

**BLACKBIRD LEYS DISTRICT CENTRE & KNIGHTS ROAD
PLANNING APPLICATION 23/00405/OUTFUL**

REPRESENTATION FROM BLACKBIRD LEYS PARISH COUNCIL

APRIL 2023

1. Introduction

1.1 Blackbird Leys Parish Council (BLPC) welcomes the opportunity to make representations on the planning application (23/00405/OUTFUL) submitted by Catalyst Housing Ltd (CHL) to Oxford City Council (OCC) for the redevelopment of the District Centre and the development at Knights Road.

1.2 Its representations are set out in two main parts: firstly, the process chosen to obtain planning permission and secondly, an analysis of the key principles raised by the proposal.

2. Process

2.1 BLPC is concerned by the nature of the 'hybrid' planning application, which is only in outline for the provision of a new community centre and public open space. There is no explanation in the application of why this option has been chosen or of the benefits of leaving the future use and character of the centre and space to the 'reserved matters' stage. It is only stated that it will provide for further engagement with the local community in designing those matters applications. BLPC considers this is contrary to the requirement of Local Plan policy SP4 which states that, "planning permission will not be granted for development that prejudices the comprehensive development of the whole site".

2.2 The land on which the existing community centre sits is pivotal to the delivery of the District Centre proposals. But the community centre itself – now and in the future – is pivotal to the success and identity of Blackbird Leys as a sustainable community. Just the perception that the facilities can be demolished and their future re-provision is left to a later date is of great concern to local residents.

2.3 The approach was not made clear in the previous engagement activities. It crucially assumes that those matters can be satisfactorily resolved within the parameters set by the proposals contained within those other parts of the District Centre that are subject to the full application, notably the location of 'Block A' and the realigned Blackbird Leys Road.

2.4 And yet, the decision to apply only for outline permission has resulted in a serious deficiency throughout the documentation – most especially the Planning Statement (PS) – in addressing the future community centre provision and in justifying this assumption. Even the attempt of the Statement of Community Involvement (SCI) to describe the evolution of the design proposals for that land fall short of explaining why the facility moved from one that appeared to be of a similar scale and location to the existing facility in 2019 to one that is re-positioned at the back of the site and is only two thirds of its existing total floorspace.

2.5 The outline application does not explain what provisions it would expect to be made to secure the delivery of the community centre, as it has done in committing to the re-provision of the retail units in Block A prior to the redevelopment of the existing shops opposite. Nor is there any proposal that explains how the re-provision of community centre space will be phased and handled to minimise the disruption of existing users and providers. Nor of the expected governance, management and operational model for the new facility. Again, it would seem that the expectation is that all of those matters can be resolved at a later stage, and will not be prejudiced by the full application. We note in the next section that we are not confident of that being the case.

2.6 For these reasons, BLPC urges Catalyst Housing Ltd and OCC to amend the application to a comprehensive full application (with no matters reserved) so that the future of the community centre and open space can be properly addressed at the same time. This will bring the proposal in line with policy SP4 and need not undermine the core objectives of the District Centre proposals, which it broadly supports. BLPC understands the challenges inherent in this type of complex, phased, redevelopment scheme but is concerned that the process may have discarded plausible alternatives too early with no chance of rowing back once the full application has been approved. It does not consider that an amended application need take that long to agree with the local community.

3. Key Principles

3.1 BLPC's concerns fall into five categories:

- The location and function of the community centre and open space ('village green')
- The re-provision of retail and commercial units
- Parking provision
- Biodiversity offsetting
- The bigger picture of change in and around Blackbird Leys over the next 10-15 years

Community Centre

3.2 BLPC reluctantly accepts that for the District Centre scheme to work per the requirements of Local Plan policy SP4 then the existing community centre must be redeveloped. The application (§5.3 of the PS) notes that, *"it was agreed (during the Stage 1 consultations) that a joined up, holistic approach to the provision of future community facilities is needed taking into account the community infrastructure that already exists."*

3.3 However, it is concerned that from early on in the design process the brief to the masterplan team allowed for a significant (one third) reduction in the size of the existing facility. The application (the PS and SCI) alleges that the facility is too big and poorly configured, to the extent that any smaller new building must be capable of being seen as an improvement – Table 2 of the PS states that, *"this is because the centre will be more flexible and efficient: all spaces will be better used, so less space will be needed."* BLPC struggles to understand this rationale and has found no evidence presented to explain how such an improvement would be achieved.

3.4 Local Plan policies G5 (indoor sports) facilities and V7 (community facilities) both expect proposals leading to a loss of those facilities to justify how the 'new and improved' replacement facilities would be achieved. The PS fails to acknowledge that policy G5 is engaged at all and although references policy V7 (in its Table 7 and Appendix 4) it contains no analysis of the issue. Even for an outline application, this is a significant omission.

3.5 BLPC considers that the demand by users of the existing centre has been suppressed and that with effective governance, management and modest investment that amount of floorspace could be well occupied by a wide variety of community uses. It also fails to see how a smaller facility will be able to serve a community on its doorstep that will be at least 600 people larger in population than at present.

3.6 BLPC is also concerned that the location of the new centre is poor. A key advantage of the existing centre is that it is prominent and accessible at the heart of the District Centre. The application fails to explain in the evolution of the design through 2020 – 2021 why its location shifted backwards. The rear of the site is not as visible or as accessible and the smaller building will be lost behind Block A and the new church development to its south.

3.7 BLPC therefore considers that the Block A/community centre/public space (and 'village green' – see below) land should be reconfigured as part of the comprehensive, full application it urges above. BLPC will support the redevelopment of the existing facility provided that it is at least the same total floorspace (we think 1,700 sq.m. though different numbers are quoted in the application documents) and is placed in a more prominent location. BLPC will only support a proposal for a significantly smaller facility if the applicant can clearly demonstrate that it can be justified (per Local Plan policy).

Village Green

3.8 Much is made in the application about the proposed amount of public open space at the new District Centre exceeding the policy requirements and how important the new 'village green' and public space between Block A and the community centre are to creating a vibrant and revitalised Centre.

3.9 BLPC is concerned that the success of the public realm will be determined more by its quality and functional relationship with the surrounding uses than its size. It seems that the land that is currently occupied by the community centre and green traffic island could have been used more efficiently to allow for a community centre building of the same size as it is now. And again there is little detail on how the space will be used and managed to avoid the fate of many such spaces that fall foul of public sector funding limitations and standard property management practices.

3.10 BLPC also notes that the application proposes a 'dead' ground floor frontage to the village green by replacing the existing retail units with the apartments in Block B. This seems to be a missed opportunity to create an active frontage around each main side of the new public space.

3.11 As with the community centre, BLPC considers that the ‘village green’ land should be reconsidered as part of the comprehensive, full application it urges above. It supports the principle of its provision and of its general location, but remains to be convinced that it is of the optimum size and that it cannot be better related to its surrounding uses. Further, it requires a clear plan for how the space will be governed and managed that cannot be left to the reserved matter stage.

Retail and Commercial Units

3.12 BLPC considers that with the significant increase in the immediate population, and with new homes planned elsewhere in Blackbird Leys, it could be argued there is likely to be the demand for additional retail and commercial uses. It notes that the adopted Local Plan policies V1 (ensuring the vitality of centres) and V4 and a number of policies in the emerging Local Plan 2040 place great emphasis on the role of District Centres like Blackbird Leys in creating sustainable and healthy communities and reducing car dependence for some retail generated trips. BLPC strongly supports those policies and agrees that the re-provision of the existing shops and services is, alongside the new community centre and village green, essential to any regeneration initiative.

3.13 Instead, it finds that the application caps the total new floorspace at 1,300 sq.m. and proposes 1,228 sq.m. (per the application form) but it states that the current floorspace of the shops totals 1,876 sq.m., resulting in a loss of a third. BLPC notes that the supporting text to Local Plan policy V4 (district centre shopping frontages) says that:

“There are significant benefits to be secured from providing facilities more locally for communities; this can help to reduce the need to travel and the need to access the city centre ... by developing and expanding the offer at district centres, the critical mass for developing public transport and cycling links directly to ... the district centres can be created.”

3.14 It also notes that the policy then sets out the desired mix of ‘town centre uses’ on the ground floor of units at Blackbird Leys District Centre, comprising retail (at least 40%, formerly defined as A1 in the Use Class Order), other commercial (formerly defined as A2-A5 uses) and other uses suited to a town (district) centre location provided they are no more than 15% of the total floorspace. It allows for proposals that will not comply with this mix where exceptional circumstances can be *“demonstrated that changes in the retail circumstances of the ... district centres means that there is no longer demand for the existing levels of A1 or other A class units, and if sufficiently robust evidence is provided to clearly demonstrate that the uses proposed would not adversely impact the function, vitality and viability of the shopping frontage as a whole.”*

3.15 BLPC would therefore have expected the PS to acknowledge the proposed significant decrease in floorspace and to explain and evidence its rationale in accordance with policy V4, but it does not. It does commit to providing the new floorspace in Block A prior to the redevelopment of the shops, which BLPC agrees is essential, but it does not justify the loss of floorspace and this must be corrected, given this a full application with no means of providing for additional floorspace once built out.

3.16 The PS proposes that the new units being flexible in their use but does not acknowledge that the proposals need to comply with the policy V4 mix. It does not explain why this mix may no longer be appropriate. Nor does it acknowledge that in planning for new retail and commercial units the mix can be specified using the Class E definitions of Part A of Schedule 2 of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, with that mix established through a planning condition.

3.17 The PS notes (in its Table 1 on p11) that a response to the Stage 2 consultation was that the scheme should, *“provide a mix of uses including new homes, shops, public green space, offices, live/work accommodation, community and wellbeing facilities, business start-up space, and more social spaces in the area, such as a café or restaurant.”* The applicant’s response was that, *“the type and scale of the retail uses will be decided in the next stage of detailed consultation and design with OCC.”* If this has been undertaken then the application does not explain how.

3.18 In the same vein, the application fails to properly explain why the requirement of policy SP4 for the provision of ‘start up employment units’ and ‘live/work’ units has not been followed. Those provisions were made by OCC after consultations during the making of the Local Plan made clear that such uses would play an important part in bolstering the economic importance of the District Centre as a source of local jobs and enterprise.

3.19 BLPC urges the applicant and OCC to revisit the economic and social proposals for the re-provision of retail and commercial uses in the District Centre. They appear to underestimate the demand for local convenience goods and services from a larger local population, such services being less affected by internet shopping and more valued by the community since Covid.

Parking Provision

3.20 The application proposes to reduce the current number of 38 car parking spaces serving the community centre and shops to a total of 13 spaces. More generally, the PS (§6.18) notes that across the District Centre area there will be a loss of 99 spaces, leaving 44 spaces in total. Elsewhere (at Knights Road and Block D) one space per home will be provided.

3.21 BLPC accepts that OCC has sought to reduce car dependency and encourage walking, cycling and public transport use for many years. This is reflected in Local Plan policy M3 (motor vehicle parking) which requires a maximum of one parking space per home in areas outside a Controlled Parking Zone (CPZ). The CPZ in Blackbird Leys is located to the west of Blackbird Leys Road and applies only on Sunday mornings and at Kassam Stadium event times. It is therefore not the type of CPZ that applies across most other parts of the city, i.e. either 24-7 or weekdays. And it does not apply at all to the land in the application area to the east of Blackbird Leys Road, i.e. in relation to Block A.

3.22 BLPC therefore considers that application is incorrect in applying policy M3 to Block A (it being outside the CPZ) and to Blocks B and C (given the very occasional status of the CPZ here) and has failed to justify why car free schemes for over 200 homes are appropriate. The submitted Transport Assessment (TA) simply notes (in its §7.6.5) that the approach has been agreed with County Highways and offers no further analysis or mitigation for how cars that are owned by occupants should be put in place.

3.23 BLPC is very concerned that such a scale of under-provision will lead to high levels of on street parking over a large area as it is simply not practical for the vast majority of households to be car free in this peripheral location, no matter how good and affordable are local public transport services and effective the Travel Plan arrangements. And the TA has built in this under-provision in its analysis of the traffic effects on the local area (in its §8.4.1 and Table 8.4), assuming that there will be no car trips generated by 200 homes, thereby significantly under-estimating the traffic effects of cars that will inevitably be used by future occupants.

3.24 BLPC cannot accept that this interpretation of how to apply policy M3 in the real world in Blackbird Leys. The consequences of this approach for years to come will be to the detriment of the local community, not just residents, businesses and customers of the District Centre, but of a wider area as the knock-on effects spread. It therefore urges the application and OCC to revisit the proposals for managing car parking at the District Centre.

Knights Road

3.25 BLPC is concerned about the potential for harmful effects of the Knights Road proposal on the adjoining Spindleberry Nature Park. It notes in the Ecological Appraisal (EA) submitted with the documents that without effective mitigation the construction and occupancy of the scheme both have that potential (see its §5.5 - §5.7, p18). It therefore proposes that mitigation measures should be taken to avoid recreational disturbance (§6.3, p21) and others to address other effects. **It is therefore vital that a mitigation strategy is agreed and delivered via the S106 agreement and/or by a planning condition, with the local community consulted by OCC on that strategy before its agreement.**

3.26 The EA rules out the suitability of Northfield Brook to the south of the scheme as a habitat for kingfishers. However, members of the public have seen kingfishers in that area over the years. **BLPC therefore requests that the applicant refreshes the EA during the consideration of the application to verify if the habitat may be suited to kingfishers, and if so, to ensure that any further mitigation measures are included in the strategy.**

3.27 BLPC notes that the applicant accepts (in §9.121 of the PS) that the Knights Road proposal will lead to a 27% loss of habitat using the Biodiversity Net Gain metric. The PS goes on to state that the applicant's preference is to deliver the necessary offsetting of this loss with a scheme based in Oxford. **BLPC accepts that such a loss would be inevitable with this scheme and strongly supports the proposal to secure an offsetting solution in Oxford, and ideally within the Blackbird Leys or South Oxford area.**

The Bigger Picture

3.28 BLPC is concerned that the application contains no analysis of the effects of delivering 300 new homes, and an increased population of 600 – 700 people, on the capacity of local social infrastructure – schools, GP services, the community centre. It has noted the advice of the most recent Oxford Infrastructure Delivery Plan of February 2022.

3.29 This reports that there is spare capacity in primary school places in Oxford overall, but does not include information at a more local level. And it reports that there are significant, existing capacity constraints on GP services in South Oxford that will be exacerbated by the housing proposals of the Local Plan. It contains no proposals for how this should be addressed with providers in the Blackbird Leys area but indicates that planning for an increase in demand in this part of the city may be co-ordinated with the strategic development proposals at Grenoble Road and Northfield.

3.30 BLPC urges the applicant to redress this failing in the application – notably the PS – by explaining how the cumulative effects of these proposals with those elsewhere in Blackbird Leys and its surroundings at Littlemore and South Oxfordshire on local social infrastructure will be addressed.

3.31 In considering this matter, it highlighted to BLPC the absence of any coherent planning strategy for Blackbird Leys and Greater Leys. The adopted and emerging Local Plans see them as parts of the wider South Oxford for spatial planning purposes. But this does not recognise the constraints of geography of this community south of the Oxford ring road and its strong local identity. Rather, the Local Plan site proposals resemble a collection of individual schemes that just happen to be in the same local area – the District Centre, Knights Road, the Sandy Lane Stadium and recreation ground. Nor does BLPC believe that OCC has properly understood and planned for the effects of many thousands of new homes around the edge of the area over the next 10-15 years – it matters not to local communities if those homes are in a different planning authority area.

3.32 Although not a matter for the determination of this application, BLPC will use it as a prompt to discuss with OCC how this spatial planning deficit may be corrected.

4. Summary

4.1 BLPC supports OCC's ambitions to regenerate the District Centre and accepts that the development of the open space at Knights Road forms part of the viability of the proposals. The principle of these schemes has been established in the adopted Local Plan.

4.2 But it is concerned that after three years of engagement ending last year, the proposals submitted shortly afterwards appear rushed and incomplete. With such essential elements of community life – the community centre, shops, open spaces, Spindleberry Park – facing significant change, BLPC cannot understand how their future appears so uncertain. Even the application process itself has been rushed, with BLPC having very little time as the democratic, representative body of the Blackbird Leys community to review and comment on such an important proposal.

4.3 However, rather than submit a straightforward objection to the proposals, BLPC wishes to encourage the applicant and OCC to engage with it in the coming weeks to work together to resolve its concerns. It is in everyone's interests for there to be a successful outcome.

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