County Snooker Club. TEMPORARY PERMISSION 7th March 1991.

93/00391/NOY - Demolition of some buildings on the site. Retention of other buildings & change of use from hospital to B1 and outline application for erection of buildings to provide 22,575 sq. m Business Use Class B1 & associated leisure facilities. New access to Sandford Rd (Amended Plans). PER 16th January 1995.

94/00762/NOY - Demolition of existing buildings as specified. Outline application (including details of means of access from Sandford Road) for the erection of buildings to provide 29100 sq. m business floor space. WDN 5th June 1995.

95/00283/NRY - (1) Retention of use for business (offices and research and development) - Isis Building (granted temporary permission under 94/01341/NF). (2) Change of use from part of hospital to business (research and development and ancillary offices) including 1st floor, extension for lift shaft and external alterations. - Rivendale Building. (3) Change of use from snooker club to business (research and development and ancillary office) including single storey extensions and porticos - Cherwell Building. (4) Demolition of single storey extensions and corridor links, single storey extensions and erection of 2 storey linking corridor between Isis, Rivendell and cherwell buildings. (5) Erection of building to house boilers and plant. (6) Formation of car park for 150 vehicles and access. (7) Formation of temporary access. (Reserved Matters of application 93/00391/NOY). APPROVED 12th May 1995.

96/00947/NF - New stone boundary wall to separate development areas between main hospital building and Yamanouchi buildings..APPROVED 6th August 1996.

98/01629/NF - Erection of single storey prefabricated buildings arranged around paved courtyard to provide start-up units for Bioscience Companies (998.4 sq. m..) for a five year period. Shared use of existing access & car parking. (Amended plans). APPROVED 8th January 1999.

05/00034/TEM - Extension of temporary period of use of prefabricated buildings for B1 start up units.. APPROVED 12th September 2005.

06/01648/FUL - Erection of two x 2 storey buildings for B1B (research and Development) Use. 64 parking spaces. Motorcycle and bicycle parking. Bin stores. APPROVED 6th November 2006.

07/01589/FUL - Erection of two 2-storey building for B1 (b) (research and development) use. 64 car parking spaces. Motor cycle and bicycle parking. Bin stores. (Variation to design as approved under planning permission 06/01648/FUL). WITHDRAWN 3rd August 2007.

08/01164/CPU - Application for certificate of lawfulness for a proposed use for general office purposes (use class B1) including the range of general B1 purposes set out in the supporting statement.. APPROVED 7th August 2008.

09/02314/EXT - Erection of two x 2 storey buildings for B1 (B) (research and development) Use. 64 parking spaces. Motorcycle and bicycle parking. Bin stores.. APPROVED 20th January 2010.

11/01569/FUL - Retention of change of use of part of ground floor and whole of first floor from Class B1 offices to mixed Class B1 office and D1 educational use. (Additional Information). APPROVED 23rd April 2012.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	117-123, 124-132	DH1		
Conservation/Heritage	184-202	DH3, DH4		
Housing	59-76			
Commercial	170-183	E1		

Natural environment	91-101	G2, G7, G8		
Social and community	102-111			
Transport	117-123	M1, M2, M3, M4, M5	Parking Standards SPD	
Environmental	117-121, 148-165, 170-183	RE1, RE3, RE4, RE6	Energy Statement TAN	
Miscellaneous	7-12		External Wall Insulation TAN,	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 11th November 2020 and an advertisement was published in The Oxford Times newspaper on 12th November 2020.

Statutory and non-statutory consultees

9.2. Oxfordshire County Council (Highways): No objections subject to parking restrictions on Armstrong Road, a contribution towards public transport comprising Bus Route 3A between Littlemore, Cowley and Oxford; a bus shelter on the southbound side of Sandford Road and Travel Plan monitoring.

9.3. Oxfordshire County Council (Flooding): Objection.

9.4. Thames Water: No objection

9.5. Archaeology: No objection subject to a recording condition.

9.6. Littlemore Parish Council: Comments:

“Littlemore Parish Council has no objection to the use of this site for two office buildings, and we welcome the new employment opportunities which will be created. However the Council shares the concern of many residents of Littlemore and neighbouring Sandford-on-Thames about the ever increasing traffic in our area. Without meaningful efforts to improve access to public transport this development will damage the quality of life of residents in the surrounding area.

There are so many inaccuracies on the transport survey that doubt is cast on its conclusions. There is reference to Little London, an area not known to councillors. The spelling of Sandford-on-Thames varies randomly. More significantly, the report states that a medical centre is located within 10 minutes’ walk of the site. Littlemore Mental Health Centre is nearby, but the nearest GP surgeries are at Donnington Bridge and Temple Cowley, both at least 30 minutes away by foot.

The applicants have stated that because of Covid they have had to base their traffic survey on data in the traffic surveys carried out on behalf of Catalyst who

are building new housing on the opposite side of Armstrong Road. We are not sure whether any attention has been given to traffic increases since August 2018 when the study was conducted.

The application admits that the number of on site parking places is lower than would normally be required. There has been mention of a financial contribution towards an improved bus service on Sandford Road. Catalyst, the developers of Littlemore Park on the other side of Armstrong Road, is already committed to paying for more buses for a one year period. If, however, an improved bus service is not permanent, the lack of car parking will lead to more on street parking on surrounding roads. The Parish Council is already attempting to limit parking on the pavement at Sandford Road, which blocks the pathway and has ruined the grass verges. We support measures to reduce car use, on safety, health and sustainability grounds.

The documents refer to pedestrian access to Oxford Science Park. The Science Park is at present unwilling to allow a right of way from Armstrong Road and wishes to limit the use of the path to 7 am to 7 pm Monday to Friday. Unless this can be resolved, employees in the new premises may be unwilling to use any new station there, as they would need to be sure that they could leave work in time to access the station. The future of the Cowley line is unclear, but its prospects have just become brighter with its inclusion in a report commissioned by Network Rail and the Oxfordshire Growth Board. Pedestrian and cycle access to any new station and the wider rail network would be of immense benefit to residents of this part of Littlemore. Without full access, the station will serve mainly the Science Park. We do not believe that this is the intention of the rail company and other stakeholders. Evening and weekend access to the Kassam Stadium, the Vue cinema and leisure facilities will also be blocked.

Littlemore roundabout on the Eastern Bypass is admitted to be above capacity. Every new development adds incrementally to pressure there, but County Highways never consider the increase high enough to warrant objection. There are two large developments in progress in Littlemore at the moment, and several smaller ones in the pipeline. The impact on the roundabout and its approaches already causes danger, noise and pollution.

We urge that these issues are resolved before this application is approved.”

Public representations

9.7.3 public representations have been made. 1 letter of support, 1 letter of objection and 1 letter from Oxford Civic Society making comments.

9.8. Oxford Civic Society advise

“The design of the buildings appears unobjectionable, though not particularly exciting. We have concerns regarding traffic generation and the transport analysis. The draft Travel Plan discusses feasible walking and cycling distances, but not actual routes, and some of the illustrations show cars parked on pavements, on possible walking routes. There is no discussion of routes across the railway line, or public or permissive routes for either walking or cycling to

connect with Cowley or more central parts of Oxford; references to NCN Route 5 are a distraction – it does not run close. Motor traffic, at least, will have to travel via Armstrong Road, through Littlemore or Sandford (depending on destination) to go anywhere; the transport report concludes that the development will have a negligible effect on the functioning of the highway network but the report makes no mention of the social or amenity effects on the villages through which the new traffic will pass, and it does not mention the already-severe congestion on, say, the Oxford Eastern By-pass. Consent should not be granted without clarification of details of active travel mode arrangements, and more details of mitigation measures for the adverse effects of traffic on local communities.

9.9. A letter of support was received from a commercial Science and Technology Business, OS1. Their comments are as follows:

“I am writing to support Charterhouse Property Group’s application to develop Littlemore House.

OSI is a leading science and technology business. Founded in 2015, we have raised over £600m of evergreen capital, building on Oxford’s renowned research legacy, to create a leading science and technology ecosystem and home for entrepreneurs. Our focus is to ensure Oxford University’s world-leading science moves out of the laboratory and onto the global stage. Backed by GV, Sequoia, Temasek, Tencent and Wellcome Trust among over 60 global investors, OSI has enabled Oxford scientists to create companies taking on challenges like diagnosis and treatments of disease and cancer, hyper resolution microscopy, renewable energy, drones, nuclear fusion and quantum computing. We have four focus areas of investment: AI & Software, Deep Tech, Life Sciences and Healthtech.

The majority of our investments are early-stage and are designed to become global world changing companies when they mature. Proceeds are reinvested back into the Oxford ecosystem, to create even more companies capable of tackling more of the world’s biggest problems.

Oxford is now generating more spinouts than any other university and the pipeline continues to grow at an exponential rate. The expectation is to build a self-sustaining ecosystem that will take the science from Oxford, which is the world’s leading research university, and create a hub to rival Boston MIT/Harvard life Sciences or Stanford/Silicon Valley. Since its inception five years ago, OSI has invested around £269m in 81 companies. Over the next 5 years it is anticipated that OSI will invest around £1bn with a further £2bn being invested by other investors. Indicative models suggest a headcount within portfolio companies of 4,500-5,000 employees with over 1,000 new employees a year as the portfolio matures. We also envisage significant impact on local housing, schools and, importantly, transport infrastructure.

Companies will inevitably grow beyond the confines of Oxford to larger campuses such as Harwell, Begbroke and Milton Park. In the meantime, the city centre and the ring road remain the focus for early stage companies because of their proximity to university departments and the transport network.

Oxford's demand for the best quality of commercial floorspace to cater for the needs of private and public sector organisations is well documented. These proposals will create a new high-quality development that can support new start-ups and growing SME companies with a new flexible space that can be utilised by a variety of businesses.

We believe this site, benefitting from its proximity to an established R&D campus at the Oxford Science Park, will be sustainable in the long-term, providing the continuation of Oxford's world-class innovation credentials and meeting the demand for delivering innovation-led economic growth."

9.10. 1 letter of objection has been received from a resident in Littlemore. Their reasons for objection are as follows:

1) The development has insufficient parking spaces for its needs, and that the development would not be feasible if they had to provide sufficient parking. They say that they are providing office space for nearly 300 people: they say that the development needs 200 parking spaces: they are providing 100. The developers hope to encourage bus use by asking for the existing route to be diverted into the site, but the existing service is ½ hourly at most, and this would be inadequate. They hope that a railway station will be opened nearby, but there is no date for this, and no promise that it will serve the needs of employees at this development.

2) The development will generate on-street parking in Armstrong Road and beyond: before the pandemic this area was already full of traffic overflowing from the Littlemore Hospital site. The developers argue that this could be prevented by putting double yellow lines in Armstrong Road, but this would simply push the problem into other parts of Littlemore, and into Sandford. The developers say that the City Council has plans to make most of the city into a Controlled Parking Zone, but Littlemore is its lowest priority, and their website today (Dec 9 2020) says that there are neither dates, nor funding set aside for the project.

3) The development will bring even more traffic to roads that are already beleaguered by traffic. Traffic will approach the development from Grenoble Road and the A4074 via Sandford Road, and from the Ring Road via Oxford Road. Bot Sandford Road and Oxford Road are narrowed to a single lane by chicanes that were placed more than 15 years ago to calm the existing traffic. Oxford Road suffers alternate speeding when traffic levels are low, and congestion in the rush hour. It already frustrates drivers because no phase of the ring road traffic lights allows traffic out of the road. Sometimes traffic backs up as far as the Littlemore Hospital.

4) The area is already overdeveloped: since it was taken over by Oxford City Council it has seen the addition of massive amounts of office space (the Science Park), recreation facilities (the Kassam complex) and new housing each has brought traffic.

5) The area is facing new pressures whose impact is yet to be felt. • 270 homes are currently being built in Armstrong Road • 140 homes are being built off the A4074: it is cut off from the rest of Littlemore: council tenants who apply to live a

there are being told that they will need a car: if residents attend local schools, or use local services, this estate will generate traffic in Sandford and Oxford Roads

- there is a plan to close 2 of the 5 main roads out of Littlemore (Littlemore Road and Bartholomew Road): this will force residents to use the three remaining roads (Oxford, Sandford and Newman Roads) more frequently than before
- Oxford City Council is negotiating to buy the Dominion Oil site in Railway Lane: this is likely to result in an application for a substantial number of new homes which will have to use Sandford and Oxford Roads to get anywhere.
- 3000 new homes are to be built on Grenoble Road: traffic may well use Sandford and Oxford Roads to by-pass Heyford Hill roundabout.

9.11. The salient points raised above are addressed in the officer report below.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Residential amenity
- Trees
- Highways and parking
- Energy and sustainability
- Biodiversity
- Flooding and drainage
- Archaeology
- Air quality
- Land quality
- Health Impact Assessment

Principle of development

10.2. The NPPF supports building a strong competitive economy and in para 80 states “Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

10.3. Policy E1 of the Local Plan relates to Oxford’s economic prospects and states planning permission will be granted for the intensification, modernisation and regeneration for employment purposes of any employment site if it can be demonstrated that the development makes the best and most efficient use of land and does not cause unacceptable environmental impacts and effects.

- 10.4. Policy S1 of the Oxford Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF).
- 10.5. Littlemore House, to the west of the application site, was converted following the closure of Littlemore Hospital to employment uses in the late 1980s. On conversion the site has been used for research and development by Yamanouchi Research Institute initially and then occupied more recently by the SAE Institute, for media and offices. In 2006, this current application site was the subject of a planning application for the erection of 2 two storey buildings for B1(b) research and development use (3716sqm), which was approved in 2006 (06/01648/FUL). A further permission was granted for this proposal as an extension of time in 2010 (09/02314/EXT). However that permission was not implemented, and the approval is no longer extant. The planning history of the site clearly indicates that the site is an existing employment site and that permission has been previously given for B1 use on this site.
- 10.6. The Oxford Local Plan recognises at para 128 that Oxford has “one of the highest concentrations of knowledge intensive businesses in the UK. It has the fastest growing and one of the best educated workforces in the country and is the main centre of research and spin outs in the county. The Local Plan supports the growth of these sectors and puts in place measures to manage the effects of success”. The Oxfordshire Strategic Economic Plan (2017) sets out the long term vision and ambitions for economic growth in the County, which is that overall by 2030 “Oxfordshire will be recognised as a vibrant, sustainable, inclusive world leading economy driven by innovation, enterprise and research intelligence”. The Oxfordshire Local Industrial Strategy (2019) looks to position Oxfordshire as one of the top 3 global innovation ecosystems highlighting the County’s world leading science and technology cluster.
- 10.7. In support of this current application, the agent advises that there continues to be a strong demand for new office and dry laboratory space for growing high tech knowledge and bioscience companies in this part of the City. An Occupational Market Demand Assessment accompanying the application shows that Technology and Science dominate the occupational markets in Oxford, accounting for 60% of all take up with these sectors requiring hybrid dry and wet laboratory space, as opposed to traditional research office accommodation. However, it is outlined that the demand in the sector cannot be met on existing sites in Oxford and that there is insufficient supply of new purpose built office/lab space, particularly for intermediate companies, who have outgrown current incubator spaces in the city, such as at the Magdalen Centre (Oxford Science Park), Bio-Escalator (Headington) and Wood Centre for Innovation (Headington). Thus the objective of the proposed development is aimed at providing “grow on” space for life science/technology companies that have outgrown incubator spaces, and is provided as hybrid accommodation which is that the space can be occupied flexibly. The agent states that this proposal would address a current gap in the market for expanding life science and technology companies which play a vital role in the Oxford regional and national economy. The applicant considers this site’s proximity to Oxford Science Park is considered attractive to start up/incubator businesses and SMEs who are currently based at Oxford

Science Park who are seeking “grow on” space as well as more established businesses affiliated with companies based at the Science Park.

10.8. The site is not allocated for development under the current Local Plan but it is prudent to note that the site was allocated in the former 2001-2016 Local Plan for research and development. The site allocation was not rolled forward to either the Sites and Housing Plan or the current Local Plan as the site was not promoted for allocation by the landowner. The planning history of the site for employment space is noted, as well as the surrounding employment context of the site. The planned growth in this knowledge economy and its role in the Oxford economy is also of merit. It is therefore considered that the proposal would support the Oxford economy and its planned growth in this sector, and thus the principle of the development can be supported under policy E1 as outlined above, subject to compliance with other development management policies in the adopted Local Plan which will be assessed in more detail below.

Impact on the character and appearance of the area

10.9. The NPPF makes clear that good design is fundamental to what the planning process should achieve and is a key aspect of sustainable development. Policy DH1 of the Oxford Local Plan states planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness.

10.10. The site has been the subject of extensive pre application discussion and the key design elements to come forward has been the need for a landscape led approach to the site. The applicant has responded with a proposal that builds upon the site’s existing key landscape characteristics, with the tree lined entrance and perimeter planting to bring forward a development proposal that builds upon the site’s features, as well as respond to the built context and massing of proposed and existing buildings, and subservient to the traditional building and form of Littlemore House. It is vital that any scheme responds positively as viewed along Armstrong Road and as viewed in connection with the approved residential scheme at Littlemore Park.

10.11. Layout: The proposed buildings are sited in two separate parcels either side of the entrance into the site from Armstrong Road. Behind the two buildings is proposed car parking, which sits adjacent to the existing car parking to Littlemore House. The layout strategy has been to amalgamate the car parking within a landscaped setting, framed by the office buildings to the perimeter, creating courtyards between the contemporary form of the new buildings with the traditional form of the old hospital layout.

10.12. The layout is considered to maximise the use of the site and to respond to the public realm of Armstrong Road, providing a clear layout for users of the site. The scheme is considered to connect positively for pedestrians, cyclists and vehicle users with a series of footpaths, and links from Armstrong Road to the site as well as from the main primary entrance at the end of Armstrong Road. The adjacent residential site has further planned links to the Oxford Science Park through that scheme, and therefore will link the occupiers of this site with the Science Park, which is considered a benefit.

- 10.13. Adjacent the north eastern elevation of Plot B is proposed a dual car park/outdoor area which can be utilised for car parking as well as social recreation, such as basketball or team sports when there are no cars parked there.
- 10.14. It is considered that the movement and connections around the site are positive, providing an attractive and useable environment for users of the site. Consideration has also been given to the gradient of the site and the proposed entrances and ramps allow the buildings to be fully accessible to wheelchair users of the site which is welcome.
- 10.15. The Crime Prevention Design Advisor has objected to the dual use of the car park for social recreation, for reasons that there are concerns as to whether this may be problematic for crime and criminal damage as well as antisocial behaviour. However, it is considered this area can be adequately managed by the site and the applicant has indicated they are willing to install CCTV which would play an important role to managing this should any issues arise. Overall the dual use car park is not considered objectionable.
- 10.16. Built form and massing: The site is closely connected with Littlemore House and the residential scheme at Littlemore Park, so will sit in a densely built setting. A key objective however, has been to ensure that the proposed buildings respond positively to this setting and be subservient to the traditional built form of Littlemore House. To this end, the scheme is proposed at a height of 2 storeys to match the eaves height of Littlemore House, to maintain that subservience and to maintain a view from the approach from Armstrong Road to the east of the original buildings.
- 10.17. In terms of building widths, Plot A has a width of 18m and Plot B measures 13m. This is comparable to Littlemore House at 15m and buildings on the Science Park at circa 18m.
- 10.18. Overall, the massing, scale and height of the proposed buildings is appropriate and sits comfortably with the existing building, and as part of the landscape.
- 10.19. Appearance: The laboratory and office façade draws from the appearance of Littlemore House with the strong repetition of fenestration forming a precedent, but also building upon the surrounding natural treed setting. The proposed building's appearance thus is a contemporary façade employing vertical louvres which reference the verticality of trees and the strong repetition of fenestration is also adopted. The building incorporates buff brick to reflect the use of buff brick on the former hospital buildings as well as used on the opposite Littlemore Park development. The parapet lines of the roof have also been articulated to break up the longer elevations of Plot A and provide adequate visual interest.
- 10.20. The proposed office buildings, through materiality and fenestration, give a symmetry that demonstrates a considered response to the site context. The size and rhythm of the fenestration works well, and provides an appropriate balance of solid to mass within the façade. The simple brick detailing and the irregular

vertical lines of the darker cladding give the façade a depth and texture and allow it to sit well with the soft landscaping of the site.

- 10.21. Landscape: The landscape strategy has been devised to create an inviting park landscape that integrates the proposed scheme with the natural features of the existing boundary and the tree lined avenue, in order that the relationship between Littlemore House and the site is maintained. The hard surface strategy incorporates street planting to soften the car parking, as well as including terraced seating areas, pavements, a wetland walk, as well as flexible outdoor spaces.
- 10.22. Overall, it is considered that the landscaping strategy plays a positive role in minimising the impact of the site on the wider context of Armstrong Road. At the boundary the landscape proposal responds well to Armstrong Road and is considered to provide for an inviting entrance to the site that will enhance its setting. Internally within the site, it is considered the landscape proposed is equally well designed and integrates suitably with the existing landscape to Littlemore House, which therefore complements the site and surrounding context.
- 10.23. Overall, the architectural design and landscaping strategy show a well considered response to the site and its context. The buildings sit on previously undeveloped land forming part of the ground of the Littlemore House site, however the design comfortably negotiates the relationship with the existing building and is subservient to it and takes the opportunity to propose a very positive landscaping strategy that is considered to benefit the immediate and wider site.
- 10.24. A Heritage Statement has been submitted with the scheme and considers the impact of the proposal on the setting of Littlemore House as a non-designated heritage asset. Littlemore House is not listed, but Littlemore Hospital is a Grade II listed building and Littlemore Conservation Area is located 190m distant.
- 10.25. The NPPF states in para 197 “The effect of an application on the significance of a non designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.”
- 10.26. The Heritage Statement concludes that the proposed landscape and architectural response reaffirms the symmetrical nature of the site whilst remaining subservient to the surrounding buildings. Officers consider that the proposed development would respect the setting of the listed buildings at Littlemore Hospital, and of Littlemore House as a non-designated heritage asset, by virtue of its height and plan form. The proposed development would take reference from the layout of Littlemore Hospital, which has long main blocks with long wings and an elongated appearance. There are opportunities too for more landscape planting which can be controlled via a condition. Overall, it is considered that the any impact is minimal on the significance of Littlemore House and that the benefits of the application in terms of the provision of employment space for this use, outweigh any harm to the significance of

Littlemore House. Further there is considered no adverse impact on the setting of Littlemore Hospital as Grade II listed or on the setting of Littlemore Conservation Area.

10.27. It is considered the proposal provides a high quality development that meets the objectives of the NPPF and policies DH1 and DH3 of the Local Plan.

Residential Amenity

10.28. Policy RE7 of the Local Plan seeks to manage the impact of the development taking into account a number of factors, including noise and vibration amongst others.

10.29. The site will bound the proposed residential site to the east and to the south separate from the site by approximately 20m from Plot B to the dwellings to the east and approximately 30m from Plot A to the apartment building to the east. These distances are considered acceptable in terms of separation from offices to the residents. In addition, a noise assessment has been submitted with the application and considers a range of solid acoustic design of glazing and ventilation that would comply with this policy, thereby ensuring that the scheme is acceptable in environmental health terms.

10.30. It is considered that the impact of the development is mitigated on the occupiers of the adjacent residential development and accords with policy RE7 of the Local Plan.

Trees

10.31. Policy G7 of the Local Plan states planning permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. It goes on to state that planning permission will not be granted for development resulting in the loss of other trees except where it can be demonstrated that retention of the trees is not feasible; and where tree retention is not possible, any loss of tree canopy cover should be mitigated by the planting of new trees and alternative measures for mitigation if planting trees is not feasible, such as green roofs.

10.32. Policy G8 states development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate. This applies to protected and unprotected Green Infrastructure features, such as hedgerows, trees and small public green spaces.

10.33. The site is characterised by Green Infrastructure such as perimeter planting, tree lined avenue and an existing Horse Chestnut, the subject of a TPO. The proposals require some existing trees to be removed as identified in the submitted Arboricultural Impact Assessment (AIA). However, these are low quality and value trees (BS5837:2020 C category). New tree planting is proposed as part of the soft landscaping that should mitigate the impacts on visual amenity

in the area depending on details; a Landscape Plan is submitted which shows planting in outline but a detailed planting plan and schedule should be required for approval by a planning condition if planning permission is granted.

- 10.34. There is some encroachment of construction works within the RPAs of retained trees. However, the proposals include special design measures that should ensure that the viability of these trees is not harmed i.e. no-dig hard surfaces. Full construction design details will need to be submitted as a condition of any approval.
- 10.35. Retained trees will need to be robustly protected during the construction phase if planning permission is granted. The AIA includes a draft Tree Protection Plan and Heads of terms for an Arboricultural Method Statement which appear to be appropriate. Detailed finalised documents should be required for approval by planning condition if planning permission is granted, as should details of any necessary new underground utility services and drainage.
- 10.36. Following advice from Officers, a Tree Canopy Assessment was submitted, and this is accepted and provides sufficient mitigation that over time, new tree planting will mitigate the loss of the trees lost by the development. The Tree Canopy Assessment demonstrates that there will be a net loss in tree canopy cover after 25 years following the necessary tree removals and replanting. However, this is relatively small (approx 106m² or 4% of existing total) and the trees will continue to grow beyond 25 years to ensure no net loss over time.
- 10.37. It is considered the scheme complies with policies G7 and G8 of the Local Plan subject to suitable conditions to secure a detailed planting plan and details of construction works.

Highways

- 10.38. Policy M1 of the Local Plan states 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. Policy M2 requires 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, which relates to the submission of a Transport Assessment and a Travel Plan to support the proposal. Policies M3 and M5 requires that the need for car parking is evidenced by the Transport Statement and that bicycle parking, complies with the standards in Appendix 7.4. Electric vehicle charging must be provided at 25% of the spaces provided.
- 10.39. Armstrong Road lies on the edge of Littlemore, on a road that serves existing residential uses and the SAE Institute, as well as being currently developed for a further 270 dwellings south of the road. The highway implications of the proposal for further development on this road has formed the basis of the Transport Assessment, taking into account the impact of this proposal cumulatively with the neighbouring residential scheme and other commitments on the network, including the SAE Institute.

- 10.40. Traffic Impact: The Local Highways Authority has considered the method for calculating the trip rate and traffic distribution, and advise that the trip generation forecasted will have a minimal increase in transport movements. The Highways Authority confirm that the traffic trips generated fell below the threshold that justified modelling, and consider that the trip generation from this development in conjunction with the other identified commitments are such that the proposed development would have a minimal impact upon the operation of local junctions and could not be considered severe in NPPF terms.
- 10.41. The Transport Assessment has included an analysis of the recent accident history in the vicinity of the site and demonstrates that no underlying highway deficiencies have been identified which could be exacerbated by the development. It is unlikely that the proposed development would lead to any significant detrimental road safety impacts.
- 10.42. Given the site's location in relation to bus routes and key transport routes, and the scale of the development, the Highway Authority requests that a Construction Traffic Management Plan is secured through a planning condition and implemented during the construction phase in order to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.
- 10.43. Accessibility: The site is located within a convenient walking distance to much of the Littlemore area and is within a convenient cycle distance to the residential areas of Littlemore, Sandford and some areas along the southern edge of the city. However for walking, the Highways Authority advise that the site is slightly beyond what is usually considered an appropriate and convenient walking distance from the closest bus stops. While this is a slightly longer than ideal walking distance, staff and visitors to the site would be more likely to make use of public transport if the level of service available at those closest bus stops was suitably frequent and served their needs.
- 10.44. The closest stops are currently serviced by the 3A route between the city centre and Oxford Science Park on a half-hourly basis. There is currently no direct public transport connection between the site and Oxford Station. There is a need to enhance the frequency of the 3A bus service in order to offer a more attractive and frequent level of service and reduce the reliance on single occupancy vehicles. The County Council requests a financial contribution of £96,365 from the development. This would be utilised, in conjunction with other funds from development on the corridor, for an improved frequency public transport service and will be secured via a legal agreement. However, the economics of bus service provision have substantially altered in 2020 and funds may be used for the retention, as well as the improvement, of the service. Without the continued service the site is considered unsustainable. The Highways Authority advise that this level of contribution is directly proportionate to that secured from the adjacent residential development scheme, based on peak-hour trips.
- 10.45. In addition to the above, a contribution of £6,412 is required for the provision of a bus shelter at the southbound 'Mental Health Centre' bus stop. This would

increase the attractiveness of public transport use, particularly during inclement weather. This would be controlled via a legal agreement.

- 10.46. Site layout: The Local Highways Authority note that the site layout appears to be appropriate and the access is available at the northern end of the site which would shorten the walking distance to the closest bus stops (when compared to the main vehicle access) and would also be a convenient cycle access.
- 10.47. The swept path analysis submitted demonstrates that the largest vehicles expected to require access to the site could safely enter, turn and exit the site in a forward gear.
- 10.48. Car Parking: The level of car parking proposed (including disabled parking bays and electric vehicle bays) has been considered alongside the parking provision for the SAE Institute, as at pre app, Officer's suggested that parking should be addressed holistically and justified within the Transport Assessment. This has been done and the proposed parking would consist of 101 spaces to serve the proposed development of which 6 spaces are for blue badge holders, 26 are designed to be equipped with electric charging capability and 7 bays for powered 2 wheelers. A further 110 spaces are for the use of the SAE. The Highways Authority advise that this level of parking is justified and meets the requirements of Local Plan policy M3, in that the level of parking has been kept to a minimum necessary to ensure the successful functioning of the development. It is noted that the level of parking proposed across the site is lower than the now superseded parking standards from the previous local plan. This, along with active measures such as the implementation of a robust Travel Plan, the provision of conveniently located cycle parking and shower facilities and improved public transport services to the area, will serve to reduce the level of single occupancy car travel to the site and encourage the use of sustainable transport.
- 10.49. There is however the potential for the development to lead to an increase in overspill parking in adjacent streets, which could cause obstructions and also lead to increased traffic generated from the development. This would be of concern along Sandford Road in particular. The site is located in the area covered by the proposed 'Littlemore South' CPZ. This CPZ is not currently identified as a high priority area and so implementation of a CPZ for this area could be a few years away. The implementation of a CPZ would severely limit the potential for overspill parking from the development but until that time more localised parking restrictions would be needed to ensure that the potential for overspill parking is limited and does not cause obstruction.
- 10.50. Parking restrictions are soon to be implemented along stretches of Armstrong Road and these restrictions have been funded by the adjacent residential development. It is highly likely that with the proposed development, further parking restrictions in the locality will be required, particularly on certain stretches of Sandford Road. The County Council as Highway Authority therefore requests a financial contribution of £15,000 from the development in order to monitor and implement localised parking controls in the vicinity of the site as required for direct mitigation of the development. This will be controlled via a legal agreement.

- 10.51. Cycle Parking: Three separate secure cycle shelters are proposed across the site, with 1 at Plot A and 1 at Plot B. A further separate secure cycle shelter is proposed at the SAE to serve the occupiers of that building. Further external cycle stands are proposed outside the new buildings for visitors. Overall the level of cycle provision is 82 for the proposed development and 58 for the SAE, making a total provision of 140.
- 10.52. The level of cycle parking proposed across the site (including improved and additional spaces for the existing SAE site) is above the minimum level required under policy. The cycle stores are conveniently located and shower and changing facilities are to be provided for future staff. The levels of cycle parking provision are considered to be suitable.
- 10.53. Electric Vehicle Charging: Policy M4 requires for non-residential developments that a minimum of 25% of spaces are provided with electric charging points. In this case 26 spaces are proposed which accords with the policy.
- 10.54. Travel Plan: The County has confirmed that the site has sufficient active and sustainable travel options. However, concern has been raised in respect of the potential for overspill parking along Armstrong Road. This can be controlled by the on street parking measures as outlined above, but it is necessary to consider mitigation measures within the Travel Plan will need to be innovative and engaging to address this and ensure that further parking issues do not develop as a result of increased staff numbers.
- 10.55. A Draft Travel Plan has been submitted with the application, however, the Local Highways Authority has advised that it does not contain the level of information required by County. A full Travel plan will therefore be required as a condition on any consent, including a travel plan monitoring fee. This will be secured and monitored via a legal agreement.
- 10.56. Subject to the above legal agreements in place to mitigate against the adverse impacts identified, it is considered that the development proposal complies with policies M1, M2, M3, M4 and M3 in the Local Plan.

Energy and Sustainability

- 10.57. Policy RE1 of the Local Plan requires for schemes of 1000m² or more, that planning permission will only be granted for non-residential development proposals that meet BREEAM excellent standard (or recognised equivalent assessment methodology) in addition to the following reductions in carbon emissions which are also required, and where they achieve at least a 40% reduction in the carbon emissions compared with a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction is to be secured through on-site renewables and other low carbon technologies and/or energy efficiency measures. The requirement will increase from 31 March 2026 to at least a 50% reduction in carbon emissions.
- 10.58. An Energy Statement has been submitted with the scheme that demonstrates compliance with the 40% carbon reduction target in RE1 utilising measures

including all heating and cooling provided by air source heat pumps, with hot water be provided via communal stores heated by air source heat pumps. Furthermore PV panels are proposed on both buildings on the roof.

10.59. However, the BREEAM Pre-assessment has targeted Very Good instead of Excellent, albeit there is scope to meet this and beyond that to Outstanding. The agent therefore has amended this assessment to show that Excellent can be achieved, and comments from Officers on compliance with this are awaited.

Biodiversity

10.60. Policy G2 states development that results in a net loss of sites and species of ecological value will not be permitted. Further compensation and mitigation measures must offset the loss and achieve an overall net gain for biodiversity. For all major developments proposed on greenfield sites or brownfield sites that have become vegetated, this should be measured through use of a recognised biodiversity calculator. To demonstrate an overall net gain for biodiversity, the biodiversity calculator should demonstrate an improvement of 5% or more from the existing situation. Offsetting measures are likely to include identification of appropriate offsite locations/projects for improvement, which should be within the relevant Conservation Target Area if appropriate, or within the locality of the site.

10.61. In this instance, the accompanying report submitted with the application demonstrates it is not possible to achieve a 5% net gain given the size of the site and the area required to accommodate this. The matter of offsetting as a means of compensation has been discussed at length as well as exploring whether other sites offer the opportunity for offsetting.

10.62. To that end a number of off-site projects have been identified that will offset the loss of biodiversity on this site. The identified projects would provide a net gain of 9.81% for habitats excluding hedges and 26.89% including hedges. These identified projects would need to be subject to a S106 agreement to secure a minimum 25 year management, maintenance and replacement in case of failure.

10.63. Subject to securing this through a S106 agreement, it is considered that the proposal would accord with policy G2 of the Local Plan.

Flooding and Drainage

10.64. RE3 of the Local Plan relates to Flood Risk Management. Policy RE4 relates to the need for all development to manage surface water through SUDS.

10.65. Following an initial objection from the Lead Local Flood Authority (LLFA), revised details have been submitted and subject to imposing additional conditions on a detailed drainage strategy, the LLFA have no objection to the proposal.

10.66. Subject to the satisfactory receipt of further design details on the application, there is no objection in respect of flood risk or drainage and the application complies with policies RE3 and RE4 of the Local Plan.

Archaeology

- 10.67. Policy DH4 relates to archaeological remains and states development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable future for it.
- 10.68. This site is of interest because it occupies high ground adjacent to Littlemore Brook which has been shown by previous investigations to have been an attractive location for settlement activity in the Iron Age, Roman, and early medieval period. Previous investigations have revealed multiperiod activity to the east of the brook at Oxford Science Park and immediately south west of the application site at Armstrong Road.
- 10.69. Extensive evaluation trenching has been undertaken near to and within the site although not targeted on the current building footprints. Within the application site trenching in 2008 by John Moore Heritage Services recorded one ditch dating to the Roman period and one undated posthole along with a further undated ditch on a similar alignment to the first ditch. Thirty sherds of Roman pottery were recovered, consistent with nearby domestic activity. Officers also note the potential for Roman pottery manufacturing activity in the general vicinity.
- 10.70. It is therefore recommended that in this case, bearing in mind the results of previous nearby evaluations, officers consider that, in line with the advice in the National Planning Policy Framework, any consent granted for this application should be subject to a condition to secure archaeological recording.
- 10.71. Subject to this the proposal is considered to comply with policy DH4 of the Local Plan.

Air Quality

- 10.72. Policy RE6 states planning permission will only be granted where the impact of new development on air quality is mitigated and where exposure to poor air quality is minimised or reduced.
- 10.73. To support the application, an Air Quality Assessment has been submitted and officers conclude that there will be no negative air quality impacts over current and future receptors as a result of the new development's operational and construction phases, subject to the imposition of a range of conditions. On this basis the proposal is considered to comply with policy RE6 of the Local Plan.

Land Quality

- 10.74. Policy RE9 states that planning applications where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment, must be accompanied by appropriate land quality reports.
- 10.75. The application has been submitted with a ground investigation report completed at the site, as documented within the WDE Consulting report, which is

largely considered sufficient to characterise the prevalent ground conditions and potential contamination risks at the site. It is accepted that soil and groundwater contamination risks are low for a commercial end-use and no specific remedial actions are required with regards to soil and groundwater. However the assessment of potential ground gas risk is considered insufficient since it is based on only one monitoring visit. This is not in accordance with recognised best practice such as that within CIRIA C665 (Assessing Risks Posed by Hazardous Ground Gases to Buildings) where repeat monitoring is recommended during falling atmospheric pressure. This will need to be rectified with further monitoring to ensure that ground gas risk at the site is robustly assessed. In this regard, unless this information is provided in advance of any planning decision, Officers recommend that a phased site investigation condition is added to any permission to ensure that further ground gas monitoring and contamination risk assessment is completed. In case any unexpected contamination is encountered during development, it is also recommended that a watching brief condition is added to any permission in case any unexpected contamination is encountered during development.

10.76. Subject to these conditions the application is considered to comply with policy RE9 of the Local Plan.

Health Impact Assessment

10.77. Policy RE5 of the Oxford Local Plan states that the Council will seek to promote strong, vibrant and healthy communities and reduce health inequalities. For major development proposals, the Council will require a Health Impact Assessment (HIA) to be submitted which should include details of implementation and monitoring.

10.78. To that end, a HIA has been submitted and has been reviewed by officers. The advice is that the submitted HIA provides detail and evidence to underpin the recommendations made and there is a clear thread throughout the process to show how early consideration of the health criteria has influenced later design additions.

10.79. The proposal is considered to comply with the objectives of policy RE5 of the Local Plan.

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 clear that proposals should be assessed in accordance with the development plan unless material considerations 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 accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-

date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and the conditions set out in section 12 below.

12. 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. Subject to conditions 4, 10 and 12 the development hereby permitted 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 and to accord with policy DH1 of the Oxford Local Plan 2036

3. Samples of the exterior materials to be used in the construction of the buildings and including samples of the hard landscape details, shall be submitted to, and approved in writing by, the Local Planning Authority before the start of above ground works 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 Adopted Oxford Local Plan 2036.

4. Notwithstanding the submitted landscape details, a detailed hard and soft landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority before development starts above ground. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

5. **Reason: In the interests of visual amenity in accordance with policies G7 and G8 of the Adopted Local Plan 2036.** The landscaping proposals as approved by the Local Planning Authority shall be carried out upon substantial completion of the development and be completed not later than the first planting season after substantial completion.

Reason: In the interests of visual amenity in accordance with policies G7 and G8 of the adopted Local Plan 2036.

6. 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 and to comply with policies G7 and G8 of the adopted Local Plan 2036

7. Detailed measures for the protection of trees to be retained during the development shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) before any works on site begin. Such measures shall include scale plans indicating the positions of barrier fencing and/or ground protection materials to protect Root Protection Areas (RPAs) of retained trees and/or create Construction Exclusion Zones (CEZ) around retained trees. Unless otherwise agreed in writing by the LPA the approved measures shall be in accordance with relevant sections of BS 5837:2012 Trees in Relation to Design, Demolition and Construction-Recommendations. The approved measures shall be in place before the start of any work on site and shall be retained for the duration of construction unless otherwise agreed in writing by the LPA. Prior to the commencement of any works on site the LPA shall be informed in writing when the approved measures are in place in order to allow Officers to make an inspection. No works or other activities including storage of materials shall take place within CEZs unless otherwise agreed in writing by the LPA.

Reason: To protect retained trees during construction and to accord with policies G7 and G8 of the Local Plan 2036

8. A detailed statement setting out the methods of working within the Root Protection Areas of retained trees (AMA) 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 and to accord with policies G7 and G8 of the Adopted Local Plan 2036

9. Prior to commencement of the approved development a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing

by, the Local Planning Authority. The CTMP should follow Oxfordshire County Council's template where possible. The CTMP must include:

- The routing of construction vehicles and management of their movement into and out of the site by a qualified banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud etc. from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related workers,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak hours,
- Details of engagement with local residents,
- A dilapidation survey which shows the state of the surrounding public highway prior to implementation and post-construction,

The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest 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 policy M2 of the Local Plan 2036.

- 10.** Notwithstanding the submitted plans, prior to the occupation of the development, details of the proposed cycle shelter and cycle stands shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details and retained permanently so thereafter.

Reason: To ensure adequate cycle parking is provided for cyclists and to promote alternative sustainable modes of transport in accordance with policies M1 and M5 of the Local Plan.

- 11.** Prior to first occupation of the development hereby permitted, a Full Travel Plan shall be submitted to and approved by the Local Planning Authority. The approved Full Travel Plan shall then be implemented and updated within 3 months of occupation.

Reason: In the interest of promoting sustainable modes of transport and to accord with policy M2 of the Oxford Local Plan 2036.

- 12.** Notwithstanding the submitted details, a revised Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The revised CEMP shall include a complete list of site specific dust mitigation measures that are identified on Table 7.1 (pages 32-

34) of the Air Quality Assessment. The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure that the overall dust impacts during the construction phase of the proposed development will remain as “not significant”, in accordance with the results of the dust assessment and to comply with policy RE6 of the adopted Oxford Local Plan 2036

- 13.** The car parking spaces as identified for Electric Vehicle Charging shall be laid out prior to the occupation of the development and permanently so retained for this use. Prior to the occupation of development, details of the Electric Vehicle Charging infrastructure to be installed on site shall be submitted to and approved in writing by the Local Planning Authority. The approved electric vehicle infrastructure shall be formed, and laid out before the development is first occupied and shall remain permanently in place thereafter for the purpose of electric vehicle charging.

Reason – To contribute to improving local air quality in accordance with policies RE6 and M4 of the Local Plan 2036.

- 14.** Prior to the commencement of the development a phased risk assessment shall be carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Land Contamination Risk Management procedures (LCRM). Each phase shall be submitted in writing and approved by the local planning authority.

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model and preliminary risk assessment.

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals.

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved in writing by the local planning authority to ensure the site will be suitable for its proposed use.

Reason- To ensure that any ground 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.

- 15.** The development shall not be occupied until any approved remedial works have been carried out and a full validation report has been submitted to and approved in writing by the local planning authority.

Reason- To ensure that any ground 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..

16. A watching brief shall be undertaken throughout the course 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 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.

17. No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: In order to safeguard the historic environment of the people of Oxford and their visitors, including prehistoric, Roman and early Saxon remains and to accord with Local Plan Submission Draft Policy DH4.

18. The development shall be carried out in accordance with the submitted Energy Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides a minimum 40% carbon reduction measured from a 2013 base level Building Regulations and to comply with policy RE1 of the Local Plan.

19. CCTV shall be installed across the site and prior to occupation of the development, details of the points of installation and coverage areas, shall be first

submitted to and approved in writing by the Local Plan Authority. The CCTV shall be installed in accordance with the approved details.

Reason: To ensure that the development provides a safe and secure environment for users of the site and to comply with policy RE7 of the Oxford Local Plan

20. Prior to the occupation of the development, a lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the visual amenity of the site and to protect the impact on neighbouring residential amenity in accordance with policy DH1 and RE7 of the Oxford Local Plan.

21. Notwithstanding the submitted drainage details, a further sustainable surface water drainage strategy shall be submitted to and approved in writing prior to the commencement of development above ground level. The following information shall be provided:

- a) The SuDs hierarchy for discharging surface water drainage should be followed and demonstrated with design plans, details and calculations;
- b) Design calculations for the proposed SuDs Design calculations for the proposed SuDS features, for all relevant return periods (1 in 1 year, 1 in 30 year and 1 in 100 year + 40% climate change) demonstrating the critical duration used for design;
- c) The undertaking of permeability tests to BRE 365 to determine the soakage potential for SuDS of the proposed development;
- d) Details that the proposed infiltration SuDS feature is not located in contaminated land and that a 1m freeboard is provided between the groundwater level and the base of the infiltration SuDS feature;
- e) Where discharge to an outfall applies, rates should be restricted to Greenfield run-off;
- f) Details of the future maintenance and management of all SuDS features;
- g) Information on overland flood flow paths and their maintenance should be demonstrated. An exceedance flow route plan should be provided for the entire site with levels to indicate that all surface water falls away from buildings and that exceedance flows are contained within the site boundary.
- h) Measures to mitigate the risk of surface water run-off polluting waters

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposal and to comply with the objectives of RE4 of the Local Plan

22. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan, (including contact details of any management company).

SuDS Features and Drainage Maintenance Plan (Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, to be prepared and submitted as stand-alone document)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to comply with policy RE4 of the Oxford Local Plan.

23. Prior to occupation, a record of the approved SuDS and site wide drainage details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans in both .pdf and .shp file format;
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site.
- Management company information must be provided clearly identifying the name of the company and contact details.

Reason: To accord with section 21 of the Flood and Water Management Act 2010 and to comply with policy RE4 of the Oxford Local Plan.

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.

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EAST AREA PLANNING COMMITTEE

7th April 2021

Application number:	20/03072/FUL		
Decision due by	1st February 202		
Extension of time	TBA		
Proposa	Erection of a part single part two storey rear extension. Alteration to 1no. door to front elevation. (Amended Details)		
Site address	16 Lytton Road Oxford OX4 3PB		
Ward	Cowley Ward		
Case officer	Tim Hunter		
Agent:	Patrick Stimpson	Applicant:	Megan Hale
Reason at Committee	The applicant is related to an employee of Oxford City Council.		

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission.

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

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

2. EXECUTIVE SUMMARY

2.1. This report considers a proposal to erect a single and two storey rear extension and alterations to the arrangement of the door to the front porch. Partly because of the position of extension to the rear and the existing extensions to the properties on either side, the proposal is not considered to be unacceptably harmful to visual or residential amenity. For those reasons the proposals are considered to comply with the relevant planning policies set out in the report and the NPPF.

3. LEGAL AGREEMENT

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

5.1. The site is located in the Florence Park Area of Oxford to the south-east of the city centre. The application site is a terraced house with pedestrian access to the rear by way of an under-croft. A pitched roof porch has been erected to enclose the original front door. The area is characterised by a mix of terraced and semi-detached houses, many of which have been extended to the rear, including the adjacent houses at 14 and 18 Lytton Road.

5.2. See site location plan below:



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Ordnance Survey 100019348

6. PROPOSAL

6.1. Permission is now sought for a single storey extension to the rear, with a smaller first floor extension above it.

6.2. The extensions would be 5,8m wide, across the width of the main rear elevation, whilst the single storey element would be 5.7m deep and 1.9m deep at the first floor. At 5m in height, the eaves of the first floor extension would match the

existing house, with the ridge of this part set down 0.5m from the main existing ridge. The eaves of the ground floor element would be 2.8m high, with a ridge height of 4m.

6.3. Permission is also sought to change the access arrangement to the porch, so that a glazed panel sits to the left hand side of the door rather than the right.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

00/01339/NF - Single storey front and rear extensions. (Amended plan).
Approved 26th September 2000.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework (NPPF)	Oxford Local Plan 2036
Design	117, 122, 124, 127, 128, 130,	DH1 – High quality design and placemaking
Transport	102, 108-110	M1 – Prioritising walking, cycling and public transport M3 – Motor vehicle parking M5 – Cycle parking
Environmental	163, 178-180	H14 – Privacy, daylight and sunlight RE3 – Flood risk management RE4 – Sustainable drainage, surface and groundwater flow
Misc	11	S1 – Presumption in favour of sustainable development

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 4th February 2021.

Statutory and non-statutory consultees

Oxfordshire County Council (Highways)

9.2. No comments received.

Natural England

9.3. No comments received.

Public representations

9.4. No third party comments received.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- i. Visual amenity
- ii. Neighbouring Amenity;
- iii. Flooding
- iv. Parking;

i. Design and Impact on Character of Surrounding Area

10.2. In terms of scale, bulk and mass, the proposed development reflects other development in the local area particularly that of the adjacent properties at number 14 and 18 Lytton Road.

10.3. The proposed extensions are similar to the single and two storey extension to the adjoining house at number 18, albeit the current proposal is 1.5m deeper to the ground floor and is provided with a dual pitched roof with valley gutters and a small overhang to the rear, rather than the lean to arrangement at no. 18.

10.4. Number 14 has a slightly rudimentary single storey rear extension which is 1m deeper than that currently proposed.

10.5. This limited variation in the form of additions to the rear is a characteristic of the area. As such, the current proposals would not materially alter or harm the character of the local area, would not result in material visual harm and are acceptable in terms of visual amenity.

10.6. The proposed change in the arrangement to the front door, with the door and side panel switching places would not materially change the impact of the porch and is acceptable in design terms.

10.7. Subject to a condition on the planning permission to control the appearance of materials used in the build, the proposal is not considered to be unacceptably out of character with the existing dwelling or local area and would not result in unacceptable visual harm in compliance with Policy DH1 of the OLP 2036

ii. Impact on Neighbouring Amenity

10.8. Both of the adjacent properties are already extended. Partly because of that, and partly because of the limited depth of the proposed first floor extension, the

45 degree line from all adjacent windows would pass behind the proposed extensions, indicating no unacceptable loss of light to the adjacent dwellings.

10.9. Officers note that the submitted block plan does not correctly assess the 45/25 degree guidance, but Officers have checked this separately and as the proposal complies with the guidance, this is not a material concern.

10.10. The presence of the adjacent extensions also means that the proposed development would not be unduly overbearing, enclosing or oppressive.

10.11. Any overlooking from the proposed first floor windows would not be materially more harmful than that from existing first floor windows. All other windows would be to the rear at ground floor level.

10.12. On the above basis, and subject to a condition to prevent overlooking from additional side windows, the impact on adjacent occupiers would be limited and acceptable. The proposal therefore complies with Policy H14 of the OLP 2036.

iii. Trees

10.13. There are some trees to the rear of the site, but the development would not harm any trees that are important for public amenity in the area and the proposals are acceptable with regard to Policies G7 and G8 of the OLP 2036.

iv. Flooding

10.14. Officers note that the application site does not lie in an area of high flood risk, however any grant of permission should be subject to a condition to ensure that the development is SUDs compliant and does not have a detrimental impact on surface water drainage as required by Policy RE4 of the OLP 2016.

11. CONCLUSION

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes it clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.

11.2. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.

11.3. Therefore in conclusion 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.

- 11.1. Officers would advise members that having considered the application carefully, 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 when considered as a whole, and that there are no material considerations that would outweigh these policies. On the basis of the above, Officers recommend that the East Area Planning Committee grant planning permission for the proposed development for the reasons set out at the beginning of this report and subject to the conditions set out below.

12. 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 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.

- 3 Unless otherwise approved in writing by the Local Planning Authority, the materials to be used shall be as specified in the approved plans and supporting documents.

Reason: To ensure that the new development is in keeping with existing building(s) in accordance with policy DH1 of the Oxford Local Plan 2036.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no additional windows shall be placed in the side elevation(s) of the extensions hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining occupiers in accordance with policy H14 of the Oxford Local Plan 2036.

- 5 All impermeable areas of the proposed development, including roofs, driveways, and patio areas shall be drained using Sustainable Drainage measures (SuDS). This may include the use of porous pavements and infiltration, or attenuation storage to decrease the run off rates and volumes to public surface water sewers and thus reduce flooding. Soakage tests shall be carried out in accordance with BRE Digest 365 or similar approved method to prove the feasibility/effectiveness of soakaways or filter trenches. Where infiltration is not feasible, surface water shall be attenuated on site and

discharged at a controlled discharge rate no greater than prior to development using appropriate SuDS techniques and in consultation with the sewerage undertaker where required. If the use of SuDS are not reasonably practical, the design of the surface water drainage system shall be carried out in accordance with Approved Document H of the Building Regulations. The drainage system shall be designed and maintained to remain functional, safe, and accessible for the lifetime of the development.

Reason: To avoid increasing surface water run-off and volumes to prevent an increase in flood risk in accordance with policy RE4 of the Oxford Local Plan 2036.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13. APPENDICES

- **Appendix 1 – Block plan**

14. HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to grant 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.

Appendix 1 – Block Plan



1:200

Block Plan

Trees

- T1 <2m
- T2 2m
- T3 3m
- T4 3m



— Green dot dash 12m from proposed development

Remote meeting

Minutes of a meeting of the East Area Planning Committee on Wednesday 3 March 2021

www.oxford.gov.uk



Committee members present:

Councillor Taylor (Chair)

Councillor Altaf-Khan

Councillor Chapman

Councillor Simm

Councillor Hollingsworth (for Councillor Lloyd-Shogbesan)

Councillor Tanner (Vice-Chair)

Councillor Aziz

Councillor Clarkson

Councillor Wade (for Councillor Roz Smith)

Officers present for all or part of the meeting:

Adrian Arnold, Head of Planning Services

Sally Fleming, Planning Lawyer

Hayley Jeffery, Development Management Team Leader

Catherine Phythian, Committee and Member Services Officer

Andrew Murdoch, Development Management Service Manager

Mike Kemp, Principal Planning Officer

Sarah Orchard, Principal Planning Officer

Apologies:

Councillors Lloyd-Shogbesan and Roz Smith sent apologies.

Substitutes are shown above.

55. Declarations of interest

20/02983/FUL: Cllr Hollingsworth stated that his partner was an employee of the OUH Trust and, although he had no pecuniary interest in the item, he would for transparency leave the meeting for consideration of the item and take no part in its determination.

General: Councillor Wade stated that as a member of the Oxford Civic Society, she had taken no part in that organisation's discussions or decision making regarding the applications before the Committee and that she was approaching the applications with an open mind, would listen to all the arguments and weigh up all the relevant facts before coming to a decision.

Councillor Hollingsworth left the meeting at this point.

56. 20/02983/FUL: John Radcliffe Hospital, Headley Way, Oxford, OX3 9DU

The Committee considered an application (20/02983/FUL) for planning permission for the demolition of the existing Barnes Unit and link corridor and the relocation of the tissue building; the erection of new Adult Intensive Care Unit (AICU) over 5 floors to connect to the existing Trauma Building across 4 floors; a new replacement link corridor within the AICU building connecting the Trauma Building with the main hospital entrance; ancillary works; and erection of new substation in Car Park 1 at the John Radcliffe Hospital, Oxford (part retrospective).

The Planning Officer presented the report and confirmed that a revised drainage strategy with further justification for discharging to a private sewer had been received since the publication of the report and that consequently the County Council had removed its objection.

The Planning Officer then offered the following clarification in regard to the provision of disabled parking bays in Car Park 1. Although the development would lead to an overall reduction of 15 parking bays these would not be disabled bays. The current provision of 15 disabled parking bays would be reduced to 8 operational bays during the construction phase of the development. However, Condition 16 specified that a minimum of 15 disabled parking bays should be provided within 3 months of completion of the development.

Mark Patt, representing Headington Heritage spoke against the application.

Dr David Garry, representing the OUH Trust, spoke in favour of the application. Charmaine Hope, Clinton Green, Craig Merrifield, Huw Mellor and Katherine Jones representing the applicant were present to answer questions.

The Committee asked questions of the officers and public speakers about the details of the application.

The Committee sought to establish whether the need for extra critical care capacity was a long-term or permanent issue or purely related to the COVID pandemic. They were informed that the shortage of ICU beds across the region had been identified prior to 2020.

Planning Officers noted the comments made by the Committee regarding aspects of the drainage strategy and advised a final detailed drainage strategy would be negotiated prior to issuing of a decision as works had already commenced on site.

Planning Officers assured the Committee that the concerns raised about the need for a holistic approach to planning and traffic management at the JR site, and more generally at the hospital sites in Headington, was fully recognised and was the subject of wider strategic discussions between the OUH Trust and the Local Planning Authority.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

The East Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report, subject to the finalisation of a drainage strategy and construction environment management plan and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Head of Planning Services to:
 - review the final drainage strategy and construction environment management plan and finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

Councillor Hollingsworth joined the meeting at the conclusion of this item.

57. 20/03198/FUL: Land To The Rear Of 4 Lime Walk, Oxford, OX3 7AE

The Committee considered an application (20/03198/FUL) for planning permission for the erection of a part four, part three storey building to create 4 x 1-bed flats and 3 x 2-bed flats (Use Class C3); erection of single storey building to create 1 x 2-bed flat (Use Class C3); provision of private amenity space, bin and cycle stores, alterations to landscaping and formation of 1no. disabled parking space.

The Planning Officer presented the report. She confirmed that since the publication of the report a satisfactory energy statement had been received which met carbon reduction targets under Policy RE1 of the Oxford Local Plan 2036.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application.

On being put to the vote the Committee agreed the resolution as set out below.

The East Area Planning Committee resolved to:

1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and grant planning permission; and
2. **delegate authority** to the Head of Planning Services to:
finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary.

58. 19/02003/FUL: Plot 16, Oxford Science Park, Robert Robinson Avenue, Oxford,OX4 4GA

The Committee considered an application (20/03198/FUL) for planning permission for the proposed erection of two linked Class B1 office buildings with associated landscaping, car parking, infrastructure and related works.

The Planning Officer presented the report. He recommended the inclusion of an extra condition for the management and maintenance of the surface water drainage. He confirmed that an updated energy strategy had been submitted and accepted since the publication of the report.

Emma Andrews and Rory Maw, representing the applicant, spoke in favour of the application and answered questions from the Committee.

In reaching its decision, the Committee considered all the information put before it.

After debate and on being proposed, seconded and put to the vote, the Committee agreed with the officer's recommendation to approve the application subject to conditions and to the completion of a legal agreement with the inclusion of an additional condition relating to the management and maintenance of surface water drainage.

The East Area Planning Committee resolved to:

1. **Approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of the report and the inclusion of an additional condition relating to the management and maintenance of surface water drainage and to grant planning permission subject to:
 - The satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which were set out in the report; and
2. **delegate authority** to the Head of Planning Services to:
 - Finalise the recommended conditions as set out in the report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
 - Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in the report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in the report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
 - Complete the section 106 legal agreement referred to above and issue the planning permission.

59. Minutes

The Committee resolved to approve the minutes of the meeting held on 3 February 2021 as a true and accurate record.

60. Forthcoming applications

The Committee noted the list of forthcoming applications.

61. Dates of future meetings

The Committee noted that the next meeting would be held on 7 April 2021.

The meeting started at 3.00 pm and ended at 4.40 pm

Chair

Date: Wednesday 7 April 2021

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