

EAST AREA PLANNING COMMITTEE

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

1. RECOMMENDATION

1.1. East Area Planning Committee is recommended to:-

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

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

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

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

2. EXECUTIVE SUMMARY

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

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

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

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

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

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

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

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

3. LEGAL AGREEMENT

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

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

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

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

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

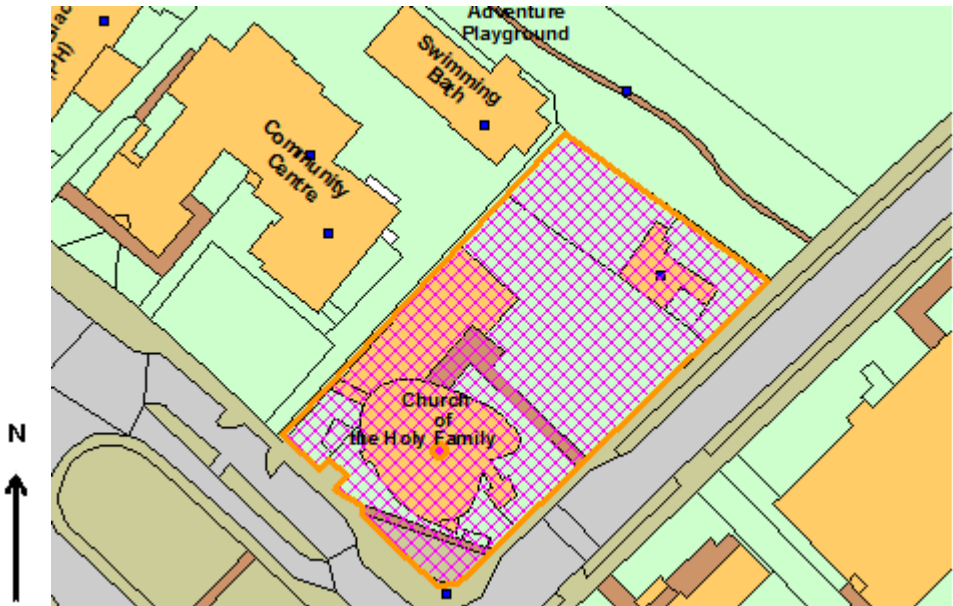
5.3. The church is situated in the Blackbird Leys District Centre and occupies a prominent position on the corner of Blackbird Leys Road and Cuddesdon Way. Within the District Centre, sited adjacent and nearby the church, are a number of other key community uses including the Blackbird Leys Community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

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

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

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

5.7. See block plan below:



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Ordnance Survey 100019348

6. PROPOSAL

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

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

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

7. RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

CONSENT 14th February 1984.

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

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

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

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

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

9. CONSULTATION RESPONSES

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

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

Statutory and non-statutory consultees

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

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

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

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

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

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

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

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

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

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

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

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

Public representations

- 9.9.3 responses from amenity groups were received:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer response

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

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

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

a. Policy context

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

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

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

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

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

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

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

b. Assessment

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

Significance of the listed building

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

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

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

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

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

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

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

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

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

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

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

Level of harm

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

Justification

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

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

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

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

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

Feasibility of roof repair, renewal or replacement

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

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

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

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

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

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

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

Functionality of the church

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

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

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

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

Public benefits

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

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

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

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

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

Reinstatement of a church in the community

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

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

Community and social infrastructure

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

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

Housing

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

Substantial harm tests

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

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

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

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

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

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

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

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

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

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

c. Planning obligations

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

d. Other matters

Precedent

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

Covenant

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

Protected Species

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

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

11. CONCLUSION

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

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

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

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

12. CONDITIONS

Contract for redevelopment before demolition

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

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

Historic Building Recording

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

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

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

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

Re-use of interior fittings

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

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

Informatives

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

development.

13. APPENDICES

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

14. HUMAN RIGHTS ACT 1998

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

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

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