

## EAST AREA PLANNING COMMITTEE

07.04.2021

|                            |   |                   |                                   |
|----------------------------|---|-------------------|-----------------------------------|
| <b>Application number:</b> | 18/03405/FUL  |                   |                                   |
| <b>Decision due by</b>     | 26th April 2019   |                   |                                   |
| <b>Extension of time</b>   | TBA   |                   |                                   |
| <b>Proposal</b>            | 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). |                   |                                   |
| <b>Site address</b>        | Holy Family Church , 1 Cuddesdon Way, Oxford, OX4 6JH – see <b>Appendix 1</b> for site plan   |                   |                                   |
| <b>Ward</b>                | Blackbird Leys Ward   |                   |                                   |
| <b>Case officer</b>        | Clare Gray  |                   |                                   |
| <b>Agent:</b>              | Mr Huw Mellor   | <b>Applicant:</b> | Trustees of Church of Holy Family |
| <b>Reason at Committee</b> | 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**

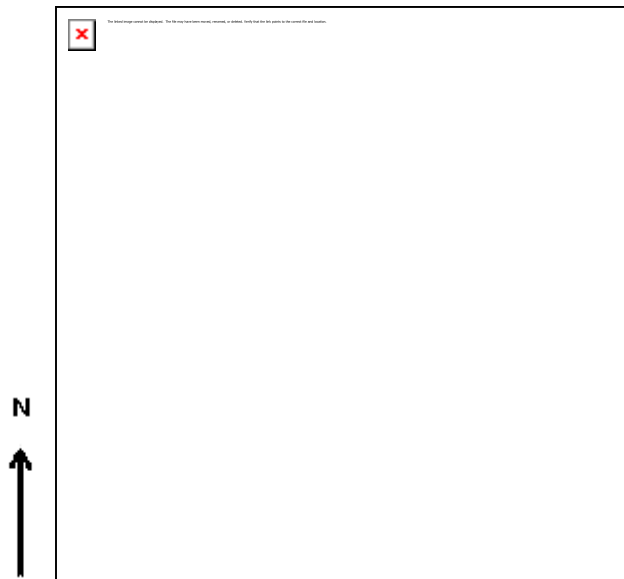
3.1. This application is subject to a legal agreement to prevent any commencement of the development, and crucially that the church is not demolished, until evidence is provided as to the removal of the covenant on the land which restricts replacement development on the site (see paragraph 10.143) and 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:



© Crown Copyright and database right 2020.  
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](http://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 21<sup>st</sup> May 2020 and 27<sup>th</sup> January 2021 and an advertisement was published in The Oxford Times newspaper on 21<sup>st</sup> 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 10<sup>th</sup> 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<sup>9.30</sup> 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 1000m<sup>2</sup> 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 1<sup>st</sup> 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.

This page is intentionally left blank