

**BLACKBIRD LEYS DISTRICT CENTRE & KNIGHTS ROAD
PLANNING APPLICATION 23/00405/OUTFUL (ADDITIONAL/REVISED INFORMATION)**

SECOND REPRESENTATION FROM BLACKBIRD LEYS PARISH COUNCIL

*Prepared on behalf of the Parish Council by Neil Homer MBA B.Sc.(Hons) Dip TP UD MRTPI,
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27 JUNE 2023

1. Introduction

1.1 Blackbird Leys Parish Council (BBLPC) welcomes the opportunity to make representations on the additional and revised information submitted on 19 May 2023 as part of the planning application (23/00405/OUTFUL) for the redevelopment of the District Centre and the development at Knights Road.

1.2 Its response is also informed by a meeting with the applicant on 19 June 2023, at which matters raised in the first response on the application were discussed. This was necessary as the additional and revised information chose not to address those matters.

1.3 At the meeting it became very clear that the City Council (OCC) as a partner in the application proposal has no means of reconsidering some of the key principles of the scheme, as it must obtain planning consent shortly to secure the project funding. The applicant regards the scheme as policy compliant in every regard and referred to pre-application discussions with OCC Planning and with the Highways Authority that appear to support that view. Together, this explains why the hybrid application approach has been used, but BBLPC considers that it effectively renders this consultation exercise futile.

1.4 BBLPC is not satisfied that such an important proposal, with profound implications for the whole future of Blackbird Leys, can be tackled in this way. The applicant considers its consultations in 2019-2022 have provided sufficient opportunity for the community to comment on the proposals, and that all the key features of those proposals have been made very clear in the documentation. Irrespective of these consultations, and the basis of the project model being set out in the March 2020 Scrutiny and Cabinet reports, BBLPC does not consider that the community have been made aware of the inevitable compromises, with the downsides either being ignored or downplayed during the design evolution and in those reports. The full extent of the proposals and their implications have only become apparent in the application documentation from this April.

1.5 With the applicant unwilling to acknowledge, let alone address or seek to mitigate, the policy conflicts that are symptoms of a proposal for the District Centre that has had to make some serious compromises, BBLPC will consider making a request that the Secretary of State (SoS) calls in the application to determine under S77 of the Town & Country Planning Act 1990 before an approval decision notice is issued. This may lead to the SoS issuing a holding direction under S31 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 pending a response to that request.

1.6 This is not a turn of events that BBLPC would have wished. It supports policies AOC3 and SP4 of the adopted Local Plan and their regeneration ambitions for Blackbird Leys, but not at any cost. The chosen funding and delivery model has required a different interpretation of those policies than was envisaged in the Local Plan and its evidence base, a matter BBLPC notes that was not addressed in the March 2020 Scrutiny and Cabinet reports in its references to the (then emerging) plan. This has left the project vulnerable to timebound sources of funding, but this should not be a problem that the local community must be forced to live with for generations to come. If the S77 request is made in due course, and the SoS does call in the application, BBLPC will be ready to assemble those arguments and to present alternatives in helping the SoS to refuse the application.

1.7 BBLPC is confident that there are other ways to deliver new homes and other regeneration benefits within the District Centre and elsewhere in this community. They may entail other compromises to be made, but genuine spatial and delivery options should be generated to give the community a greater say in how to strike the right balance to deliver a viable and beneficial outcome. Sound planning of this type of scheme cannot be made so dependent on only one funding and delivery model. This further review will take longer to deliver but the community has waited this long and will be willing to wait longer to achieve the best result. And the Local Plan housing supply trajectory will not likely be harmed by such a delay, given the Policy SP4 housing number makes a relatively contribution to overall supply in the next five years.

1.8 To that end, BBLPC will shortly propose to OCC the designation of its administrative area to bring forward a neighbourhood plan in 2024. The plan will include co-ordinated, site-specific policies to deliver the adopted Local Plan housing, commercial and community objectives for Blackbird Leys that will fully engage residents and others in a Blackbird Leys-focused plan.

2. Key Requirements of an Approved Application

2.1 Should BBLPC decide not to make an S77 request, or should the SoS choose not to call in the application if it does, then BBLPC considers that OCC Planning must make its approval of the application conditional on improving and securing the community benefits that have been offered.

2.2 BBLPC therefore recommends that:

1. the S106 agreement requires that the Community Centre building and public realm are constructed and transferred to BBLPC (as a party to the agreement) to own and manage prior to the first occupation of the District Centre housing scheme, together with a financial sum to be invested by BBLPC in operating the building for at least a three year period and in funding the maintenance and repair of the building and public realm for an agreed period;
2. a planning condition requires that the Reserved Matters application for the Community Centre and public realm is submitted within a specified time period of the approval of the full application to allow time for OCC and BBLPC to agree the specification of the Community Centre building and public realm;

3. to ensure that the proposal conforms with Local Plan Policy V7, the description of the development approved in outline is modified thus:

*“Outline planning permission is granted for the provision of a community centre **building of at least 1,200 sq.m. and comprising Use Classes F2 and E(d)** and public open space surrounding the community centre (~~Use Classes F2 and E~~) and block A (community square and green) in the District Centre with all matters reserved except for the principal means of access”.*

4. a planning condition requires the submission of a revised parking scheme to be based on the introduction of a new Controlled Parking Zone covering the existing CPZ area and the whole District Centre area and to be implemented prior to the occupation of the scheme, to include an increase in the number of on-street and/or off-street spaces available for users of the Community Centre and Block A commercial floorspace and for car club spaces there and at Knights Road;
5. the S106 agreement requires a financial contribution to be made to the cost of upgrading The Leys Heath Centre;
6. a planning condition requires the submission of a proposal to create a new means of access to the BLAP site, and associated vehicular, ‘drop off’ parking, during the adjoining construction works as a specific part of the Reserved Matters application; and
7. A planning condition requires the provision of an updated and revised ecology report with measures to ensure the protection of protected species found on the Knights Road site, and to propose effective mitigation measures to manage the effects of the proposal on the Spindleberry Nature Park and Northfield Brook.

2.3 The reasons why BBLPC considers an approval should be conditioned in this way are set out below.

Community Centre

2.4 The applicant has provided no additional evidence to demonstrate that the Centre can successfully operate from a much smaller building at a less prominent location. The modified application description now also allows for a wider range of community, commercial, business and service uses of the Centre but without explanation. The applicant has explained that the building will be a minimum of 1,200 sq.m. and that it wishes to retain flexibility for the future management of the Centre.

2.5 Although in outline only, it remains unclear if the proposal complies with Policy V7. The applicant accepts that the new floorspace will be less than exists but argues that the difference is not material. In order to comply with V7, BBLPC firstly proposes that an outline approval defines a minimum floorspace area so that there is no prospect of this being reduced any further at the Reserved Matters stage.

2.6 BBLPC secondly proposes that the outline approval limits non-F2 uses to only Class E(d), i.e. 'for indoor sport, recreation or fitness ... principally to visiting members of the public'. With other Class E uses elsewhere in the District Centre, and with a smaller building to occupy, BBLPC sees no need for any other Class E uses to compete with them and no prospect of relocating those uses in the Centre without compromising its essential, core F2 use. That use may include a small amount of office accommodation as ancillary to the main use, rather than being standalone, for the same reason.

2.7 BBLPC thirdly proposes that a planning condition is imposed to require the Reserved Matters application for the Community Centre and the public open space is submitted within a specified period. Together with a condition requiring the Centre is made available for operation prior to the occupation of the first dwelling, this will increase the community confidence that this vital asset will be delivered.

2.8 Finally, BBLPC wishes to take responsibility for owning (at least on a long lease) and managing the Centre and the public realm between it and Block A. It has an essential stake, on behalf of the community, in the future success of this venture and considers the most effective way of securing a positive outcome for the community is through ownership and management, rather than continuing to rely on OCC.

2.9 The proposal already makes provision for the cost of building and fitting out the building, but BBLPC would want an appropriate sum to fund the set up and early operational phase, that may not break even and for which BBLPC has no existing precept to subsidise. During agreeing the Reserved Matters application, BBLPC would look to work with the applicant to agree the business model principles for the building and for an appropriate commuted sum to cover the costs of maintaining it and the public realm assets for an agreed period. These arrangements should be secured through the S106 agreement in the normal way.

Access to GP Services

2.10 BBLPC notes that the submitted Health Impact Assessment report (§5.5, p12) acknowledges that The Leys Heath Centre, lying 200m from the District Centre, already has a patient list that exceeds the target patients/GP ratio of 1,800 by 14% (at 2021). It seeks to average out this ratio by including the surgeries at Temple Cowley and Hollow Way over one mile from the District Centre (and across the southern by-pass), which results in a ratio that is within the target.

2.11 In doing so it fundamentally misunderstands how communities choose to access local health services. They expect to be able to join their local surgery, especially when the alternatives require, in effect, a car trip to access. It also fails to reflect other development proposals in this southern part of the city, the cumulative effect of which will be to put further pressure on local services.

2.12 To help mitigate the harmful effects of the inevitable increase in demand for GP services at The Leys from an increase in the immediate population of 400 – 500 people, and to discourage car trips to the GPs that are too far away, it is considered that the proposal should make a financial contribution to investing in upgrading that GP surgery.

Parking Enforcement and Traffic

2.13 The letter continues to incorrectly state that the District Centre parking proposals are in line with adopted parking standards. They are not; as the highways authority notes (in matter 13 of Table 1.1 in the Curtins Technical Note of 19 May 2023) the CPZ is not a residential CPZ of the kind elsewhere in the city to justify zero parking. And the eastern side of Blackbird Leys Road is not in the CPZ in any event.

2.14 The Note responds that the applicant expects to restrict car ownership through the tenant leases and to require that tenants will not be eligible for parking permits. Earlier (in matter 5) the applicant proposes that double yellow lines will be used throughout the District Centre and on-street bays will be short stay only.

2.15 These proposals are simply untenable in this location and may cause significant and long term damage. BBLPC therefore proposes that a new CPZ is agreed with the applicant and County Council for the District Centre and the area of the existing CPZ. It does so with some reluctance, given the challenges presented by car and van ownership and usage by residents and businesses in its area. But the proposal for 280 new, car-free homes must be managed carefully and holistically, and not allowing a poorly developed plan for low car use to dominate how the regeneration scheme will ultimately be measured. The scope and nature of the CPZ may need to differ from the norm elsewhere in the city, but this can be agreed by a planning condition requiring the approval of a new CPZ before the schemes are occupied.

2.16 Similarly, BBLPC does not consider the proposals to significantly reduce short-medium stay, public car parking spaces for the Community Centre and new retail units are tenable. This also has the potential to hinder passing trade that is typically important as part of the customer base for this type of convenience-oriented, commercial units. And it may hinder some uses of the Community Centre, especially those that need direct vehicular access for visiting operators. It therefore proposes that the proposals are amended to deliver more public spaces in the immediate vicinity of the Centre and Block A – this may be addressed in the same CPZ plan.

2.17 While new residents in the District Centre and Knights Road sites could avoid car use by joining a car club, the number of allocated car club parking spaces in both locations is far too small to be effective. Nor are there any improvements proposed to cycling routes from the Knights Road area. As part of the revisions to the parking arrangements, BBLPC requires more car club spaces are provided at both sites and the cycling routes to Spring Lane, Barns Road and the Science Park and Littlemore are improved.

BLAP

2.18 BLPC notes that the applicant accepts that the full application elements will 'fix and constrain' the community centre (p13) and access arrangements to BLAP to its rear. The applicant does not address the interim arrangements for how access to BLAP will be maintained during the two year construction phase when the current access route will be closed.

2.19 BLAP provides an essential childcare service for the local community and its future viability cannot be undermined by this proposal, which would be contrary to Policy V7. BBLPC therefore requires that a planning condition requires that a detailed proposal for temporary, alternative means of access is submitted as part of the Reserved Matters application.

Knights Road Ecology

2.20 On 11 March 2020 the Oxford City Council Cabinet accepted many of the recommendations of the Scrutiny Committee on the Blackbird Leys Development Project. The Scrutiny Committee pointed out that no mention was given to the ecological impact of the development. They recommended "3. That in the detailed design phase of the project the Council requires that Catalyst Housing Limited includes the following within the Stage Two Gateway proposals: d) The appointment of a biodiversity partner to advise on and monitor actions to support ecological mitigations to the development." This recommendation was accepted by the Cabinet. There is no evidence in the application of this having been done, beyond the ecological surveys in 2020 as required for any development. BBLPC requires this to be rectified so it is clear how the proposals will be monitored.

2.21 The Spindleberry Nature Park and areas along Northfield Brook are some of the most biodiverse areas in Blackbird and Greater Leys. To maximise the number of houses built (to meet their affordability criteria), the Knights Park development has spread much further than the playing field. It is taking up most of the wooded area to the west of the path to Kassam Stadium, leaving only a tiny area at the far west. That woodland area includes the biggest badger sett.

2.22 During a recent visit by members of BBLPC and the Oxfordshire Badger Group a badger was seen going from a bees nest they dug out next to that footpath towards the main sett. And at the south and east, the building goes right to the marked boundary of Spindleberry Nature Park. There is another badger set dug into the bank going down from the playing field towards Northfield Brook. The scheme includes building a wall on the boundary line, disturbing the landscape below, and re-levelling the woodland area in the west.

2.23 The applicant's studies found 4 badger setts (from the holes) but they have not sought to find out the extent of the badgers' territory or how many clans of badgers live around the site. . The proposals are to build a single artificial sett at the far west of the site with a 30 m no dig exclusion zone around it and move all the badgers there. If they are from two clans, they will fight - but we don't know whether they are. Since the badgers will lose all their feeding ground in the woodland at the west, it is not clear where can they eat.

2.24 The applicant claims they could forage in scrub north of Vue Cinema, Minchery Farm CWS - but there is a planning application to build a Laboratory Building there (22/20555/FUL). It may be possible that badgers could make their way past all the buildings and roads to Spindleberry, but there is no dark wildlife corridor there or any underpass

beneath the new footpath to the Kassam stadium. Without modifications, BBLPC is very concerned the badgers will suffer.

2.25 It should therefore be necessary to carry out a further badger survey to properly review the data and to propose and test practical and suitable mitigation measures. In addition, there need to be new surveys of other species, since many (e.g. water voles) were last carried out in 2020.

Knights Road Trees and Biodiversity

2.26 BBLPC considers that by maximising the developable area – it would seem another example of the chosen funding and delivery model requiring compromises on other matters – the proposal has increased biodiversity loss. And that loss on site does not account for the impact of more people, dogs and pollution on Spindleberry Park and Northfield Brook. Parish councils (as well as district councils) have a duty to maintain and increase biodiversity. A 26% loss is too high.

2.27 Given the loss, to ensure biodiversity gain the first task of a developer is to identify places to increase biodiversity on-site or off-site elsewhere on their lands. It would have been possible to select places to improve biodiversity on other land owned by Oxford City Council, but instead the developers have chosen to buy units from a land manager. BBLPC accepts that OCC is under no obligation to require offsetting of the loss within the immediate area, but this will undermine the quality of life of local residents (and in particular school children) in being able to enjoy nature where they live. In which case, it would seem reasonable for the S106 agreement to direct The Trust for Oxfordshire's Environment, as the offsetting provider for OCC, to demonstrate that it has exhausted options for delivering the offset on land within or adjoining Blackbird Leys before searching elsewhere in the city or county.

2.28 A further way of compensating for the proposed biodiversity loss is through planting trees and meadows as part of the landscape scheme. But the tree planting schedule has the wrong trees for this site. It appears as though a standard tree planting scheme for new housing schemes has been chosen, rather than one that bespoke to this local area.

2.29 BBLPC therefore requires that a planning condition requires a revised tree planting scheme that promotes biodiversity on site and protects Spindleberry Park by allowing for no tree planting across the red lines and by requiring the thinning of the existing overgrown trees. It also requires that the S106 agreement provides a commuted sum to OCC (or the Park manager if not OCC) to fund the maintenance of Spindleberry Park to mitigate the potential for harmful effects.

Knights Road Drainage

2.30 BBLPC is concerned that the applicant has only measured the water levels at Northfield Brook in the summer months. This provides little reassurance that there will not be flooding events in this area in the rest of the year, driven by climate change. Soakaways or SUDS may be very difficult to deploy here because the ground is a thin layer of clay and rubble on top

of a deep bed of old peat. As a result, the surface water run-off is proposed to flow into a retention point at the far west corner of land. But, the water will empty into Northfield Brook through two pipes. While there are valves to reduce the flow rate, it will still be faster than the current drainage seeping through the soil and it is feared that Northfield Brook will be scoured out.

2.31 BBLPC therefore requires that an additional survey and calculations of the impact of housing on water drainage are produced as a planning condition, to demonstrate that the proposed solutions for a site that is surrounded on three sides by natural habitats will not cause harmful effects outside the application site boundary.

3. Summary

3.1 BBLPC is very concerned that the application has been designed in such a way as to exploit time-limited source of funds and delivery model that was locked in in March 2020 and has since driven its combination of the very different District Centre and Knights Road Local Plan proposals and its hybrid nature. The applicant does not accept that the proposals have any harmful effects, despite the model clearly lacking an ability to fund elements of a genuine, community-centred, regeneration strategy. No amount of pointing to past consultation events will correct this basic failing, as the model did not and would not have allowed for any deviation from the proposals on cost grounds alone, no matter how well argued and evidenced by the local community.

3.2 BBLPC finds this unacceptable for a proposal that will have a profound and long-lasting effect on the heart of Blackbirds Leys and that is not consistent with the evolution of OCC's regeneration ideas over the last few years. It therefore OBJECTS to the application on the grounds that it does not conform to adopted Local Plan policies AOC3, SP4, M3 and V7 for the reasons set out above and in its previous representation.