

Agenda

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West Area Planning Committee

Date: **Tuesday 10 February 2015**

Time: **6.30 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

Sarah Claridge, Committee and Member Services Officer

Telephone: 01865 252402

Email: democraticservices@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Bev Clack	St. Clement's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Andrew Gant	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

The quorum for this meeting is five members. Substitutes are permitted

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

3 LAND AT JERICHO CANAL SIDE: 14/01441/FUL

11 - 76

This application will be debated at the same time as application 14/01442/LBD.

Site address: Land At Jericho Canal Side

Proposal:

Demolition of various structures on an application site including former garages and workshops. Erection of 23 residential units (consisting of 13 x 3 bed and 1 x 4 bed house, plus 5 x 1 bed and 4 x 2 bed flats), together with new community centre, restaurant, boatyard, public square, winding hole and public bridge across the Oxford Canal. Demolition of existing rear extension and erection of two storey extension to Vicarage at 15 St. Barnabas Street and ramped access to church entrance. (Amended plans, Amended description)

Officer recommendations: That the Committee

1. NOTE the additional information in the addendum report
2. SUPPORT the proposal in principle subject to and including the conditions listed below, and subject to the Environment Agency removing their objection, and authorise Officers to issue the decision notice on completion of an accompanying legal agreement.

If a legal agreement is not completed and/ or the Environment Agency objection is not overcome through the revised FRA, then committee is recommended to authorise Officers to refuse the planning application.

Conditions

1. Time – outline / reserved matters.
2. Plans – in accordance with approved plans.
3. Materials – samples agree prior to construction.
4. Contamination, phased risk assessment – prior to construction.
5. Strategy for control of dust and dirt from demolition and construction; prior to demolition.
6. Drainage Strategy & SUDS Strategy– Implement in accordance with DS & SUDS S. Further SUDS details required.
7. Biodiversity - 6 integrated bat roosting devices.
8. Biodiversity - A lighting scheme designed to minimise disturbance to foraging bats.
9. Biodiversity - Vegetation clearance will only take place outside of the bird nesting season or following an inspection from a suitably qualified ecologist and under guidance arising from that inspection.

10. Archaeology – Watching Brief - Prior to demolition/ Construction.
11. Public open Space; no parking; access only except in exceptional circumstances (e.g. deliveries, emergency services/ in conjunction with events).
12. Public Open Space; details of hard surfacing/ bollards/ street furniture.
13. Public Open Space –Use and management Strategy – prior to completion.
14. Parking -Residents exclude from CPZ.
15. Parking layout in accordance with plan; for Church and disabled use only.
16. Deliveries Strategy for Community Centre/ Nursery/ Boatyard and Restaurant.
17. Construction Traffic Management Plan – details prior to construction.
18. Restaurant – Restrict opening hours: 09:00hrs to 22:30hrs Mon-Fri; 09:00hrs to 23:00hrs Saturday only; 09:00hrs to 22:00hrs Sundays.
19. Cycle & bin storage – further details.
20. Windows – obscure glazing, as on approved plans; at all times.
21. PD rights removed – houses.
22. NRIA – build in accordance with; provide further details of PV's (size, location), CHP prior to that phase of construction of development.
23. Details of boundary treatment prior to occupation inc. pre-school railings.
24. Vicarage – construct rear extension prior to restaurant/flats.
25. Vicarage – rear extension: first floor bathroom window obscure glazed, revised details of sitting room window to avoid overlooking.
26. landscape plan – details required prior to substantial completion.
27. landscape carried out.
28. landscape Management Plan.
29. Trees- hard surfaces –tree roots.
30. Trees -underground services –tree roots.
31. Trees - tree protection plan Prior Demolition.
32. Trees -Arboricultural Method statement – to include details of the suspended, cantilevered floor slab for the house at the southern end of the site which is required to ensure that roots of trees that stand adjacent to the site within the ground of Worcester College are not damaged during construction.
33. Noise- details of air conditioning.
34. Noise- mechanical ventilation or associated plant.
35. Noise- restriction on noise in relation to neighbouring residential properties.
36. Noise- details of a scheme for treating cooking odours.
37. Noise - details of a management plan for the boatyard including how noise from operational procedures will be mitigated in practice.
38. Flooding conditions (to be confirmed subject to EA response).
39. Heritage - programme of architectural recording of the buildings and structures on the site by measurement, drawing and photography before work commences.
40. Heritage -architectural features and structures exposed by demolition and/or during the progress of the works shall be preserved in situ or relocated in accordance with submitted details, prior to demolition.
41. Heritage- a written scheme of investigation, details of architectural salvage prior to demolition.
42. Heritage - details of a scheme for protection of heritage assets during demolition and construction (hoarding etc) prior to demolition.

Legal Agreement: *S106 Heads of Terms:*

City:

- Affordable Housing: 39% all social rent (9 flats);
- Bridge & maintenance: Exact figures to be confirmed. Bridge fully automated with a call out mechanism in the event of mechanical failure, in conjunction with CRT as Landowner;
- Canal works (bank and winding hole (and boatyard docks)) in conjunction with CRT;
- Public open space works and maintenance: by Applicant;
- Moorings: Replacement moorings will need to be created on the canal bank to the north of the Mount Place Bridge on the Western bank as a result of the new bridge, at Applicant's expense (which has been agreed);
- Dog bin and Sign: Contribution towards provision of dog litter bins and an information board at the Walton Well Road entrance to Port Meadow in order to comply with the Habitat Regulations and to mitigate the impact of the development. Applicant agreed, sum to be confirmed (indicative £1000);

County:

- Monitoring fees of £1240 for the Framework Travel Plan - other elements of the scheme may trigger additional fees if they are large enough to require individual travel plans;
- £1,000 for a new pole/flag/information case unit at the Canal Street Bus Stop (if required to be relocated);
- £5,000 to amend the existing Traffic Regulation Order (TRO) - to include changes to existing short stay parking bays in the area and the exclusion of the residential dwellings from parking permit eligibility.

Community Infrastructure Levy requirements.

The CIL contribution will be £272,978.79.

4 LAND AT JERICHO CANAL SIDE: 14/01442/LBD

77 - 84

This application will be debated at the same time as application 14/01441/FUL.

Site address: Land At Jericho Canal Side [Church of St Barnabas]

Proposal: Demolition of boundary walls on north and west elevations as part of re-development of canal site (14/01441/FUL) and involving provision of ramped access to south entrance of church (amended plans).

Officer recommendations: to support the proposal in principle subject to conditions listed below:

1. Commencement of works LB consent.
2. LB consent - works as approved only.
3. 7 days' notice to LPA.
4. LB notice of completion.
5. Repair of damage after works.
6. Recording.
7. Re-use of stone and brick.
8. Metal finish.

9. Handrail and posts iron.
10. Paint colour.

5 ARISTOTLE LANE: 14/01348/FUL

85 - 96

Site address: Aristotle Lane Footbridge, Aristotle Lane

Proposal: Demolition of the existing footbridge and erection of replacement footbridge with ramped approaches and new stepped access. Provision of 12 car parking spaces and change of use of part of land adjacent to railway lines for educational purposes as part of SS Phillip and James School.

Officer recommendation: That the Committee APPROVE the application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Boundary and abutment details, including spur ramp, handrails and boundary walls
- 4 Flood plain storage
- 5 Contamination and remediation
- 6 Demolition and Construction Travel Plan
- 7 Sustainable drainage
- 8 Tree protection
- 9 Landscape plan required
- 10 Landscape carry out after completion
- 11 Landscape management plan
- 12 Hard surface design.
- 13 Underground services
- 14 Tree protection plan
- 15 Arboricultural method statement
- 16 Samples of materials
- 17 Sample panels
18. Biodiversity
- 19 Archaeology

6 8 CHARLBURY ROAD:14/03198/FUL

97 - 106

Site address: 8 Charlbury Road

Proposal: Erection of single storey rear extension and formation of a basement. Raising roof height, hip to gable extension to allow formation of second floor. Installation of solar panels.

Officer recommendation: That the Committee APPROVE the planning application subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 SUDs

7 PLANNING APPEALS

107 - 112

Summary information on planning appeals received and determined during January 2015.

The Committee is asked to note this information.

8 MINUTES

113 - 116

Minutes from the meetings of 13 January 2015.

Recommendation: That the minutes of the meeting held on 13 January 2015 are approved as a true and accurate record.

9 FORTHCOMING APPLICATIONS

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

1. Dragon School, Charlbury Road: 14/02466/FUL: New Music Room
2. 333 Banbury Road: 14/03255/FUL: New Sixth form building for D'Overbroecks.
3. 376 Banbury Road: 14/03445/FUL: School Boarding House for D'Overbroeck's
4. Former Wolvercote Paper Mill: 13/186/OUT: Residential
5. 96 / 97 Gloucester Green: 14/02663/FUL: Change of use retail to restaurant
6. 5 Farndon Road / 19 Warnborough Road: 14/03290/VAR
7. Westgate: 14/02402/RES: Various conditions
8. Chiltern Line: Various Conditions

10 DATE OF NEXT MEETING

The Committee will meet on the following dates:

10 March 2015
14 April 2015
12 May 2015

DECLARING INTERESTS

General duty

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

What is a disclosable pecuniary interest?

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

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

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

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

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

4. Public requests to speak

Members of the public wishing to speak must notify the Chair or the Democratic Services Officer before the beginning of the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

5. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated up to 24 hours before the start of the meeting.

Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

6. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

7. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

8. Meeting Etiquette

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

9. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

West Area Planning Committee

10th February 2015

Application Number: 14/01441/FUL

Decision Due by: 18th September 2014

Proposal: Demolition of various structures on an application site including former garages and workshops. Erection of 23 residential units (consisting of 13 x 3 bed and 1 x 4 bed house, plus 5 x 1 bed and 4 x 2 bed flats), together with new community centre, restaurant, boatyard, public square, winding hole and public bridge across the Oxford Canal. Demolition of existing rear extension and erection of two storey extension to Vicarage at 15 St. Barnabas Street and ramped access to church entrance. (Amended plans)

Site Address: Land At Jericho Canal Side Oxford

Ward: Jericho And Osney

Agent: Haworth Tompkins Ltd

Applicant: Cheer Team Corporation Ltd

Addendum Report

Further to Officers report to West Area Planning Committee of 13th January this addendum report provides additional information, clarification and updates. It should be read in conjunction with the officers' main report and appendices.

Representations received:

Further representations from neighbouring residents were received following publication of the committee report. They reiterated the comments already received. A letter was received from No.9 Combe Road stating the occupant does not want to be the garden with no sunlight if there is a high wall around the garden.

Officers have also spoken to St Barnabus Church and it is understood that the PCC is enthusiastic about the proposed redevelopment and the benefits to those who live and work there. Further to reading the Officers' main report and discussions with the Architect and Developer regarding the bridge location and the amount of affordable housing, it hopes that all parties will work towards delivering the bridge at the northern end. However, if it proves impossible to do so, and other measures could be put in place to allay their concerns, then the PCC support the proposal. With regard to the level of affordable housing proposed the PCC notes the Officers main report and accepts that a compromise may be necessary in the interests of avoiding a further prolonged period of dereliction. Finally, the PCC wish to work positively and

constructively with all parties and stakeholders to enable the community facilities provision to be delivered should permission be granted. The PCC hopes that this opportunity to develop this long disused site will not be jeopardised by further delay. A letter to that effect is expected however, at the time of writing the report, it has not been received and Committee will be updated verbally.

The Church forms part of the Jericho Wharf Trust, which was erroneously omitted from the original report to committee.

Community Centre/ Boatyard:

This section provides further information on the provision of the combined community facilities with respect to policy requirements, land transfer and s106 legal agreement and funding/ viability.

Policy SP7 states that a sustainably-sized community centre must be provided as part of the development and the SPD expands upon this and states:

"The expectation is that the portion of the Canalside site from the developer required for the new community centre will be transferred for a nil consideration.... The applicant/developer of the Canalside site will not be expected to construct the new community centre but will be expected to demonstrate that their land transferred is capable of accommodating the required facilities".

A draft S 106 legal agreement is in preparation to be signed by the Developer and City Council. This seeks to ensure a number of matters are achieved. This includes the transfer of the land from the applicant at a specified point to whoever will build out the community facilities, whether this is the JWT, JCA, Church or another future reiteration of the group of interested landowners/ parties or individuals, is referred to here as the Community Body. The Community Body chosen is likely to be nominated in this S106 agreement with the Developer, as in other similar S106 agreements where land has been transferred at nil cost. The Developer will also separately have to enter into legal agreements with this Body on other non-planning matters. The City Council is also likely to offer their garage site and small open space on Dawson Place to this Community Body.

Concern has been expressed as to how the actual construction of the combined community facilities building is achieved and secured, once the land is transferred. Furthermore, what would happen should the funding not be found. Much of this relies on the ability of the Community body, e.g. the Jericho Wharf Trust to raise/ secure funds and enter into agreement with the Developer. It is understood that the JWT would hope to raise funds from various sources including the City Council, public donations, major fund raising and grants.

Clearly this part of the site could remain undeveloped until such time as the full funding is reached, albeit part of the boatyard would be built (see below), and/or agreement reached with the Developer. Officers consider there are alternative cascade mechanisms that should be put in place in the S106 legal agreement to secure the future of this part of the site should the funding not be obtained by the

JWT or an alternative Community Body, including transfer of the land to the City Council itself.

Phasing of Development:

The S106 legal agreement would also secure triggers for construction/ phasing of the development and the Developer has stated that none of the residential units would be occupied until the public open space, works to the Canal, docks/ boatyard etc are completed. The only public works the Developer may not be able to deliver before the residential units are occupied is the bridge as the exact design and construction details of the bridge and of the Canal still need to be finalised and agreed with Canal and Rivers Trust, and this is likely to take time. The Developer has also agreed to offer for sale only to local Oxford residents for the first 6months, to enable the opportunity for the units to be available to the local market.

For completeness the S106 Heads of Terms are:

City:

- Affordable Housing: 40% all social rent (9 flats);
- Bridge & maintenance: Exact figures to be confirmed. Bridge fully automated with a call out mechanism in the event of mechanical failure, in conjunction with CRT as Landowner;
- Canal works (bank and winding hole (and boatyard docks)) in conjunction with CRT;
- Transfer of land to Community Body with cascade mechanisms to ensure community facilities provision;
- Public open space works and maintenance: by Applicant;
- Moorings: Replacement moorings will need to be created on the canal bank to the north of the Mount Place Bridge on the Western bank as a result of the new bridge, at Applicant's expense (which has been agreed);
- Dog bin and Sign: Contribution towards provision of dog litter bins and an information board at the Walton Well Road entrance to Port Meadow in order to comply with the Habitat Regulations and to mitigate the impact of the development. Applicant agreed, sum to be confirmed (indicative £1000);
- Triggers for construction/ phasing of the development; residential units not occupied until the construction of the public open space, works to the Canal, docks/ boatyard etc. has been completed.

County:

- Monitoring fees of £1240 for the Framework Travel Plan - other elements of the scheme may trigger additional fees if they are large enough to require individual travel plans;
- £1,000 for a new pole/flag/information case unit at the Canal Street Bus Stop (if required to be relocated);
- £5,000 to amend the existing Traffic Regulation Order (TRO) - to include changes to existing short stay parking bays in the area and the exclusion of the residential dwellings from parking permit eligibility.

Viability:

Since the Independent Viability Assessment was undertaken a recently completed residential development nearby on the former Grantham House site at Cranham Street has come onto the market. Officers therefore asked for further advice regarding comparability of Grantham House with the proposed development. The advice is attached at Appendix 1.

The Grantham House development is not a direct comparison as it comprises flats/ penthouses and not houses. However, the indicative values for sale at the Grantham House scheme fall within the value ranges for that indicated at Jericho Canalside. Whilst, therefore, exact details cannot be established to indicate the direct relevance as comparable evidence, the values detailed would suggest that the assumptions made in the Independent Assessment for the Jericho Canalside scheme appear to be robust. Therefore there is no change to the previous advice given regarding the overall viability and level of affordable housing the site/ development can support.

Impact on 13a Barnabas St:

A revised Daylight/ Sunlight Assessment with regard to 13a Barnabas Street has been received based floor plans for that property and again the review undertaken is based upon BRE Report 209, Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (2011 – 2nd Edition).

The Assessment shows that now only one bedroom at first floor level would see a reduction in daylight that would be noticeable to the occupants. The other bedroom is dual aspect and the result for the other window is satisfactory, and as such the impact is less. The BRE Report guidelines state that a 20% reduction in light is acceptable; this would result in slightly more at a 25% reduction.

The Assessment states that the recommendation within the BRE report is to exercise the guidelines flexibly. Due to the parameters stemming from suburban environments, when the site is in fact a denser, urban environment, the Consultants consider a 5% degree of flexibility to be satisfactory. The guidelines also state that room usage should be taken into consideration so this flexibility is further supported by the use of the room being a bedroom. The Assessment therefore concludes that the level of daylight received by 13a St Barnabas Street following the construction of the proposed development should remain acceptable.

The sunlight amenity results continue to meet the recommended criteria meaning that satisfactory levels of sunlight should remain to 13a St Barnabas Street. The shadow study confirms that the proposal is satisfactory; it does not impact upon the level of amenity received by this neighbouring property.

Officers accept the findings of the Assessment and acknowledge that some adverse impact would be felt by one of the bedrooms, which is an improvement on the previous Assessment. Whilst this would adversely affect the residential amenities of the occupiers contrary to Policy HP14, on balance, given the constraints of the site and the proposal as a whole and all other material considerations, an exception is justified in this case.

Flooding:

Finally, the Environment Agency has now commented on a revised FRA submitted to them, dated 09 January 2015. It has been confirmed that the revised bridge design will actually have less of an impact than the original submitted proposal and therefore the points of objection raised in its last response have been addressed and the objection on flood risk grounds can be withdrawn subject to the inclusion of a number of conditions relating to

1. Implement in accordance with revised FRA Rev C
2. Phased contamination risk assessment and remediation
3. Details of scheme to dispose of surface water

Officers therefore alter their recommendation to remove reference to the Environment Agency as follows:

West Area Planning Committee is recommended to support the proposal in principle subject to and including conditions listed in the Officers' main report, and delegate to Officers to issue the decision notice on completion of an accompanying legal agreement. If a legal agreement is not completed then committee is recommended to delegate Officers to refuse the planning application.

Recommendation: Committee is requested to note this additional information, and that the recommendations in the Officers' main reports remain otherwise unaltered.

Date: 29th January 2015

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SUPPLEMENTARY STATEMENT

PLANNING APPLICATION REF: 14/01441/FUL

LAND AT JERICO CANALSIDE, OXFORD

As members will be aware, a full independent audit of the viability issues relating to this application has been undertaken by Evolution PDR. The outcome of that appraisal is summarised in the Committee report.

One of the key considerations in undertaking the assessment related to the consideration of sales values, and in short, the independent assessment indicated that the values proposed by the applicant, equating to circa £600 per sq. ft. were acceptable.

Subsequent to the independent assessment being completed, it became known that the scheme proposed at Grantham House was being brought to the market. Specifically, the press reports identified a "Show Home" apartment being advertised at a value of £730,000, and a three bedroomed penthouse apartment at a value of £1.3m. This has inevitably led to further consider the values assumed in the independent appraisal, and whether indeed they would influence the outcome of the appraisal process.

In valuation terms, when comparable evidence is to be considered, it is important to ensure that like is compared with like. There are a number of ways to establish this which would as a matter of course include unit types and floorspace comparisons. Overall sales revenues can only, at best, provide a guide, on the basis that these can also be influenced by location and other factors.

Conversations with the agent representing the Grantham House scheme have taken place in order to inform this supplementary statement. Details regarding the scheme were requested. The agent was not given authorisation to release specific unit floorspace details, nor individual unit sales revenue achieved. However, confirmation was received that a significant part of the development had been sold off plan primarily to investors. These smaller units (understood to be 1 bedroomed apartments) were confirmed as being sold at revenues of between £600 - £650 per sq. ft.

Evolution PDR has considered the detailed floorspace provision within the Grantham House scheme as detailed on the original planning application. The range and size of units are shown in the table below, together with the comparison of equivalent units at Jericho Canalside:

Grantham House		Jericho Canalside	
Unit Type	Size (sq. ft)	Unit Type	Size (sq. ft)
2 no 1 bed flat	660	2no 1 bed flat	420
1 no 1 bed flat	680	1no 1 bed flat	506
1 no 2 bed flat	1011	2 no 2 bed flat	689
		1 no 2 bed flat	657
		1no 2 bed flat	721
2 no 3 bed flat	1437		
1 no 3 bed flat	1348		

In considering this against the Jericho Canalside scheme, the following observations are made:

- i) It is noted that the size of the units proposed within the Grantham House scheme are significantly larger than those at Jericho Canalside. Caution should therefore be taken when using the Grantham House site as a true comparison on the basis that the two schemes are quite different and will appeal to different markets. Specifically, three bed penthouse apartments are not proposed within the Jericho Canalside scheme, and direct comparison with the three bedroomed houses proposed within the Jericho Canalside scheme is not appropriate due to the need to ensure like is compared with like. (i.e. “apples compared with apples”).
- ii) The recent press coverage relates to the highest value properties within the Grantham House scheme. However, from the press reports, it is noted that the two bedroomed property is advertised at the asking price of £730,000, which, when utilising the floorspace figures from the planning application (detailed above) generates a suggested value of £720/sq. ft. It is noted that this is the only 2 bedroomed apartment within this scheme. It is difficult to suggest that this is a true comparative value due to its unique position within the scheme, offer within the market place, and the size differences between the units as outlined in i) above.
- iii) Through conversation with the agent it is apparent that a number of smaller sized units have been sold off plan, and the values are reported above. The value ranges assumed within the Jericho Wharf for market value of the one and two bedroomed apartments range between £430 and £830 per sq. ft.

From this, it can be shown that the values indicated for sale at the Grantham House scheme clearly fall within the value ranges for that indicated at Jericho Canalside,. However, it is noted that this is based on conclusions deduced from unverified information, and have not been confirmed in detail by the developer. Using this as part of any evidence for the case for/against the Jericho Canalside scheme should be considered as nothing but a limited guide.

Whilst, therefore, exact details cannot be established to indicate the direct relevance as comparable evidence, the above would suggest that the assumptions made for the Jericho Canalside scheme are robust and therefore the overall viability and level of affordable housing it can support.

Evolution PDR Ltd

29th January 2015

Application Number: 14/01441/FUL

Decision Due by: 18th September 2014

Proposal: Demolition of various structures on an application site including former garages and workshops. Erection of 23 residential units (consisting of 13 x 3 bed and 1 x 4 bed house, plus 5 x 1 bed and 4 x 2 bed flats), together with new community centre, restaurant, boatyard, public square, winding hole and public bridge across the Oxford Canal. Demolition of existing rear extension and erection of two storey extension to Vicarage at 15 St. Barnabas Street and ramped access to church entrance. (Amended plans, Amended description)

Site Address: Land At Jericho Canal Side, Site Plan **Appendix 1**

Ward: Jericho And Osney

Agent: Haworth Tompkins Ltd

Applicant: Cheer Team Corporation Ltd

Recommendation: West Area Planning Committee is recommended to support the proposal in principle subject to and including conditions listed below, and subject to the Environment Agency removing their objection, and delegate to Officers to issue the decision notice on completion of an accompanying legal agreement. If a legal agreement is not completed and/ or the Environment Agency objection is not overcome through the revised FRA, then committee is recommended to delegate Officers to refuse the planning application.

Reasons for Approval

1. It is considered that the proposed development makes best and most efficient use of the land, whilst achieving the essentials of the Development Brief and requirements set out the Site Designation Policy SP7, in delivering a high quality development on a constrained site. Whilst the development provides less than 50% affordable housing, given the viability assessment made and 39% social rent units proposed, in addition to a general compliance with BODs, the provision of a much needed high quality Community Centre and boatyard building, improved winding hole, level DDA bridge, together with a new public open space and restaurant, and taking into account all other material considerations an exception to the 50% requirement can be accepted in this case. Car free residential accommodation is acceptable in this sustainable location and adequate cycle parking is provided. In addition some elements of the development may significantly impact upon residential

amenities on adjacent dwellings; however it is considered that other materials considerations in terms of the public benefit of the proposals outweigh this impact in this case. On balance therefore the proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the NPPF.

2. The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building(s) and/or conservation area. The new development may cause harm to the setting of the Grade I listed Church however, it is considered that this is less than significant harm and in any event is outweighed and justified by the substantial public benefits of providing the affordable housing, community facility, boatyard, public open space and new bridge. The development would not be harmful to the character and appearance of the conservation area, canal and other non-designated heritage assets, but any harm is justified by the substantial public benefits of the development. The proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy and the NPPF.
3. The Council has considered the comments raised in public consultation but consider that they do not constitute sustainable reasons sufficient to refuse planning permission and that the imposition of appropriate planning conditions will ensure a good quality form of development that will enhance the appearance of the street scene and relate satisfactorily to nearby buildings, preserve the special character and appearance of the area.

Conditions

- Time – outline / reserved matters.
- Plans – in accordance with approved plans.
- Materials – samples agree prior to construction.
- Contamination, phased risk assessment – prior to construction.
- Strategy for control of dust and dirt from demolition and construction; prior to demolition.
- Drainage Strategy & SUDS Strategy– Implement in accordance with DS & SUDS S. Further SUDs details required.
- Biodiversity - 6 integrated bat roosting devices.
- Biodiversity - A lighting scheme designed to minimise disturbance to foraging bats .
- Biodiversity - Vegetation clearance will only take place outside of the bird nesting season or following an inspection from a suitably qualified ecologist and under guidance arising from that inspection.
- Archaeology – Watching Brief - Prior to demolition/ Construction.
- Public open Space; no parking; access only except in exceptional circumstances (e.g. deliveries, emergency services/ in conjunction with events)
- Public Open Space; details of hard surfacing/ bollards/ street furniture.
- Public Open Space –Use and management Strategy – prior to completion
- Parking -Residents exclude from CPZ.

- Parking layout in accordance with plan; for Church and disabled use only.
- Deliveries Strategy for Community Centre/ Nursery/ Boatyard and Restaurant.
- Construction Traffic Management Plan – details prior to construction.
- Restaurant – Restrict opening hours: 09:00hrs to 22:30hrs mon-fri; 09:00hrs to 23:00hrs Saturday only; 09:00hrs to 22:00hrs Sundays.
- Cycle & bin storage – further details.
- Windows – obscure glazing, as on approved plans; at all times
- PD rights removed – houses
- NRIA – build in accordance with; provide further details of PV's (size, location), CHP prior to that phase of construction of development.
- Details of boundary treatment prior to occupation inc. pre-school railings.
- Vicarage – construct rear extension prior to restaurant /flats
- Vicarage – rear extension: first floor bathroom window obs glazed, revised details of sitting room window to avoid overlooking
- landscape plan – details required prior to substantial completion
- landscape carried out
- landscape Management Plan
- Trees- hard surfaces –tree roots
- Trees -underground services –tree roots
- Trees - tree protection plan Prior Demolition
- Trees -Arboricultural Method statement – to include details of the suspended, cantilevered floor slab for the house at the southern end of the site which is required to ensure that roots of trees that stand adjacent to the site within the ground of Worcester College are not damaged during construction.
- Noise- details of air conditioning,
- Noise- mechanical ventilation or associated plant,
- Noise- restriction on noise in relation to neighbouring residential properties
- Noise- details of a scheme for treating cooking odours
- Noise - details of a management plan for the boatyard including how noise from operational procedures will be mitigated in practice.
- Flooding conditions (TBC subject to EA response)
- Heritage - programme of architectural recording of the buildings and structures on the site by measurement, drawing and photography before work commences.
- Heritage -architectural features and structures exposed by demolition and/or during the progress of the works shall be preserved in situ or relocated in accordance with submitted details, prior to demolition
- Heritage- a written scheme of investigation, details of architectural salvage prior to demolition.
- Heritage - details of a scheme for protection of heritage assets during demolition and construction (hoarding etc) prior to demolition

Legal Agreement:

S106 Heads of Terms:

City:

- Affordable Housing: 39% all social rent (9 flats);
- Bridge & maintenance: Exact figures to be confirmed. Bridge fully automated with a call out mechanism in the event of mechanical failure, in conjunction

with CRT as Landowner;

- Canal works (bank and winding hole (and boatyard docks)) in conjunction with CRT;
- Public open space works and maintenance: by Applicant;
- Moorings: Replacement moorings will need to be created on the canal bank to the north of the Mount Place Bridge on the Western bank as a result of the new bridge, at Applicant's expense (which has been agreed);
- Dog bin and Sign: Contribution towards provision of dog litter bins and an information board at the Walton Well Road entrance to Port Meadow in order to comply with the Habitat Regulations and to mitigate the impact of the development. Applicant agreed, sum to be confirmed (indicative £1000);

County:

- Monitoring fees of £1240 for the Framework Travel Plan - other elements of the scheme may trigger additional fees if they are large enough to require individual travel plans;
- £1,000 for a new pole/flag/information case unit at the Canal Street Bus Stop (if required to be relocated);
- £5,000 to amend the existing Traffic Regulation Order (TRO) - to include changes to existing short stay parking bays in the area and the exclusion of the residential dwellings from parking permit eligibility.

CIL requirements.

The CIL contribution will be £272,978.79.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP19 - Nuisance
CP20 - Lighting
CP22 - Contaminated Land
TR1 - Transport Assessment
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR5 - Pedestrian & Cycle Routes
TR13 - Controlled Parking Zones
NE6 - Oxford's Watercourses
NE11 - Land Drainage & River Engineering Works
NE12 - Groundwater Flow

NE13 - Water Quality
NE14 - Water and Sewerage Infrastructure
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
NE20 - Wildlife Corridors
NE23 - Habitat Creation in New Developments
NE21 - Species Protection
HE2 - Archaeology
HE3 - Listed Buildings and Their Setting
HE7 - Conservation Areas
SR9 - Footpaths & Bridleways
SR16 - Proposed New Community Facilities
RC12 - Food & Drinks Outlets

Core Strategy (CS)

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS11_ - Flooding
CS12_ - Biodiversity
CS13_ - Supporting access to new development
CS14_ - Supporting city-wide movement
CS17_ - Infrastructure and developer contributions
CS18_ - Urban design, town character, historic environment
CS19_ - Community safety
CS20_ - Cultural and community development
CS22_ - Level of housing growth
CS23_ - Mix of housing
CS24_ - Affordable housing
CS28_ - Employment sites

Sites and Housing Plan (SHP)

MP1 - Model Policy
HP2_ - Accessible and Adaptable Homes
HP3_ - Affordable Homes from Large Housing Sites
HP9_ - Design, Character and Context
HP11_ - Low Carbon Homes
HP12_ - Indoor Space
HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking
SP7_ - Canalside Land, Jericho

Other Planning Documents

- National Planning Policy Framework & supporting National Planning Guidance

- Affordable Housing and Planning Obligations SPD (Sep 2013)
- Jericho Canalside SPD (2013)
- Balance of Dwellings SPD (2008)
- Natural Resource Impact Analysis (2006)
- Parking Standards, Transport Assessment and Travel Plans Supplementary Planning Document (2007)

Public Consultation

Statutory and public consultation responses are summarised at **Appendix 2**

Pre application consultation:

A Statement of Community Involvement has been submitted as part of the application within the Design and Access Statement. The Applicant undertook extensive consultation in the 6months leading up to submission of the application.

The proposals have been developed following consultation with Jericho Warf Trust (JWT) which is made up of the Jericho Living Heritage Trust (JLHT), the Jericho Community Association (JCA) and the Jericho Canal Boat Yard (JCBY), local residents, Thames Valley Police (CPDA), Oxford Design Review Panel (ODRP), Canal and River Trust, Environment Agency, local community and amenity groups and other stakeholders. The SCI sets out how these groups have been engaged and involved with the design process.

The consultation recorded here has taken place over a relatively short period (since October 2013). For many schemes of this complexity this would not be sufficient to properly understand local and stakeholder opinion. In this instance however, the Architects have the benefit of work carried out by the architect in 2010-11 (when working for the Jericho Living Heritage Trust), by the Jericho Community Association, the Jericho Canal Boat Yard and City Development in developing the Jericho Canalside Supplementary Planning Document (JC SPD). This extended period of work, instigated by local residents themselves, has directly led to the creation of the SPD and has therefore had a direct influence on the form and nature of the proposals illustrated here.

Public Consultation Event:

7-8 February 2014, St. Barnabas Church and Jericho Community Centre. The event was very well attended with approximately 400 visitors over the two days. The majority of visitors were local residents, but a number of stakeholders attended including OCC Councillors, Inland Waterways Association, OUP, Oxford Civic Society, Cyclox, and College Cruisers.

Of the 112 written comments left by visitors:

- 74 were broadly or very positive
- 10 were broadly or very negative
- 28 were neutral

The Architects considered that a positive response of 66% showed strong support for the proposals.

Oxford Design Review Panel:

10 February 2014, Oxford Town Hall

The response from the panel was favourable. It acknowledged that the design was incomplete and that further design would be necessary prior to the planning application being submitted. The comments are summarized below. As with the public consultation most of the comments related to the housing.

- The panel acknowledged the importance of the boatyard to the scheme and recommended that the infrastructure be delivered as early as possible
- Questions were raised over the viability of the community centre and the community's ability to deliver a large and complex building.
- The panel questioned the scale of the community centre above the boatyard and whether the pre-school and café were in the ideal location.
- The calm nature of the terraced housing was welcomed, but it was acknowledged that further work was required in developing the detailed design. The panel raised issues of overlooking and privacy from the rear of the terrace.
- Aspects of the restaurant building and northern house were questioned and it was suggested that 'a more muscular statement' be made in this area.
- It was felt that the public square had the potential to be 'one of the most important in the city'.

In response to comments received at the public consultation and by the design review panel, the design was developed and modified in a number of ways. As many of the comments related to the housing element of the scheme, most of the changes relate to the southern section of the site. Terraced houses were modified by reducing their overall height and significantly reducing the ridge height, pairing chimneys and front doors to create a slower rhythm along the elevation, removal of dormer windows to the rear and more appropriate brick colour and detailing proposed. Angled oriel windows with obscured glazing were added to the rear elevation to ensure privacy of neighbours.

In addition, the restaurant block was made narrower and a subtle angle introduced on the north-west corner of the block to increase views of the church from the towpath and to help improve the relationship between the restaurant block and northern house.

Waste and bicycle storage was also given greater thought following the consultation exercise. A rear alley was added to the back of the terraced house gardens to provide a means of access to the garden for bikes and for the removal of refuse to two centralized bin stores.

The material treatment of the community centre was also reviewed and changes were made to the façade including a lightening of timber colour along Dawson Place and a change in proportion to the café entrance to make it more prominent on the façade.

Officers Assessment:

Background to Proposals.

Site description:

1. This irregular shaped 0.45 hectare brownfield site is within the historic suburb of Jericho, Oxford and incorporates land within separate ownerships. It is bounded to the west by the Oxford Canal and surrounded on all other sides by residential development, including student accommodation to the immediate south and the gardens of Worcester College. The Grade 1 listed St. Barnabas Church sits against the eastern boundary to the site, in the midst of the surrounding development and forms an important backdrop to the site. It is a former boatyard and workshop site and has been vacant and derelict since 2006. To the north of the site is an area used by College Cruisers as a boat hire facility and informal parking. The garages and open space occupy the land in Dawson Place and are in the City Council's ownership. There are a few individual trees within and adjacent to the site with more substantial tree coverage along the Canal towpath and in Worcester College Gardens.
2. The site is located approximately 1km to the north of the City Centre, and benefits from good accessibility to the City Centre and Railway Station, particularly on foot or by bicycle. Furthermore, it is located within close proximity of neighbourhood shops along Walton Street with a range of shops, restaurants, and medical facilities and also the new University re-development of the Radcliffe Observatory Quarter (ROQ).
3. Of relevance to the development of this site are the following previous applications:
 - 03/01266/FUL - Bellway Homes application for 46 dwellings, 37 car parking spaces, restaurant, chandlery, public square, winding hole and new footbridge. Refused 12th May 2004 and dismissed at appeal in 2005 due to Inadequate space provided for the community centre; No provision for replacement boat facilities in another equally accessible and convenient location (absence of lifting facilities not a reason for refusal in itself)
 - 07/01234/FUL - Spring Residential Ltd application for 54 flats, 16 car parking spaces, winding hole, public square, lifting bridge and boat repair berth; and 07/01973/FUL - Spring Residential Ltd application for landscaping works to St Barnabas Church. Both were refused on 9th January 2008 and both dismissed at appeal by the Inspector for the following reasons:
 - The re-provision of support services for boat users in an equally accessible and suitable location will not be fulfilled
 - The water related land use element will be relegated to a small discreet part of the site which is unfortunate in this area where canal and boating are important elements of its character
 - The preponderance of residential around the edges of the public square would render it sterile and inactive, lacking a sense of distinctive place with little connection to the character or history of Jericho
 - The design fails to take the opportunities for improving the character and quality of this area

- 09/01203/OUT – Jericho Community Association application for outline application for new community centre with entrance from Dawson Place seeking approval of access and layout. Approved 16th June 2010 and expires 16th June 2015. Reserved matters are scale, appearance and landscaping.
4. Following these applications a revised development brief was drawn up in the form of the Jericho Canalside Supplementary Planning Document (JC SPD) (which replaced the Canalside Land Development Guidelines (2001)) and which was as a result of extensive public consultation with landowners, residents and interested parties.

Proposed Development:

5. It is proposed to demolitsh various structures on the application site including former garages and workshops and erect 22 residential units (consisting of 13 x 3 bed and 1 x 4 bed house, plus 5 x 1 bed and 4 x 2 bed flats), together with new community centre & boatyard, restaurant, public square, winding hole and public bridge across the Oxford Canal. In addition, it is proposed to demolish an existing rear extension and erect a new two storey rear extension to the Vicarage at 15 St. Barnabas Street and demolish churchyard walls and provide a ramped access to church entrance. The development was amended during the course of application in response to Officer and public consultation comments. The main changes to the scheme are:
- The massing of the community centre reduced; from a single pitch to three pitched roofs;
 - The corner of the restaurant block changed from chamfered to square;
 - Roof terraces around the vicarage designed to prevent overlooking;
 - Rear of three terraced houses moved back from St Barnabus St;
 - The position of the bridge has been moved to the south; and
 - Conversion of the 2 bed house extension adjacent to the Vicarage to 2 1xbed flats in order to provide more units of affordable housing.

Determining Issues:

6. Officers consider the principal determining issues to be:
- Planning Policy;
 - Urban Design and appearance;
 - Heritage Assets;
 - Bridge & Footpath Links;
 - Community Centre and Boatyard;
 - Winding Hole and canal works;
 - Residential;
 - Public Open Space;
 - Restaurant;
 - Car and Cycle Parking;
 - Landscaping;

- Contamination;
- Flood Risk;
- Drainage;
- Archaeology;
- Biodiversity & Habitat Regulations;
- Sustainability;
- Noise; and
- Public Art.

Planning Policy:

7. The Sites and Housing Plan includes Policy MP1 which reflects the National Planning Policy Framework's presumption in favour of sustainable development. The NPPF contains a set of core land-use planning principles which should underpin decision-making. The elements of these core principles that are particularly relevant to this relate to good quality design and the conservation and enhancement of the historic environment.
8. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Development should add to the overall quality of the area; establish a strong sense of place creating attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development; respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; create safe and accessible environments; and are visually attractive as a result of good architecture and appropriate landscaping.
9. In relation to the historic environment NPPF aspires for positive strategies for the conservation and enjoyment of the historic environment that will sustain and enhance the significance of heritage assets; recognise the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; make a positive contribution to local character and distinctiveness; and take opportunities to draw on the contribution made by the historic environment to the character of a place.
10. The key Policy relating to the site is SP7 of the Site and Housing Plan which designates the site for mix used including:
 - Residential
 - A sustainably-sized community centre
 - Public open space/square
 - Replacement appropriately sized boatyard
 - An improved crossing over the canal for pedestrians and cyclists
11. The supporting text also clarifies these uses and context, including the setting of the listed Church and waterfront heritage, facilities within the boatyard, maximum building heights and provision of dog & litter bins and signage for

Oxford Meadows Special Area of Conservation (SAC).

12. The Jericho Canalside Supplementary Planning Document (2013) (JC SPD) is also a key policy document for the site, which elaborates on the requirements of SP7 and provides a detailed design brief for the site.
13. The proposed development provides a community centre, boatyard, winding hole, residential, and bridge across the canal and therefore in basic terms and subject to other policy considerations set out below, accords with Policy SP7 and the principles for development within the JC SPD.

Urban design and Appearance:

14. The JC SPD sets out urban design principles for the development of the site including respecting the character and appearance of the Grade 1 listed St Barnabus Church and the canalside, and integrating into Jericho's historic streets. It states that, "new development will need to maintain an open frontage to the canal that preserves its character as an active, publicly accessible space, where the heritage of the waterway can be appreciated..... Buildings facing onto the canal should be designed using a scale, form, materials and detailing that make references to historic canalside structures and should be of exemplar architectural quality. This does not mean that buildings should provide a pastiche of historic canalside buildings, however the influence of precedents on the architecture should be evident and understandable New development along the canalside should include a variation of heights and divisions into larger units".
15. The SPD states that the majority of the existing buildings in the area are 2 storeys, and although a maximum of 3 storeys is set within Policy SP7, it does not automatically follow that this is acceptable across the entire site. It goes on to say therefore that 3 storey buildings should be an exception and be of exceptional quality and should not have a negative impact on the character of the area.
16. The Architects, Hayworth Tompkins, have a history of involvement with the site, including working with the Jericho Living Heritage Trust/ Jericho Wharf Trust and contributing to the drawing up to the JC SPD. The proposed scheme is based on the Framework Option 2 plan set out in the JC SPD. The site layout (**Appendix 3**) shows the community centre and boatyard as a combined building, to the north of the site, adjacent to the properties on Coombe Road and College Cruisers. This is a large scale commercial building reaching approximately 11.1m high which is approximately equivalent to 3 domestic storeys and sits just below the eaves of the Church's main roof adjacent (11.5m). In front of this Community Centre and Boatyard Building is a new public open square, which incorporates part of the Church land, together with a new winding hole and entrance to the boatyard docks. To the south is a building combining restaurant and flats reaching 3 stories in height (12.5m high). Attached to it is two storey unit, which is also adjoined to the existing Vicarage and appears as an additional house within the street scene (providing 2 1xbed flats). The restaurant/ flat building wraps around the

corner facing onto the canal in the form of 13 terraced houses which are two storey with rooms with in the roof. One is for a disabled occupier. To the south of the site is a single narrow 4 bed house, built right up the canal edge. It is three storeys to the front and two storeys to the rear with a raised garden space in between at first floor level.

17. In urban design terms Officers consider that the scale and form of buildings are of an appropriate scale and massing in relation to existing buildings. The buildings have a good relationship to one another and the public open space responds well to the new winding hole and canal and listed church. The buildings are well designed with active frontages, taller corner buildings which turn corners and good overall surveillance from windows and balconies. The building heights are generally within the overall built form of domestic properties nearby with the community centre/ boatyard and restaurant and flat buildings higher at 3 storeys, the latter at the same height as the existing community centre on St Barnabus St (12.5m high). The development would sit well within the context of surrounding streets when viewed from Canal Street, Cardigan Street and Great Clarendon Street.
18. The community centre/ boatyard and restaurant/ flat building provide a frame for views to the western elevation of the Church when viewed from the canal and towpath. The massing of this building in relation to the public open space and Church has been adjusted during the course of the application as a result of Officers concerns. The overall ridge height and shape of the roof has been altered from a single roof to a tri-pitched roof which is brought through to the front façade so as to appear as three smaller units. This better reflects the proportions of the church and other traditional canalside type buildings.
19. Whilst the Community centre/ boatyard building is a large building adjacent to the canal, Officers consider this is not inappropriate along the canal and water front edge in Oxford. This framed view offers a new series of views into the site from both northern and southern approaches, which is comparable to other glimpsed and surprise views within the fabric of Oxford and its Colleges and whilst it alters the character of the canal from currently more open views, Officers do not consider this to be harmful or inappropriate to the canal side or the conservation area.
20. In terms of longer views into and out of the site, the view to the Tower of the Four Winds in the ROQ which is visible in winter months is not retained along Cardigan Street, the loss of this view was accepted in previous development proposals for this site and given the irregularity and constraints of the site, together with the amount of development required within it, Officers consider that it is acceptable to lose this view in this case. The proposal would not be significantly visible from or to other public views within or from outside the City, including that of Port Meadows and Carfax Tower.
21. Furthermore Officers are of the view that the architectural design of the whole development is of an exemplar quality. Whilst contemporary in design the Architects have successfully interpreted architectural references of the area in the proposals including chimney stacks, polychromatic patterned brickwork

and pitched roofs and a regular pattern of windows. The community centre reflects a more commercial/ waterside development but uses vertically hung timber slats across the façade with hidden windows, a small external balcony and a recessed terrace, which would serve to breakdown the scale of the building and the timber slats would make it more lightweight in appearance. The restaurant flat building offers an exception to the regular pattern of windows, again offering a contemporary interpretation which, whilst different, is welcomed by Officers and seen to emphasise the landmark corner building.

22. In conclusion therefore, it is considered that the development responds well to the development brief and would result in an exemplar architectural development that would enliven the area whilst respecting the character and appearance of the area and heritage assets, and is acceptable in accordance with Policies CP1, CP8, CP9, CP10 of the OLP and HP9 of the SHP and CS18 of the CS and the JC SPD.

Heritage Assets:

23. The Oxford canal has its origins in the Oxford Canal Act of 1775 and between its opening and the construction of the Grand Union canal it and the Thames was the principal water route linking the West Midlands with London. The wharves were opened in 1789 on the Oxford Canal and used mostly for stone, coal and timber. The wharves enabled goods to be taken in and enabled the development of the local ironworks and publishing industries. These industries required workers' housing to be built nearby, resulting in the distinct character of this working class area. The wharves were closed in 1955. The site has significance as it is the last remnant in Oxford of the working canal transport network.
24. The character of the 'Central Jericho' part of Jericho Conservation Area is a blend of terraced cottages tightly packed along narrow streets. The streets are generally compact, in a 'grid iron' alignment, with two storey terraced cottages having a uniformity of character and commonality of materials. The buildings retain original architectural details and there are survivals of Victorian commercial buildings. Some three storey housing exists, but this is a rarity and is usually confined to no more than two adjoining houses.
25. Historically the canal side in this area has been used for materials handling and transhipment or for boat yard activities. Consequently development has been sparse and ad-hoc with a small number of rudimentary buildings on site of a single storey unlike the Eagle Works to the north. As a result the canal south of the Mount Place foot bridge shares a character with the surrounding terraced streets.
26. The canal and the wharves represent a physical reminder of the earlier transport links into the city. Its primary function now is recreational with some residential moorings and chandlers adding a level of activity. The buildings that remain on the site of the closed boatyard are a collection of single storey buildings reflecting the history of use.

27. The street structure allows for a number of long views. Whether by design or not St Paul's Church, St Barnabas Church and the Radcliffe Observatory are framed in a number of key views. The interaction of St Barnabas and the Radcliffe Observatory along Cardigan Street is of great interest and is revealed when the leaves fall in the autumn.
28. St Barnabas Church is not only an important landmark in the area but also a nationally significant building. Its Grade I listing acknowledges its innovative construction, unique design and decoration, as well as being the work of a leading church architect and an important monument to the Oxford Movement. The campanile is clearly visible from many streets, either towering over buildings or in full view.
29. St Barnabas Church has a towering effect near the canal. Early images of the church show two entrances looking over a mid-height stone wall onto the canal. This visual relationship has been negated to a degree by development against the canal side of the boundary wall. The existing hoardings around the boatyard detract from the character of the area. The towpath side of the canal, along with the banks of castle mill stream, is characterised by a 'wild' and dynamic treescape. The trees, which are of indigenous riparian species, provide a green back drop to Jericho as well as a screen between the differing townscapes of Jericho and Rewley as well as the railway. Few of the trees are of individual merit but they have group value to the canal and conservation area as a whole. This canal is an ecological and amenity asset for Jericho and the City. It also forms an important part of the wider character of Oxford, in that it is one of the numerous ribbons of waterway and greenery that bring the countryside into the City.
30. The residential moorings to the south of the area have allowed a waterborne community to build up. It is well used route for cyclists and pedestrians into the City and train station. Access to the towpath from Jericho is limited and only possible at Mount Place or Walton Well Road.

Assessment

31. Policies CS18 of the Core Strategy (CS) and Policies CP8 and CP9 of the Oxford Local Plan (OLP) collectively seek to inform the decision making process and building upon the requirement in the NPPF for good design. Without being overly prescriptive the policies emphasise the importance of new development fitting well within its context with high quality architecture and appropriate building height, design, massing and materials creating a sense of place and identity.
32. In respect specifically to the historic environment, CS18 of the CS states that development must respond positively to the historic environment but not result in the loss or damage to important historic features or their settings. Policy HE7 of the OLP further adds that the special character and appearance of the conservation area should be preserved with Policy HE3 stating that planning permission will only be granted for development that respects the character of the surrounding of listed building and have due regard for their setting.

33. The NPPF reiterates the Government's commitment to the historic environment and its heritage assets which should be conserved and enjoyed for the quality of life they bring to this and future generations. It emphasises that the historic environment is a finite and irreplaceable resource and the conservation of heritage assets should take a high priority. Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets in considering a proposal and also desirability of new development making a positive contribution to local character and distinctiveness.
34. At the heart of the NPPF is a presumption in favour of sustainable development which is stated to mean, unless material considerations indicate otherwise, approving development proposals that accord with the development plan without delay. However, development that causes harm to a heritage asset or its setting should be avoided unless there is a public benefit to outweigh that harm.
35. The significance of the heritage asset can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. If harm is identified then it should be assessed as to whether the harm is substantial or less than substantial. The NPPF goes on to state that substantial harm to a grade II listed building, park or garden should be exceptional and Local Planning Authorities should refuse planning permission unless it can be suitably demonstrated that that such harm or loss is necessary to achieve and outweighed by substantial public benefits.
36. If a proposal is considered to cause less than substantial harm, then this would also need to be weighed against the public benefits of the proposal. Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the NPPF.
37. Furthermore recent case law (*Barnwell v East Northants District Council and Secretary of State*, Feb 2014) has shown that in making a balancing judgement between any harm and the public benefits of a proposal that decision makers must give considerable weight and importance to their duty to protect listed buildings and their settings.
38. Published guidance by English Heritage [*The Setting of Heritage Assets*, October 2011] provides a methodology for understanding the setting of a heritage asset and how it contributes to the heritage significance of that asset and explains how to assess the impact of development. English Heritage explains that the setting of a heritage asset is the surroundings in which it is experienced; furthermore the setting is not fixed and may change as the surrounding context changes.
39. The proposals have been considered in terms of how they would affect the Conservation Area, as an area of special architectural or historic interest, the

character or appearance of which it is desirable to preserve or enhance. The proposals have been considered in terms of how they would affect, and whether they would cause harm to, the setting of the grade I listed Church of St Barnabas and other heritage assets (both designated and non-designated).

40. The church's original immediate setting is shown in Henry Taunt's photograph of 1875 and the 1st edition of the 25" OS map of 1876, showing a wharf. There were no buildings on it and a low wall separated church and wharf. The west end of the church is therefore a relatively formal composition, with an apse flanked by two entrance portals that was designed to be seen from the canal. The church tower and clerestory were intended to be highly visible from a distance. Long views of tower and clerestory seen above the surrounding houses from nearby streets and the canal itself are therefore important and make a contribution to the significance of the grade I building.
41. English Heritage (EH) when initially consulted were broadly supportive of the proposals but raised a number of concerns about the design of individual elements. These were the height and bulk of the community building, the height of the fence around the children's play area and the chamfered design of the elevation of the corner restaurant building. The revised proposals only partially address these concerns. The design of the community building roofscape into three separate pitches greatly improves the elevation facing the square but as the eaves height increased this does nothing to address concerns regarding the impact on views of St Barnabas' Church from the canal (note: EH misinterpreted the plans and thought the overall height remained unchanged whereas it is lowered by approx. 1.37m). The eaves height is determined by the requirement in the brief from the Jericho Community Association (JCA) for the community building to have a badminton court that meets Sport England standards. There is already no shortage of badminton courts in Oxford of a higher quality and it would be possible to play badminton in a slightly lower hall using local rules to account for the lower than ideal ceiling height. However, the JCA does not appear willing to diverge from this requirement. EH therefore considers that to provide a badminton court for which there is no apparent need is perverse and it is difficult to justify the harm entailed to the significance of a highly graded heritage asset on this basis.
42. Notwithstanding the comments of EH, the roof height of the community centre and boatyard has been lowered by approximately 1.37m so as to reduce the impact on the setting of the church. The eaves height has been raised by 1.6m as a consequence to accommodate the JCA requirement for a badminton court. Officers recognise that some harm would be caused by reducing views of the church from the canal this harm is considered to be less than substantial. The changes would be to reduce the extent of the views of the church from the canal side and elsewhere, and would create framed views and a sense of enclosure formed by the public square. The ridge height of the community centre and boatyard would still be lower than the eaves height of the church, notwithstanding any lack of justification for the badminton court. However the proposals would preserve the effect of the clerestory rising up over buildings of relatively similar heights but with a varied roofscape. In

addition the scale and bulk of the development would allow the church to retain its pre-eminence. The canal and industrial aesthetic of the building, aligned closely to the canal with a sheer wall, is a characteristic of canal side architecture is considered appropriate for this location. The development also provides affordable housing, a community facility and pre-school nursery, boatyard, public open space and new bridge which are significant public benefits to the residents and surrounding area. It is considered therefore on balance that the harm that would be caused is justified by the public benefits of creating a public square and bringing the vacant site back into community use.

43. The public square would create an appropriate setting for a church of this scale, similar to a piazza. This opening up would better reveal more views of the church. The setting of the church at Dawson Place apart from the small green area would change from garages to a higher, more dense and active frontage with the pre-school and cycle racks. The two car parking spaces that would be formed at Dawson Place would cause some local but not significant harm due to the closeness of two cars to the church. However, parking is very restricted in this locality and on balance this would be the least harmful location to the church. From a number of streets such as Canal Street, parts of the views towards the church would be lost. Overall this change would not be harmful to the setting of the church. There would be four car parking spaces at the south door where there are spaces already.
44. The terrace houses are designed to fit into the aesthetic of the Jericho houses with patterned brickwork and pitched roofs clad with slate. The demolition of the existing rear extension and erection of two storey extension to the vicarage would not cause harm to the significance of or the setting of this undesignated heritage asset.
45. A mitigation for the loss of heritage features would be the salvaging of historic materials and features for re-use on the site. This would help integrate the proposed development with its surroundings and retain elements of its past that form part of the character of the area. Further mitigation would be architectural recording of the existing buildings and structures, which both could be secured by condition.
46. In conclusion therefore, considerable weight and importance has been given to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building(s) and/or conservation area. The new development may cause harm to the setting of the Grade I listed Church however, it is considered that this is less than substantial harm and in any event is outweighed and justified by the significant public benefits of providing the affordable housing, community facility, boatyard, public open space and new bridge. The development would not be harmful to the character and appearance of the conservation area or canal or other non-designated assets, however, any harm is also justified by the public benefits of the development. The proposal therefore accords with HE3, HE7, CP9, CP9 of the OLP, MP1 and SP7 of the SHP, CS18 of the CS, the JC SPD and NPPF.

Bridge and Footpath links:

47. The application as originally submitted showed a swing bridge at the northern end of the canal from the towpath to the public open space (POS), close to the restaurant. To the JWT, JCA, other members of the public and indeed Officers, this appeared to be an ideal and preferred location for the bridge, bringing people through the square thereby enlivening it and capturing 'passing trade'. An alternative location favoured by the County Council, JCBY and residents is to the southern end of the site linking through to Great Clarendon Street, seen as a more legible route through for people accessing the Oxford University Press and ROQ sites nearby and the rail station at the other southerly end of the towpath.
48. The Canal and Rivers Trust (CRT) own the canal and a 0.5m strip of the application site (for moorings) and the towpath. They made it very clear from early consultation response that they would not agree to a lifting or swing bridge in the northern location adjacent to the POS due to the proximity of the bridge to the winding hole (danger of a winding boat crashing into a boat waiting to go through the bridge) and loss of moorings (this being the closest to the city centre and in high demand). They wanted a fixed bridge and the southern location. Clearly without their agreement it would not be possible to cross the canal at all, which would be a dis-benefit to everyone.
49. During the application process there has been negotiation between the Applicant, CRT and Officers in order to resolve the issues and provide a bridge as part the development and meet the JC SPD and Policy SP7 requirements. Several different bridge options (type and location) have been considered including; a fixed bridge at the POS end but the ramps for DDA compliance would have been approximately 20m in length and compromised both the POS and the towpath; two bridges to enable a direct link to the POS but again the CRT object to two bridges in close such proximity. In the event the CRT has agreed to a lifting bridge at the Southern end linking through with Gt Clarendon Street. Whilst this is a disappointment to many and the JCA and JWT have objected to this location, unfortunately at this stage this is the only viable option that would secure a DDA compliant bridge and a crossing. The CRT however, has said that it is willing to continue the dialogue with the Applicant in the future to see whether an alternative could be found. Notwithstanding this undertaking by CRT and Applicant, Officers' consider that the bridge is acceptable in this location, achieving the desire and need for an at grade bridge, which links the towpath from town to Jericho, and is a legible route for commuters and leisure walkers. Whilst it is acknowledged that this is not directly in to the POS and therefore, in some people's view less than ideal, it should be accepted in accordance with Policy SP7 of the SHP, TR5 and SR9 of the OLP, CS14 of the CS and the JC SPD. The provision of the bridge and maintance can be secured by S106, with the design details to be agreed.

Community Centre/ Boatyard:

50. This building has been designed in consultation with the JWT, JCA and JCBY.

The JCA has commented the community element specification is based on the main Hall on the 'Village Hall specification' which is supported by Sport England. They have also identified what they consider to be a reasonable combination of other spaces in order to generate sufficient income to continue to run a completely self-sufficient Community Centre in new premises, which is based on their experience running the current self-funded community centre. This also includes a badminton court.

51. Notwithstanding the issues outline above regarding the design of this combined building, it would be a multifunctional community building, designed in three parts to reduce the overall size and massing and create visual interest. To the eastern end is a pre-school nursery with ancillary kitchen and facilities, which would use the existing open space onto Canal Street as the children's play area. This would retain the existing trees also, which is welcomed. Above the nursery are two floors of smaller community rooms (top floor in the roof) which the JCA wish to rent out as they do currently. Centrally would be the entrance to the Community Centre providing reception, café, museum to the history of the canal / boatyard, exhibition space and again rooms above. To the western end, as already discussed, is the boatyard at ground floor with badminton hall and another smaller function rooms above. Behind this element and adjacent to No.9 Coombe Road is a chandlery with two ensuite bedrooms upstairs for temporary accommodation for boaters. The boatyard element provides 2 wet and 1 dry docks with 2 ancillary workshops to the rear.
52. Generally to the rear of this combined building has been scaled right down to single storey and has an appropriate relationship to the residential properties to the rear. It would not appear overly overbearing and although it would impact on light to some rooms and gardens, this would not be significant. The exception to this is the eastern end where the nursery is and the chandlery end.
53. The eastern element of the building is 7.5m to eaves and 2.5m away from the garden of No.10 Canal Street. No comments or objections have been received from this property. Officers were concerned that the building would have a detrimental impact on their residential amenities in terms of significant loss of sunlight to their garden (indicated in the sunlight daylight report submitted) and an overbearing impact. The building has therefore been reduced at first floor level away from Canal Street so that a metre gap is left between the end of No.10 and before the new building starts. In addition the rear of the building has been redesigned to move the lift/ staircase element further away and integrated centrally into the building. This has reduced the impact on shadowing of the garden to an acceptable degree. However, in Officer's view the development would still have a poor relationship to this property and harm their residential amenities in terms of overbearing impact, even taking into account the changes made and the removal of the existing garages that abut their garden, contrary to CP1 and CP8, CP9 and CP10 of the OLP and CS18 of the CS.
54. The chandlery element of the building, whilst two storey would be 4m to eaves

(as amended) and run for a length of 8m along the western boundary of No.9 Coombe Road. Currently there is an existing single storey building with pitched roof that has served as part of the College Cruisers officer and storage accommodation, and will be demolished. Additionally historically there was a high close boarded fence along the west dwarf retaining wall of the house. Officers consider that again this part of the building would still have a poor relationship to this property and appear overbearing and enclose the garden to the detriment of the occupiers residential amenities, even taking into account the existing building there and a 2m high boundary treatment that could be erected under PD. It would therefore also be contrary to CP1 and CP8, CP9 and CP10 of the OLP and CS18 of the CS.

55. However, it is also considered that there are significant benefits to the community from this new state of the art community/ boatyard building and are a material consideration which should be taken into account. The community building would provide a pre-school nursery, café, museum to the history of the canal / boatyard, exhibition space, new badminton hall and various other size community function rooms. Together with the boatyard element which provides for the local and wider boating community. As such it is considered that the benefits to the community should outweigh the harm to the adjacent residential property in this case. As such the community centre provision should be accepted in accordance with Policies CP1, CP8, CP9, CP10, SR16 of the OLP and SP7 of the SHP and CS18 of the CS and the JC SPD.

Winding hole and canal works:

56. The existing winding hole just south of the site is only suitable for the smaller boats, the largest 22m boats have to go through the lock and turn on the River. This becomes problematic once the river is in spate. It is not possible to enlarge the existing winding hole, as the towpath cannot be reduced in size and the land opposite is owned by Worcester College, who are apparently not willing to sell. The proposed winding hole therefore provides a turning area for the largest 22m boats and would make it possible for these boats to turn all year round. It is combined with the entrance to the 3 boatyard docks. The CRT welcomes the improved winding hole. It requires all works to the canal to be done in one engineering operation. This has led the Applicant to decide to construct the three docks and boatyard building (to roof level). This is over and above the requirement of the JC SPD (as set out above) and would enable the community element of the building to be constructed on top, once funding was achieved.

57. The development also requires the upgrade of the canal edge and works to provide the bridge. Replacement moorings will need to be created on the canal bank to the north of the Mount Place Bridge on the Western bank as a result of the new bridge. The Jericho Community Boatyard (JCBY) has also indicated that they need 3 moorings to allow for boats waiting to access the boatyard, or waiting to be picked up. The need for these moorings is recognised, however they do not require planning permission but instead the permission of the CRT.

58. The winding hole and works to the canal and replacement moorings as a result of the bridge can be secured by S106 and are considered acceptable in accordance with Policy SP7 of the SHP, NE6 and NE12 of the OLP and the JC SPD .

Residential:

59. The development proposes 23 residential units broken down as follows:

- 13 of these are 3 bed terraced canalside townhouses (although they all include a study room that is capable of being used as a fourth bedroom) with a limited garden at ground level but supplemented by front and roof terraces to provide a reasonable outside amenity space;
- 1x 4 bed house (called the Southern House) with integral garden at first floor;
- Adjacent to the terraced houses and above the restaurant are 7 flats (4 x 2bed and 3 x 1 bed); and
- Adjacent to the Vicarage is a new building providing an additional 2 x 1 bed flats. A total of 9 flats are provided altogether.

Balance of Dwellings (BODs):

60. CS23 of the CS requires an appropriate mix of residential dwellings and is supported by the BODs SPD. The site lies within a neighbourhood area highlighted as 'amber' in the BODs SPD requiring developments of 10 or more units to provide a mix of sized units including family units of 3 or more beds. The proposal provides 3 and 4 bed houses and 2 bed flats in accordance with the percentage in BODs for this amber area. However it is slightly over the percentage for one beds, taking it to 22%, 2% over the 20% required. Whilst this is marginally over the percentage it is considered that given the context of the development as a whole, providing other significant public benefits to residents and the neighbourhood, that these material considerations on balance mean in Officers view an exception to the BODs requirement can be fully justified in this case.

61. Whilst contrary to BODs the development provides for a mix of units and much needed affordable housing provision in accordance with CS22 and CS23 of the CS.

Affordable Housing:

62. Policy HP3 of the Sites and Housing Plan 2011-2026 (SHP) states that planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings if a minimum of 50% of the dwellings on the site are provided as affordable homes, with 80% of these social rented and 20% intermediate tenure. Policy HP3 also sets out that exceptions will be made only if it is robustly demonstrated that this level of provision makes a site unviable, in which case developers and the City Council will work through a cascade approach, incrementally reducing affordable housing provision or financial contribution, until the scheme is made viable.

63. Policy HP3 also requires that the developer must demonstrate that the mix of dwelling sizes meets the City Council's preferred strategic mix for affordable housing. The Affordable Housing & Planning Obligations Supplementary Planning Document (AHPO SPD) sets out in Table 2 the strategic mix of unit sizes for sites outside the City and District centres, which in summary requires at least 45% of affordable units to be family size houses.
64. The application as originally submitted proposed the provision of 32% affordable units (7 flats in total), all of which were intermediate tenure (shared ownership). It was therefore contrary to Policy HP3 both in terms of the proportion of affordable housing and the tenure and mix of dwellings. The Applicant submitted Financial Appraisal Supporting Statement containing viability evidence seeking to demonstrate that any contribution to affordable housing beyond the 7 intermediate flats proposed would make the scheme unviable and therefore an exception should be made in this case, in accordance with HP3.

Viability appraisal

65. As outlined, there is flexibility within Policy HP3 to apply the 'cascade approach' where there is robust evidence that the full affordable housing provision will make the site unviable. This is consistent with the NPPF (paragraph 173) regarding viability, which refers to the need to provide "competitive returns to a willing land owner and willing developer to enable the development to be deliverable".
66. A developer must work through the cascade approach in order to robustly demonstrate why an alternative provision of affordable housing should be considered. Firstly they must test scenarios of incrementally reducing the proportion of intermediate affordable housing on site to a minimum of 40% social rented affordable units. As a last resort, if 40% affordable housing is still unviable, the applicant may provide a financial contribution in lieu of on-site affordable units starting at 15% of the sales values of the dwellings.
67. The submitted Viability Appraisal by Pioneer concluded that only 7 of 22 units (32%) could be supported as being affordable, and that these would necessarily be intermediate (shared ownership) tenure.
68. The Council's methodology for assessing viability is set out in Appendix 3 of the AHPO SPD. In simple terms, this works out what a developer could afford to pay for a site it wishes to develop (the RLV). This is calculated as the difference between the Gross Development Value (GDV) – i.e. what the completed development is worth when sold – and the total cost of carrying out the development, including an appropriate margin of developer profit. The RLV is then compared with an appropriate benchmark land value. If the RLV is greater than the benchmark value, then the scheme is viable.
69. In normal circumstances the benchmark land value will be the value of the site in its current condition, should it be sold for its current use, plus an additional

uplift in this value as an incentive for the current owner to sell (a “competitive return to a willing landowner”).

70. Viability appraisals involve a number of assumptions and estimates being made in a model. Even small differences in these assumptions can make a significant difference to the outcome of the appraisal. Therefore, it is important that all figures fed into the appraisal are clearly justified with appropriate evidence to ensure a robust viability appraisal. In this case, on reviewing the viability appraisal officers concluded that the applicant had not satisfactorily demonstrated that a much higher level of affordable housing provision could not be delivered on the site whilst still maintaining viability. Key issues identified in the viability appraisal were:

- The policy cascade had not been used, i.e. only one option for providing 32% intermediate affordable housing in the form of flats was tested;
- The approach to reaching a reasonable ‘benchmark’ land value was not justified: the applicant used a purchase price reportedly agreed with the landowner (£2.625 million), rather than based on an assessment of the existing use value plus a reasonable uplift;
- Insufficient evidence on residential sales values provided, relating to both open market and affordable units;
- Insufficiently robust evidence on construction costs, that lacked the transparency needed to understand whether unnecessary additional costs had been included;
- Other detailed elements of the appraisal were not sufficiently justified.

71. When in the course of discussions it became clear that agreement would not be reached on the viability appraisal and its assumptions, both parties agreed to commission an independent assessment to audit the viability information provided by the applicant and provide a professional judgement about key elements of the appraisal. In particular, it was agreed that the various costs assumed in the appraisal required careful independent analysis, taking into account the reasonable costs of additional infrastructure required by the Canalside Jericho SPD.

Independent Assessment of viability appraisal

72. The Independent Assessment Report (IAR) was prepared in September and October 2014 by Evolution PDR, with the input of both officers and the applicant as appropriate. It should be noted that in considering the application, officers and members have had access to the full independent assessment. As it contains material that is considered by the Applicant to be commercially sensitive, only a summary version has been made available to the public.

73. Officers consider that the Independent Assessment has been thorough in its preparation, and advise that it should be accepted as an independent

professional judgement from an expert consultant who is a qualified Chartered Surveyor and Planner. The IAR therefore provides a sound basis upon which to agree a position between the applicant and the City Council. A key conclusion of this independent assessment is that a reasonable value to assume for the site, taking into account the specific history of the site, the policy context and alternative schemes that could be achieved, would be £2.3m (based on a residual land value approach). Further main conclusions of the IAR can be summarised as:

- The period for sale of units was reduced by 3 months, improving the cashflow thus improving viability;
- The prices assumed for the sale of open market houses (sales revenue) considered overall to be appropriate;
- The revenue assumed from the sale of affordable units was considered too low and adjusted upwards to better reflect local evidence (thus improving viability);
- An additional 4.25% uplift in construction costs to account for cost inflation is considered inappropriate and therefore discounted, thus improving viability, however other elements of the build cost plan submitted by the developer are considered acceptable (noting exceptions below);
- Additional costs proposed by the developer to deliver the dry dock, purchase additional land and for an unjustified 'penalty payment' for late acquisition of land were discounted (thus improving viability);
- Professional and marketing fees adjusted to bring more in line with standard assumptions, and
- Target profit margin towards higher end of the typical range of 15-20% of Gross Development Value (equating typically to 20-25% profit on costs) considered reasonable for a site and development of this nature.

74. The assessment considered the potential for the scheme to be viable at 50% affordable housing with a policy-compliant unit mix. This found that the scheme was unlikely to be viable, given all of the policy requirements on this particular site for public realm and other provisions (as set out in the SPD), so further assessments were undertaken to consider the potential viability at 45% and 40% contribution levels.

75. The conclusions of the audit indicate that even 40% affordable (including the tenure requirements is unlikely to generate sufficient profit returns to be considered viable to permit the scheme to go ahead). Therefore further options analysis was undertaken to consider alternative approaches to maximise the affordable housing contribution. The main options considered (as reported in the independent assessment) were:

- Option 1: amendments [reductions] to the extent of the public realm provided. However, this approach was found to require a substantial reduction in the overall provisions to the point where the benefits of provision could be questioned, although it was recognised that alternative sources of funding may be found to deliver the public realm elements if necessary.
- Option 2: maximisation of the public realm with a reduction in the provision of affordable housing. Specifically this considered the provision of 7 social rented units only. This option represents 32% social rented affordable housing, which is below the 40% “bottom end” target using the policy cascade, but of a mix approximately in keeping with the AHPO SPD. In order to reach a scheme which generated benchmark profit levels indicated, the public realm elements would need to be reduced, effectively losing the proposed bridge crossing. At this, the profits achieved would generate 20.94% on cost, and 17.31% on value. These were considered to meet acceptable threshold values, and identified as an optimum scheme.
- Option 3: the provision of 32% affordable units on an intermediate basis as proposed originally by the applicant. Such a scheme was considered to generate profit values significantly in excess of the benchmarks identified, and it is considered that the scheme could progress on this basis. However, given the excess in the benchmarks identified, it is considered that there is some scope for additional obligation greater than those suggested, such as the provision of an alternative tenure mix to include a proportion of social rented accommodation.

76. Overall the audit concludes that ‘option 2’ of the independent assessment represents the optimum scheme – and could support provision of 32% social rented units consisting of three 3-bedroom houses, one 2-bedroom house, and three flats. This scheme would allow an acceptable profit margin generated, assuming the bridge were removed from the requirement but the provision of the public square and winding hole are still delivered.

Further negotiations and officer conclusions on Affordable Housing

77. Further discussions were then held with the Applicant in light of the independent report being received by both parties. The Applicant did not want to remove the bridge or the restaurant from the proposal, believing both are essential to creating an enlivened and vibrant public open space and instead 39% affordable housing (9 units), all of which on a social rented basis, has been proposed. These are 1 & 2 bed flats, and will be provided in addition to the public square and towpath improvements, new bridge, winding hole and land being made available for the boat dock and community centre.
78. Officers have been conscious that this falls short of the 50% target in policy HP3, and also that the mix of affordable units does not comply with the strategic mix required by Table 2 of the AHPO SPD. However it is considered to be at least equivalent to the level of affordable housing shown as viable by the Independent Assessment carried out by Evolution PDR. Whilst the AHPO

SPD is an important material consideration, the independent viability assessment has shown that the wider benefits to be provided by the site (bridge, winding hole, public space etc) impact significantly on the ability of the site to viably provide the target level of affordable housing. Provision of flats available for social rented tenure, whilst not achieving the optimum mix, allows the lower rung of the cascade approach set out in SHP Policy HP3 to almost be achieved. This material consideration, in relation only to this specific site, is therefore considered to outweigh Table 2 of the AHPO SPD. In relation to SHP Policy HP3, the proposal is on balance considered to be reasonable in terms of the overall planning balance to bring forward the complex site and the associated public realm and infrastructure costs which are specific to that site. It also significantly delivers affordable housing on-site in this exceptionally high-value area of the City, which would otherwise remain out of reach to many of the population.

79. In conclusion therefore, Officers therefore consider that on balance, taking into account all material considerations, that 39% affordable housing all at social rent would be acceptable in this case, in accordance with Policy CS24 of the CS and HP3 of the SHP.

Amenities & impact on neighbours:

80. The flats are of the required floor area set out in HP12 of the SHP and two units are wheelchair accessible and all are to Lifetimes Homes standard in accordance with HP2 of the SHP. The flats have private balconies and houses have their own private garden area or a combination of garden and terraces in order to achieve an adequate size area in accordance with policy requirements. Officers have also taken in to account the proximity to the canal towpath and Port Meadows and thus consider that the amount of outdoor amenity space is acceptable in accordance with Policy HP13 of the SHP. Bin storage is provided for the residential uses, details of which can be secured by condition in accordance with HP13.

81. In general the development has minimal impact on neighbouring properties with a couple of exceptions commented on below. Where necessary overlooking windows would be obscure glazed or at high level, for example on the rear elevations of the terraced houses to St Banabus Street.

Overlooking / Privacy

82. The new window to the first floor living area within the new rear extension to the Vicarage is likely to give rise to overlooking to their neighbours garden. It is noted that is it south facing and understandably the occupiers would want to maximise the benefit of that aspect. It is considered that a different type of window could still easily achieve this whilst reducing the potential negative impact on their neighbours. This could be secured by condition requiring further details of this window.

Sunlight / Daylight

83. The impact of the massing of the development on the sunlight and day lighting to the neighbouring properties has been explored in some detail. An

assessment based on the BRE guidance was carried out by Watts Group. After their initial assessment, the roof profile of the terraced houses was reduced and the restaurant block moved away from the adjacent properties and the scheme reassessed. The study however does not take account reflect surfaces/ materials such as glass or painted render, and can be seen as a worst case scenario. The results of this submitted study show that overall the impact on neighbouring properties is in line with the criteria set out in the BRE guidance and therefore acceptable.

84. However in relation to No13a St Barnabas Street, which is a converted workshop building that sits adjacent to the boundary, the impact from the new terraced housing would be significant, in particular to the upstairs rooms. At ground floor level are two windows that face directly onto the close boarded fence and which are to an open plan downstairs habitable living areas (kitchen/ dining/ sitting room). The ground floor also gains light from windows and glazed doors facing in to the garden area. At first floor are two bedroom windows with windows facing directly east onto the development. The new housing would result in a significant reduction in light to the bedrooms according to the BRE guidance and therefore noticeable impact on their amenities contrary to Policy HP14 of the SHP. Whilst this would in other circumstances be a reason for refusal, Officers consider the wider benefits of the development as a whole are a material consideration, together with the fact that the main habitable rooms on the ground floor would still have a good level of light. Therefore it is considered that an exception to Policy should be made in this case.

Overbearing

85. Again the most significant impact would be to 13A St Barnabas St due to it's proximity to the joint boundary. As a result of concerns expressed by officers that the terraced housing would appear overbearing to this property, the central 3 units closet have been moved away. Whilst this has not removed the adverse impact it has mitigated it and bearing in mind the suburban and close-knit nature of the area and the wider benefits of the development as a whole, it is considered on balance that this is acceptable.

86. With regard to the Vicarage, the new rearextension proposed mitigates against the restaurant/ flat block appearing overbearing and overshadowing to the property. It is essential therefore that this extension is built prior to this element of the scheme, should permission be granted. This could be secured by condition. In relation to their adjoining neighbours (south) the extension would not have an adverse impact on their residential amenities in terms of overbearing or loss of light.

87. In summary therefore Officers consider the development acceptable in accordance with Policy HP14 of the SHP, subject to conditions where appropriate.

Restaurant:

88. The restaurant is an ancillary use which is considered acceptable within the

development brief in the JC SPD. Its inclusion within the development would be a draw for visitors from Jericho, particularly if it is a high profile occupier. The canalside offers a great setting ideal for outdoors café/ restaurant culture. Both the Applicant and members of the public consider it to be an essential part of enlivening the public open space, and Officers concur with this view. No objection is therefore raised to its provision in accordance with the SPD.

89. Conditions could secure hours of opening to ensure there would be no significant adverse impact on neighbouring residential amenities in terms of noise and disturbance from diners and deliveries in accordance with CP1, CP10 and CP19 of the OLP. (other issues regarding noise/ odours are dealt with below)

Public Open Space:

90. The public open space (POS) has been designed with a radial pattern in it which emphasises, and draws the eye to, the western elevation of the church. Cobble stones in different materials are likely to be used. The POS would be for pedestrian and cyclist use only with access for vehicles associated with the boatyard, community centre/ pre-school nursery restaurant and public events on a restricted basis (e.g. emergency services/deliveries/ certain public events only), controlled by removable bollards. Street furniture, lighting, signage, safety barriers to the canal have not been included at this stage. These issues could be secured by condition.
91. The use of the POS is of concern to residents and the Church. It is envisaged that the space could be used for a number of activities including markets, theatre productions etc. How these activities impact on the neighbours could be suitably controlled by condition requiring a strategy for use and management of the POS, including hours of operation. The construction of the POS can be secured by S106. It is considered that this element of the scheme is acceptable in accordance with Policies CP1, CP8, CP9, CP10 of the OLP, MP1 and SR7 of the SHP, CS18 of the CS and the JC SPD.

Cycle and Car Parking:

92. The Highways Authority considers that the site is highly accessible to sustainable modes of transport and the transport statement adequately argues that generation of car trips will be very low indeed. Car parking levels are encouragingly low (only for the Church and disabled unit) and the number of cycle parking spaces for the residential and community centre appear to be adequate. The location and design details of the cycle parking should be submitted and agreed ahead of construction to ensure that they fully support a successful design of the wider site and also that they are in places that are attractive and easy to use. The HA also advises that the bus stop on Canal Street may need to be moved.
93. The development is in a highly sustainable location and a car free development has been accepted in principle within the JC SPD. The residential units could be excluded from the CPZ to control parking, and the

commercial units restricted to deliveries only. The only car parking proposed is 6 replacement spaces for the Church (part of the agreement in order for their land to be included in the development) and 1 disabled space for the disabled terraced house. Adequate cycle parking is proposed for both residential and commercial buildings, and further details of these can be secured by condition. The development would connect into Gt Clarendon Street (which is adopted) but would not upgrade or alter this road in any way. Officers consider that the proposal accords with the policies CP1, TR3 &, TR4 of the OLP, HP15 & HP16 of the SHP.

Landscaping & Trees:

94. The application as submitted included an Arboricultural report which provided an accurate record of the quality and value of trees within the application site. This has subsequently been revised to take into account the impact of development on third party land including the root protection zones of trees in Worcester College and those on the Towpath between the canal and the Castle Mill Stream as a result of the revised bridge location. The site is within the Conservation Area and therefore the trees have legal protection.
95. Policies NE15 and NE16 seek to ensure that development proposals do not significantly harm trees or public amenity. Officers concur with the assessment of impacts on trees within the application site; other than the silver birch and false acacia trees that stand within the area of open space near the Dawson Street/Canal Street junction, they are low quality and value trees that should not constrain the use of the site. No significant trees would be lost and therefore it is considered that there would not be a significant harm to public amenity from the development. The effects on amenity in the area of removing the low quality and value trees can be mitigated by new tree planting.
96. The tree Officer has expressed concern that the house at the southern end will be permanently shaded by the trees in Worcester College. However, this house is built on three levels and at this end of the building at first floor is a study room which is underneath the indicative tree canopy. The windows to this room face northwards into the internal courtyard garden (also at first floor) and onto the canal. Due to orientation the garden would also be partially shadowed by the study room. Given orientation and window orientation it is therefore considered that there would be no significant harm to residential amenities of occupiers from shading of existing trees as a result.
97. A series of conditions are suggested to mitigate the development including landscaping and an Arboricultural Method Statement (AMS) to include details of the suspended, cantilevered floor slab for the house at the southern end of the site which is required to ensure that roots of trees that stand adjacent to the site within the ground of Worcester College are not damaged during construction.
98. On the basis of these conditions the potential harm to public amenity in the area can be mitigated in accordance with OLP policies CP1, CP11,

NE15 and NE16.

Flood Risk:

99. The majority of the site is within Flood Zone 3a with part of the northern area within Flood Zone 3b. During the production of the Sites and Housing Plan, the Inspector was satisfied with the evidence provided by in respect of the Sequential and Exceptions Tests and subsequently allocated the site for development. Policy SP7 requires a site-specific flood risk assessment (FRA) and that development should incorporate any necessary mitigation measures.
100. The design has been developed with this in mind and a Flood Risk Assessment (FRA) was submitted with the application in relation to the original plans. The FRA was reviewed with the Environment Agency and modified to reflect their requests. In summary, it is proposed that floor levels within the new buildings be raised so that they sit above the predicted flood level. The height above the flood level (with the impact of climate change included) varies depending on the use of the building. Residential units will be set 600mm above the predicted 1 in 100 year plus climate change flood level. The Pre-school will set 440 above flood level and the café / community centre 290mm above flood level.
101. As the development builds on unoccupied land there is a risk that flood water that would currently sit on the site will be displaced onto adjacent land and could therefore lead to increased risk of flooding in neighbouring properties. It is proposed that this displaced water be stored in the zone above the water level in the winding hole and docks where land has been excavated. In the event of a flood it will be necessary to allow flood water into the docks, including the dry docks. The boatyard management team will need to ensure that the docks are allowed to flood and it is recommended that they subscribe to local flood alerts so that necessary action can be taken in advance to make boats and the dry docks safe.
102. The Environment Agency reviewed the original FRA and did not object to the proposal and suggested conditions relating to mitigation measures, SUDS, and contamination. They commented on the assumed groundwater flow direction and advised that Hydrogeological investigation studies carried out in this general area typically show that groundwater movement is primarily to the south or towards the Thames (i.e. South West). However, this did not alter their support for the proposed plans would be picked up under both contamination and FRA conditions suggested.
103. However, a late comment received from the EA on the amended plans has subsequently raised an objection to the proposal because the FRA was not updated to consider the effect of a range of flooding events including extreme events on people and property. Specifically the submitted FRA fails to take into account the impact the revised bridge design may have on flood flows/levels in the area. The Applicant has been informed and at the time of writing is updating the FRA and Officers will verbally update Committee on any

further EA comments. In the event that the EA objections are overcome as before, Officers consider that conditions could be imposed to mitigate the development in accordance with Policy CS11 of the CS.

Drainage:

104. Policy SP7 and the JC SPD identified an issue regarding water supply capacity to accommodate the development. A drainage strategy was therefore submitted with the application and further addendum information to satisfy comments received from Thames Water. Consequently, Thames Water has raised no objection to the development in respect of water or waste sewerage connections. The County drainage engineer has commented that the development should be constructed in accordance with SUDs principles. A condition would secure the development be constructed in accordance with the Drainage Strategy and require further details in respect of SUDs. The proposal accords with Policies CP1 and NE14 of the OLP and SP7 of the SHP and the JC SPD.

Contamination:

105. The site is known to be contaminated and a "Updated Baseline Desk Study" report no. R4026/DS dated February 2014 produced by ESG was submitted with the application. The desk study and site walkover have identified a number of potential sources of contamination on and off the site. Previous site investigations undertaken in 2007 identified contamination at the site. The report concludes that an updated Site Investigation is required to further delineate contamination at the site and inform remediation proposals. Since then an "Updated Ground Investigation" (Report no. R4026/GI dated June 2014) was submitted. The site investigation provides an update to the initial ground investigation undertaken in 2007.
106. The revised site investigation report indicates that whilst contamination is present on site, various mitigation and remediation options are available to render the site suitable for use. Officers also note the direction of the groundwater flows and comment that this may alter their findings. However, the recommendations in the report are accepted and a phased risk assessment and remediation condition would secure the subsequent phases of the risk assessment process so as to ensure that all subsequent phases of the risk assessment are carried out including remediation in accordance with Policy CP22 of the OLP.

Biodiversity & Habitat Regulations:

107. An Ecology Report and Bat Survey were submitted with the application. The bat survey indicates that there are no bats roosting in the buildings on the site and the Ecology report makes recommendations for lighting, new tree and shrub planting with native species, bat and bird boxes and opportunities for improving the habitat for Voles on the canal banks. In general Officers agree with both report findings and the recommendations, except in relation to the vole, where the existing and replacement of the hard edge of the canal alongside the development would not create any

opportunities for improving vole habitat. Suitable conditions would secure these biodiversity measures and the proposal accords with Policies CS12 of the CS, NE6, NE20, NE23 of the OLP and NPPF.

Habitat Regulations:

108. As part of the production of the Sites and Housing Plan the City Council undertook a Habitats Regulation Assessment (HRA). This site was relevant to that assessment due to its proximity to the Oxford Meadows Special Area of Conservation (SAC) at Port Meadow which is designated a European Site. Natural England has commented that it considers the proposal is not necessary for the management of the European site and that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment. However, the controlling of dust and dirt from demolition and construction processes and the potential recreational impacts upon the SAC given the increase in housing and new access being created over the canal should be fully justified.
109. The HRA concluded that development of this site might increase recreational pressure on the *A. repens* (creeping marshwort) at the SAC due to trampling and dog-fouling. Due to the potential increase in dog walkers that might live on the site and use the SAC, it was concluded that in order to mitigate these recreational impacts, dog and litter bins and an information board must be provided at the Walton Well Road entrance to Port Meadow as set out in Policy SP7. The Applicant has agreed to this as part of a S106 contribution and the design and text of the information board should be integrated with the Oxford City Canal Partnership's heritage initiative. The control of dust and dirt from demolition could be ensured by a suitably worded condition requiring a demolition strategy.

Archaeology:

110. A substantial amount of made ground exists across the site comprised of medieval rubbish dumping as the site was not under occupation before the 19th century. In archaeological terms the site possesses only low potential for containing remains of local or regional significance. For the prehistoric period low general activity is shown for the area whilst for the Roman, Saxon and Medieval periods the potential for remains is also low. There is some possibility of remains from the post-medieval period in the form of remains of buildings that originally stood as part of the canal wharf. There is however a high potential for palaeo-environmental remains.
110. The submitted Heritage Impact Assessment (HIA) notes that archaeological interest of this site is limited and relates to the interest of the 19th -20th century standing structures to be demolished (church rear wall, canal wharf and the boatyard) and the also potential for palaeo-environmental evidence related to the evolution of the River Thames. Officers concur with the HIA and
112. The National Planning Policy Framework states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect

directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Where appropriate developers should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

113. In this case, bearing in mind the results of the Heritage Impact Assessment, Officers consider that any consent granted for this development should be subject to condition requiring the archaeological investigation take the form of targeted building recording and watching brief in accordance with Policy HE2 of the OLP and the NPPF.

Sustainability:

114. An Energy Efficiency and Renewable Energy Report and an NRIA checklist have been submitted. The scheme has been designed to reduce its impact on the environment both during and construction and use of the buildings. In terms of the NRIA checklist the restaurant and commercial buildings would achieve a 10 out of a maximum of 11 points. A number of strategies will be employed to achieve this:

- Priority given to passive energy saving measures such as good levels of insulation and air-tightness;
- Medium density, mixed-use scheme on a derelict brownfield site;
- Very low levels of residential parking and good levels of cycle parking;
- Shared CHP plant for the restaurant and flats;
- Photo-voltaic panels installed on community and residential buildings;
- Ground or water source heat pumps serving community centre
- Overheating limited by sensible sizing and location of windows, by shading of windows and through specification of appropriate glass types;
- Water use minimised through specification of efficient fittings
- Ground floors built above / out of the flood plain;
- Natural ventilation used wherever possible;
- Good levels of sound insulation between dwellings;
- Re-use of materials from demolished structure
- Sustainable drainage including permeable paving
- Retention of existing trees wherever possible
- Sharing of plant and other facilities between boatyard and community centre

115. In addition to the measures set out above, materials will be selected to reduce their impact on their environment either through the specification of materials with a long life-span or low embodied energy. The Applicant hopes that the community centre will be assessed using BREEAM and that it will achieve a Very Good rating.

116. It is considered that the development would achieve 20% renewable energy in accordance with Policies CS9 and OLP CP17 and CP18 and construction and

implementation in accordance with the Energy Efficiency and Renewable Energy report and NRA and further details could be secured by suitably worded conditions.

Other Matters:

Noise:

117. Environmental Impact Report (EIA), the applicant has recognised three noise generating areas which may give rise to complaint. These are stated to be the Dry Dock area, the Community Centre and to a lesser extent the restaurant facility. The report offers computer modelling predictions suggesting that attenuation measures proposed will ensure any noise breakout will be limited to below existing background levels and will not therefore impact adversely on residential amenity.
118. Activities within the boatyard, community centre and restaurant could generate noise above the current background levels. The proposals manage and mitigate against noise becoming a nuisance to neighbours in a number of ways.

Boatyard

119. The main source of noise from the development will be activities within the boatyard such as grinding and drilling. Potential noise levels have been measured in a boatyard and a specification for the envelope to the yard has been established. The EIA report that accompanies this application sets out the proposal in more detail. However, they include:
- Orienting the yard to open up over the canal and square rather than towards existing properties
 - Providing acoustic shutters at dock entrances to seal the southern elevation
 - Providing sliding acoustic wall panels on the western elevation
 - Installing attenuated louvre panels for background ventilation
 - Installing a thick concrete slab above the docks to limit noise entering the halls above.
 - Using solid wall construction at the northern end of the dock area
120. The façade and screens will be designed in line with the performance criteria set out in the Acoustics report.
121. It is likely that people carrying out work in the yard will want to work with shutters and walls open as this will provide good ventilation and good levels of natural light. This will also allow passers-by to see into the yard and watch the activity within. For much of the time this will be acceptable. The use of the shutters and sliding wall panels will be required when staff carry out noisy activities. It will be the responsibility of boatyard's management team to set out how noisy activities are managed and to ensure that the management plan is followed by everybody using the facilities. In addition to the physical controls to limit the escape of noise from the yard, it is proposed that time limits be set that control when noisy work can be undertaken.

Community Centre

122. Most activities within the centre will be relatively quiet and will not cause nuisance to neighbours. However it is likely that the small and large multi-purpose halls will be used for a number of louder activities including wedding receptions, exercise classes and concerts. These rooms have been located away from neighbouring properties and openings in the façade have been limited to the south and west elevations. For most activities these rooms will be naturally ventilated, however for noisy activities it will be necessary to close doors, windows and ventilation louvres and rely on mechanical ventilation. The façade will be designed in line with the performance criteria set out in the Acoustics report.

Restaurant

123. Ventilation equipment from the restaurant will be designed to meet the criteria set out in the acoustics report – ie 10dB below background noise at the nearest residence.
124. Officers concur with the report finding and recommended mitigation and suggest conditions relating to details of air conditioning, mechanical ventilation or associated plant, restriction on noise in relation to neighbouring residential properties, details of a scheme for treating cooking odours and details of a management plan for the boatyard including how noise from operational procedures will be mitigated in practice.

Public Art:

125. The Applicant has set aside a sum of approximately £50,000 for public art as part of the development and proposes to provide it in the form of either the bridge design or within the hard landscaping of the Piazza, the details of which can be secured by condition in accordance with Policy CP14 of the Oxford Local Plan.

Conclusion:

126. The proposed development would provide 23 residential units, a community centre & boatyard, restaurant, public square, winding hole and public bridge across the Oxford Canal. It is considered that the development makes best and most efficient use of the land, whilst achieving the specifics of the Development Brief in the Jericho Canalside SPD and requirements set out the Site Designation Policy SP7. It would achieve a high quality designed re-development of this neglected site and bring a historically important area of the canalside back to life.
127. Of the 23 residential units a total of 9 affordable units (5 x 1 bed and 4 x 2 bed flats) would be provided, all at social rent, and 13 x 3 bed and 1 x 4 bed houses would be for private sale. Whilst the development does not achieve 50% affordable housing contrary to affordable housing requirements, given the viability assessment case and a general compliance with BODs, the provision of a much needed high quality Community Centre and boatyard building, improved winding hole, level DDA bridge, together with a new public

open space and restaurant, and taking into account all other material considerations, Officers are of the view that an exception can be accepted.

128. In Heritage terms, the development may cause harm to the setting of the Grade I listed Church and the Conservation Area. However, it is considered that this is less than substantial harm and in any event is outweighed by the significant public benefits of providing the affordable housing, community facility, boatyard, public open space and new bridge.
129. In terms of impact on neighbouring amenities, in general the impact would not be significant with three exceptions; that to No.10 Canal Street, 8 Coombe Road and 13a Barnabus Street. In these instances there would be harm to their residential amenities. However, taking into account the changes that have been made to mitigate the impact and the overall benefit to the community and residents as a whole from the development, it is considered in Officers view that these material considerations outweigh any adverse impact and the development can be accepted.
130. A car free residential accommodation is acceptable in this sustainable location and adequate cycle parking is provided. There would be no adverse impact to public amenity in terms of landscaping and trees. Biodiversity and tree enhancements can be secured by condition. Whilst the site is in Flood Zone 3a and is contaminated in both cases the development can adequately mitigate for these, and again secured by condition.
131. On balance therefore the proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Sites and Housing Plan, Core Strategy, Jericho Canalside SPD and the NPPF.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 14/01441/FUL

Contact Officers: Michael Crofton-Briggs

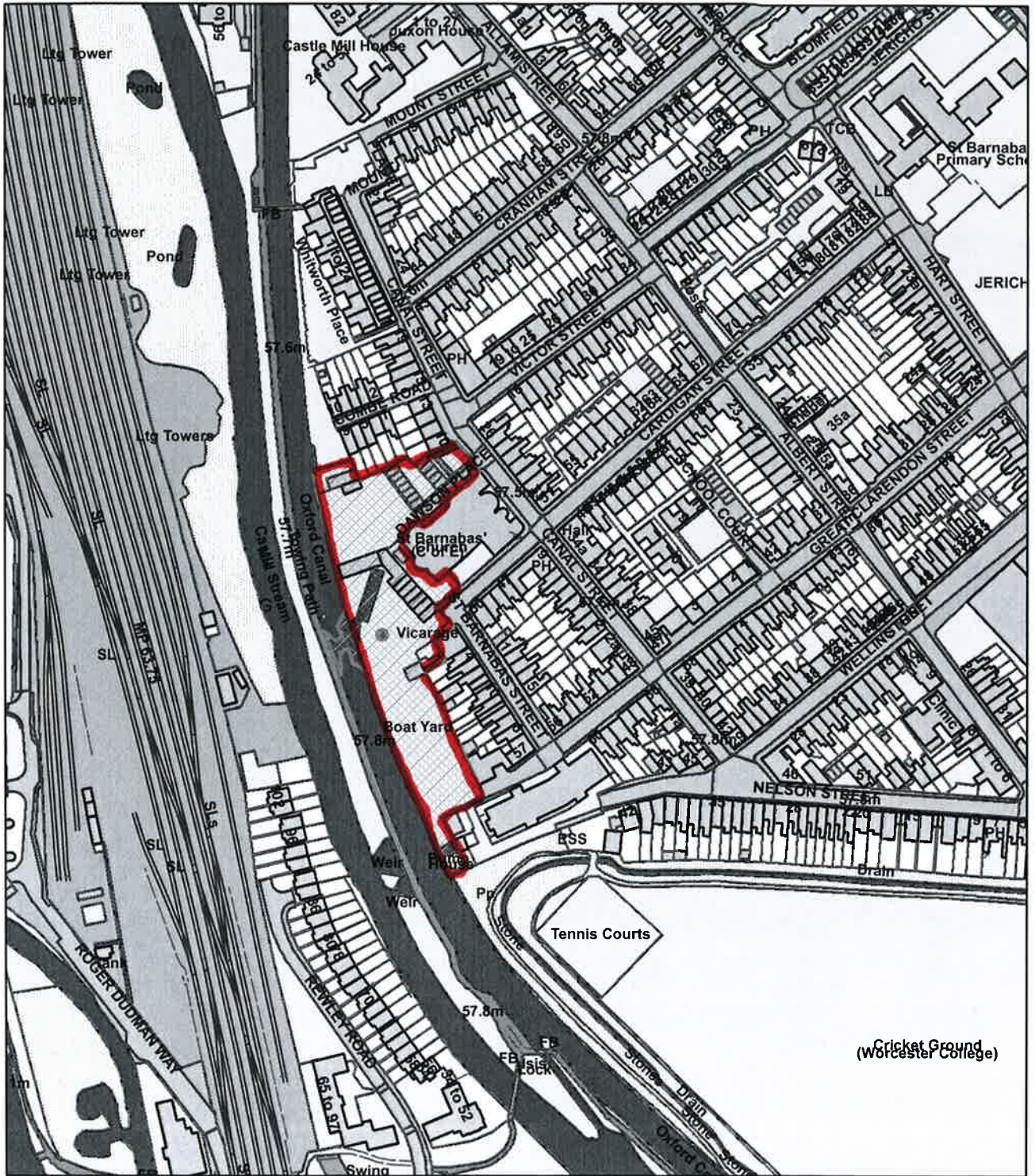
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Date: 5th January 2014

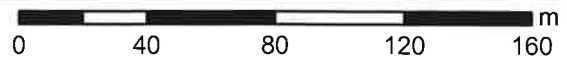
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Appendix 1

14/01441/FUL & 14/01442/LBC: Jericho Canalside



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Ordnance Survey 100019348.



Oxford City Council

City Development

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Public Consultation

Public consultation comments received can be summarised as follows:

Statutory Consultees Etc.

- **County Council:**

Commented on contributions under CIL The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

- **Highways Authority:**

See main body of report. Raised no objection; Supports the revised bridge location at the end of Gt Clarendon St and a car free development. Pedestrian (only) access to the bridge from the main square should still be possible in front of the residential element of the proposal. Any housing would need to be excluded from the Residents Parking Zone. The bus stop on Canal Street may need to be relocated (secured by S106 contribution).

- **County Drainage Engineer:**

All extensions / developments which increase the size of the hard areas must be drained using SUDs methods, including porous pavements to decrease the run off to public surface water sewers and thus reduce flooding. Soakage tests should be done to prove the effectiveness of soakaways or filter trenches.

- **Environment Agency:**

Raised no objection to the application as originally submitted, subject to the inclusion of a number of conditions including mitigation measures, SUDS, contamination. However, they have objected to the revised plans as the FRA has not been updated to assess the impact of the new bridge type and location in relation to flooding risk.

- **Natural England:**

The application site is within or in close proximity to the Oxford Meadows Special Area of Conservation (SAC) which is a European designated site, and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is also listed at a national level as Port Meadow with Wolvercote Common & Green Site of Special Scientific Interest (SSSI). Natural England raises no objection to the SSSI or Habitats Regulations Assessment. It advises that the proposal is not necessary for the management of the European site and that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for

further Habitat Reg Assessment (HRA). NE recommends in recording the HRA that the likelihood of significant effects regarding controlling of dust and dirt from demolition and construction processes, and potential recreational impacts upon the SAC given the increase in housing and new access being created over the canal, are justified.

In respect of the SSSI NE considered the proposed development will not damage or destroy the interest features for which the site has been notified and therefore no conditions are requested.

- **English Heritage:**

Raises an objection to the height of the Community Centre/ boatyard building in respect of the setting of the listed St Barnabus Church and views from the canal. (see main body of report)

- **Network Rail:**

After studying the details submitted on this proposal, Network Rail submits a holding objection pending further investigation regarding land ownership at this location as this development may possibly (either directly or indirectly) affect land owned by Network Rail. It should be noted that despite the length of time lapsed they still have not clarified their ownership or commented further.

- **Thames Water Utilities Limited:**

Water Comments: On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application. However, TW comments that the peak surface water discharge rate of 83.21 l/s (for a 1-IN-100 wet weather event, including 30% increase for climate change) is deemed too high for a development site of 0.47 hectares. The peak surface water discharge rate from the proposed development will consume 11% of the receiving pumping station's maximum pump rate. This is excessive when considering that the development site constitutes approximately 1.15% of the receiving surface water pumping station's catchment. Surface water on new ('Greenfield') sites, or sites that have never previously discharged surface water to the public sewer, should be restricted to five litres/second/hectare pro-rata for developments less than a hectare, assuming there are no reasonable alternatives such as SuDS, or a direct outfall to a nearby watercourse. The developer is advised to review their surface water drainage strategy in line with current accepted discharge rates for new connections to the surface water system.

Sewerage: Thames Water would advise that with regard to Foul sewerage infrastructure we would not have any objection to the above planning application. Adjacent to the site to the south is St Barnabus (Oxford) Surface Water Pumping Station.

- **Canal & River Trust:**

Objects on the grounds of design of the Community Centre/ Boatyard buildings adjacent to the Oxford canal.

Community/ Boatyard Building:

The Canal & River Trust has no issue with the proposed materials, or general architectural expression of this building.

Object to the imposing nature of the building due to its size and massing, and the impact this will have on the canal corridor, Conservation Area and on the Grade I listed St Barnabas Church. This issue is emphasised by the building being located immediately adjacent to the offside bank, with an overhanging balcony element to add interest and break down the imposing nature of the elevation.

Alteration from the single gable facing the new public square with 3 smaller gables has improved the aspect of the building from the south and from the square itself. However the impact on the canal corridor, especially from the north, obscures any view of St Barnabas' Church and does not preserve or enhance the Conservation Area. The increased eaves height (in order to accommodate a badminton court) has made the building more imposing upon the canal corridor than the previous single-gabled proposal.

Canalside housing:

Large expanse of patterned brickwork along the entire elevation of the canalside housing is visually uncomfortable; suggest reducing to one or two units only or use of a single shade of brick or alternating colours.

Ratio of solid to void inappropriate; glazing dominates the façade and the recessed roof terrace/balcony appears incongruous in the area, particularly with the angled dividing walls and forward projecting chimneys.

Location of Bridge:

The Trust has held numerous meetings with both the applicant and Council in order to agree a bridge location and type.

Their position has always remained unchanged; preference would be for a fixed bridge located at the southern end of the site. The applicant maintains that this is not possible and has therefore amended the submitted plans to show a lift bridge at the southern end of the site,

For the avoidance of doubt, the Canal & River trust will not agree to the provision of two new bridges at the site.

The Trust raise no objection to a lift bridge at the southern end of the site provided that it is fully automated and maintained including a call out mechanism in the event of mechanical failure, at no cost or liability to the Trust in perpetuity.

The Trust will require adoption of the lift bridge by the local authority or an alternative and no less robust and secure management regime to be put in place to deal with future costs and liabilities.

Bridge design :

The revised plans appear to show a part fixed, partially lifting bridge. The Trust cannot confirm whether this type of bridge will be deemed acceptable to navigational safety without further information.

The Trust would prefer that the canal is narrowed with a lift over the narrows, rather than the unconventional design shown.

If planning permission is granted, a condition should be imposed requiring the approval of alterations to the canal, bridge details to include a robust method of dealing with its future maintenance and operation.

Boatyard & community facilities:

There are other boatyard facilities available on the Oxford canal but the key additional feature being progressed for Jericho's boatyard is the ability to undertake 'DIY works'.

The development should be phased to ensure that the community facilities, including the winding hole, bridge and boatyard are provided in a timely manner as these facilities are integral to the success of the scheme.

Comments as landowner/landlord

The bridge will result in the loss of visitor moorings. Replacement moorings will need to be created elsewhere in the vicinity. An alternative stretch of the canal bank to the north of the Mount Place Bridge on the Western bank of the canal (which is currently not designated for moorings) could be used to provide replacement moorings. The costs associated with the provision of these moorings should be met by the applicant. As this land is likely to be outside of the application site it is expected that this matter should be covered by a S106 planning obligation.

In addition to the waterspace itself, the Canal & River Trust retain a 0.5m strip of land alongside the development length. Any specific proposals impacting on this will need our express permission.

Third Parties

- **Jericho Community Association**

Background for CC requirements:

The JCA has run the existing Community Centre in Jericho since 1980 in partnership with St Barnabas Church and Oxford City Council.

Despite the difficulties of dealing with an old building not designed for purpose, JCA has ensured that the centre has been soundly managed and self-supporting. In recent years it was one of the few Centres in the city to achieve the **VISIBLE** accreditation as a well-run Community Centre. It receives no regular grant funding but has managed to deliver on a business model which has consistently maintained balanced finances.

It derives its main income from two main sources: hiring rooms for classes and renting out other rooms on a monthly basis to small organizations, charities and artists. This has proved a very efficient way of operating on a sustainable basis.

On the basis of this sound practice and experience they drew up a business plan for a new Centre. This project was started some 14 years ago and over those years extensive research has been undertaken on what constitutes a good facility

designed for the needs and opportunities of the 21st century and also on the preferences of the existing and potential users.

Their philosophy has been to achieve the most flexible, high quality facilities which will meet the widest range of needs in this part of the city, in some part replacing what they already have and also to provide what does not already exist.

They have based the main Hall on the 'Village Hall specification' which is supported by Sport England and identified a reasonable combination of other spaces in order to generate sufficient income to continue to run a completely self-sufficient Community Centre in new premises.

The business plan has been updated over time and has been scrutinised at two previous planning applications and found to be robust in its assumptions, including that of dimensions and size. Outline planning permission for a Centre based on the same dimensions adjacent to the Church was granted without any objection. More recently in 2013 as a contribution to preparation of the Supplementary Planning Document the business plan was scrutinised by the City Council's officer with responsibility for Community Centres and also commended.

This demonstrates that JCA has based the requirements of the Community Centre on sound business principles supported by existing good practice.

Community Centre:

The reason the Hall appears to compromise the setting of the church is not because JCA is being over-ambitious or unrealistic, it is because the developer has placed it over the Boatyard. We do not believe the community facilities should be compromised by this fact.

The internal space on the second and third floor has been reduced in the revised plans. The new configuration reduces from 5 to 4 the number of toilets in the rear section of the Centre which provide facilities for both 2nd and 3rd floors and places them in a less convenient arrangement. It also reduces the circulation and storage space. There is a reduction in the number of toilets from 3 to 2 on the ground floor which serves the café and exhibition space. These are issues that compromise the effective running of the Centre on a daily basis especially at busy times.

The greatest concern is that one of the rooms on each of the second and third floor has been considerably reduced in size. This means that there is less flexibility in how these rooms may be used. As the JCA will be relying on income from renting the space, a reduction in floor space will lead to a reduction in income.

As we stated in our response in July a reduction in size in any aspect would not be sustainable. It is our view that these reductions compromise the viability of the Community Centre and we therefore object to these changes.

Affordable Housing:

The amended application does not increase the percentage of affordable housing on the site. We repeat our strongly held view that this is unacceptable.

The Bridge:

We object strongly to the position for the bridge. Creating a vibrant and lively amenity will rely on drawing pedestrians and cyclists through the square.

Moreover, the viability of the Community Centre, and in particular the café, will depend to some extent on 'passing trade'. In addition, the local history display area within the Centre will be aimed at for those who pass casually by as well as those who already have an interest in the historical aspects of the canal.

The proposed position of the bridge, away from the public square, will draw people away rather than through the square. In their view this will seriously compromise the success of the whole development.

- **Oxford Civic Society**

Object to this application, on the grounds of the failure to comply with specific policies, and the consequential likely significant harm to the social fabric of this important part of the city. We also object on the grounds of harm to the local environment, as a result of the appearance of the community buildings, the obscuring of important views of St Barnabus Church, and the impairment of its setting, and on the harm to the economic viability, and thus the deliverability of the community facilities, an important element of the specific policies contained in the relevant SPD.

Fundamental objection to the failure to provide 50% affordable housing. Not convinced by the viability argument for reduced provision of affordable housing. Policy requirements have been in place well before commencement of development of the current proposals. Therefore no legitimate reason why the site value, a critical factor in determining viability, should not have been established in full recognition of all the policy requirements.

50% is further justified by the recent release of the latest SHMA figures for housing requirements; showing increased demand against the background of increase in unaffordability of housing in the city. This is of particular significance to this site, since the character of the community, across a wide cross-section of society is an important element in the social make-up; thus especially important to provide affordable housing at full market rates, to avoid progressive harm to the social character of the neighbourhood.

A further consequence of the design proposal is the impairment of the viability of the boatyard and community accommodation, resulting from the 'stacking' of these facilities, a feature which contributes to the concerns expressed by English Heritage, which they endorse.

The design proposed is unsatisfactory in terms of the appearance and also jeopardising their deliverability. If the community facilities as designed cannot be delivered, important elements of policy as detailed in the site SPD will not be fulfilled.

- **Jericho Living Heritage Trust**

Notes that the main elements of the necessary provision as stated in the SPD are present. However, the site layout raises a number of issues which call into question the acceptability of the overall application:

Housing:

The allocation of the whole of the southern part of the site to luxury market housing has several undesirable effects:

- It contravenes the required 50% proportion of affordable housing. This is inappropriate in the Jericho Conservation Area, which is characterised by historic small (2-storey) low-cost housing for the working population of this early industrial area of the city;
- A row of up-market luxury housing is out of character with this stretch of canalside, which was a working canal boatyard;
- It concentrates too much of the other necessary facilities into too-restricted a space at the north of the site, resulting in tall and bulky buildings on both sides of the square which impact unfavourably on the listed church as well as the public square itself.

Community Centre and Boatyard:

Both of these have requirements clearly defined in the SPD, and it is essential that these are met to ensure the continuing viability of both.

Combining them in one structure inevitably produces one very large building, which detracts from the fine setting and cuts off views of St Barnabas Church which, through the opening-up of the public square, should be offered from a wide range of points along the canal towpath.

Changes to the roof profiles of the main northern block reduce slightly the impact of the building when viewed from the southern towpath, and its overbearing on some properties in Dawson Street. But the increase in the eaves height of the canalside building has a negative effect on views of St Barnabas Church from the northern towpath.

Concerned that the proposed reduction in facilities for both the boatyard and community centre may threaten the long-term viability of either or both, and reassurance on these points needs to be provided through robust revised business plans for each.

It is not clear that noise and vibration generation from the boatyard operation, without complex and very costly separation, will not affect the use of parts of the community centre.

There appears to be no guarantee of the on-site canal moorings which are essential if the boatyard is to be a continuously viable operation.

Aware of the unresolved cost escalation which may well make the community facilities undeliverable

Restaurant (and affordable housing) Block.

The height of this combined building would restrict views from some points along the towpath - and which would in particular obstruct the original line of sight of the Radcliffe Observatory along Cardigan Street. Minor modifications have gone some small way to improve the appearance.

It could be argued that these concerns should be balanced against the opportunity

to at last get this site developed as an asset for Jericho and the City. But it is difficult to be confident at present that the scheme will deliver anything other than expensive – and highly profitable – housing.

Almost complete vacuum of information about the arrangements for the public square. The public square is central to the success of the whole scheme; but no clarity on its physical characteristics, its future ownership (and therefore the values that will determine its use), the business plan that will ensure its maintenance as an outstanding asset.

Bridge:

Whatever the merits of an at-grade DDA compliant bridge at the south end of the site may be, the creation of a bridge connection across the canal to link the towpath to the public square remains an essential component of the design of the square, if it is to retain its vitality and serve a full and varied community function. Therefore object to these proposals in so far as such a direct link is not provided.

- **Jericho Community Boatyard:**

JCBY are broadly in favour of the plans for the boatyard building and are confident that it will be possible to deliver and run a thriving DIY boatyard in the space provided. A local boatyard is essential for the safe conservation of the boats of the Oxford narrowboat community and would be of inestimable social benefit.

It would be extremely difficult to provide the necessary services to the Oxford community and visiting boats without onsite moorings being granted to the boatyard.

Wet and dry docks:

Research was carried out by JCBY members and the Jericho Wharf Trust on the requirements of Oxford area narrowboats and their numbers.

Three docks (1 wet and 2 dry) will be the minimum adequate for DIY boaters and professionals to be able to carry out the necessary maintenance work to keep them all afloat and in good repair. Having a combination of the two will make this an exemplary yard that will interest visitors and aid the smoother running of the yard.

Workshops :

The professional workshop next to the docks has enough space for a decent boatyard workshop, with separate areas for mechanical engineering and carpentry and other professional work to be carried out by a boatyard manager and assistants.

The DIY workshop space (behind the community centre) gives space for small businesses (carpentry/artisanry etc) to be run from there as was possible in the workshops in the old boatyard. There will also be space for work tables that can potentially be used for DIY by boaters and Jericho residents. They also hope to use it to run courses in the evenings and at weekends.

If an agreement can be reached, these facilities could also be made available to

College Cruisers (likewise the docks) in order to help maintain the hire boat fleet which has been a feature of the Jericho canalside for so many decades, but which will be operating from within a greatly reduced space.

The chandlery, office and storage space provided by the plan will all help with the efficient running of a thriving boatyard.

The showers and temporary accommodation units will give boaters somewhere to sleep and wash while they are having work done/doing work on their boats. This is an essential for an 'equally accessible and suitable' boatyard, where Oxford people whose boats are their homes are able to avoid both a long journey for essential maintenance and also the need to find expensive alternative accommodation while undertaking the work.

Bridge:

A swing bridge to the north brings up a number of conflicts of interest. The boaters don't want it where it is because it will cause navigation problems, the JCA do because they want 'footfall' into the square for commercial reasons. A conflict of interest between those wanting a leisurely walk and those purposefully trying to get somewhere (by Bike)

From a boater's point of view, the original location of the bridge is too close to the turning circle and stands to complicate boat manoeuvres and they foresee problems with boats, for instance if an engine cuts out, backing out of the turning circle into the bridge (which could be up, down or moving). Incidents like this are bound to happen and could lead to injury and damage to the boats and bridge. The congestion caused by the proximity of the bridge to both the winding hole and the docks is highly likely to be problematic.

The location and type of bridge will necessarily affect the number of moorings and potential moorings at the site. As swing and lift bridges require the pinching of the canal, with vacant passing moorings on either side, this means that at least one potential mooring space will be lost on the boatyard side of the canal in addition to the two towpath-side moorings (one on either side of the bridge) that will necessarily become waiting spaces for those travelling under/past the bridge, wherever it is located. They would prefer a fixed bridge.

Onsite moorings are needed for several reasons:

- Boaters with 9-5 jobs to be able to leave their boats for the Boatyard Manager to be able to move in and out of the docks when the owner is absent. This is absolutely essential for the efficient running of a successful boatyard.
- ADIY boater to fit out their boat needs to be able to moor it next to the yard to easily move to and from it to the workshops. It would make this work difficult if this distance is too great.
- Boats with electric engines need somewhere to charge their batteries in the winter when there is less light and are prevented from doing so simply by solar panels. As a forward-looking community, more and more boats are converting to electric and this should be supported by the boatyard by providing electric charge points.
- Visitors' moorings are needed so that people will come and visit the chandlery

(and the café and restaurant!) and see the facilities for future work that they might need doing. The space is clearly available along the wharf front to provide these moorings and they would be of benefit to the whole square as well as adding to its atmosphere.

Building heights:

Seems ludicrous to JCBY that a building in as sensitive a spot as this (in front of St Barnabas Church) should be built so much higher than it needs to be for the sake of the unnecessary official height of a badminton court.

The restaurant block with the affordable housing on it, is a floor higher than the three floors stipulated by the council and from an aesthetic point of view encroaches onto the southern side of the square and blocks the treasured view down Cardigan St to the observatory. The square should be as large as possible and the views of it open, so as to attract visitors.

The view down Cardigan Street from the school end would remind people that the square is there and even allow a view of passing boats on the canal or the market on market days that might entice people in or simply be a happy reminder of it being there.

Affordable housing and the hybrid boatyard-community centre:

JCBY objects to the shortage of affordable housing on site. 32% is not the council's required 50% and the developer appears to be ignoring this stipulation.

In addition, JCBY accepts the professional advice that in order for this hybrid boatyard-community centre to be built an extra £1.6-£2 million extra will have to be found by the community to build it, due to sound-proofing, deeper foundations and suspended floors now having to be built which two lower buildings would not have required. This is all necessary in order to enable the developer to make space for four more houses to be built on the site.

However, by raising the price of the boatyard-community centre by £2 million, the developer stands to make several million pounds more profit while making the new centre unaffordable to those who need it.

It is to be hoped that the developer will agree to pay this extra amount in order to make the centre buildable as – with swiftly rising mooring and licence fees – boaters can ill-afford to pay the higher prices that might be necessary to service an extra mortgage or loan of this kind.

• **Individual Comments from residents:**

General:

Support:

- Planning application will provide much needed facilities for Jericho and the canal community.
- Strongly support the following aspects of proposal:

- Bridge
 - Square
 - Proposal for community boatyard and community centre with the facilities and capacity set out.
- Application is better than previous proposals and generally support the designs/ plans. Overall design is interesting and effective.
 - Proposal for the site are a vast improvement on these provided at earlier stages. Overall design is good and has a number of successful sections including form of the public space, elevation design of community building and overall design of southern house.

Objection:

- Objection to size not principle.
- Design is over bearing/out of character.
- Over development
- Proposal has ignored urban context of site context is dominated by The Radcliffe Observatory which is clearly visible up the length of Cardigan St, from the edge of the canal.

Community Centre/Boatyard/ Canal:

Community centre should not be above boatyard. Greater expense to the community – community centre above the boatyard more structurally complex therefore more costly. Rise in cost to build community centre and boatyard seems daunting and uncertain what will happen if money not raised. Development should offer compensation to ensure community centre can be adequately funded.

Height and design of proposed community centre appears industrial in scale and inconsistent and out of keeping with character of conservation area.

Location of community centre will lead to too much noise and air pollution

Any boat-repair facility should have control of some adjacent moorings, both for boats to wait temporarily either prior to or after accessing the dock and for ease of access for boats requiring quick in-water attention. No allocation of moorings would make boatyard operation practically and financially impossible. Provision of moorings is essential.

Core work of boatyard will create noise which will affect the community centre.

Boathouse/community centre is too large, height will dwarf the church/blot the site.

Wooden slatted appearance does not compliment church.

It [the community centre] may be bulky which would be detrimental to the canal side views from various angles.

The frontage is too close to the canal and unalleviated as it runs strictly parallel to the water, it creates a 'canyon like' edge similar to the frontage of development further north.

Objection to the demolition of the existing college cruisers [building], which is visually pleasing and adding to the canal side scene.

Generally welcomed, new community spaces are likely to be well used

Limited disabled access to community centre, more storage space should be provided

Concern about type of lighting that may be used, may affect people with neurological disabilities who are unable to cope with fluorescent lighting.

Works, facilities or land undertaken or gifted by developer should be for the Jericho community as a whole. Boat yard is not inclusive, more inclusive facility should be provided.

Community centre is minimum size, no objection to appearance of boatyard/community centre and like the idea of big hall with windows looking out into canal.

Scale of community buildings is appropriate

Residential:

Flats appear blocky and unattractive

There should be interesting brickwork and old style windows.

Dislike design of chimneys, should be lowered.

Type of housing is not in keeping with general type of housing in Jericho.

Fewer private dwellings

Please of lowering of height of the southern residential block.

House prices will dramatically change character of the immediate area

Proposed dwellings too close to garden/rear of house at 13 Barnabas St. this results in significant loss of sunlight and poor outlook. The height of proposed dwellings makes this particularly harmful. Proposed dwellings in breach on 22m back to back separation distance.

Not against development as such, would not wish to see windows in elevations visible from the rear of 10 – 13 Canal Street as this would look directly into garden or rear of the house.

Loss of privacy and light to 14 St Barnabas Street, excessively overbearing and not justified, overlook into garden and kitchens. Development should have a more typical footprint with larger gardens to prevent overlooking and 2 storey terraces

Significant loss of light and privacy of 12 St Barnabas Street.

Shadowing from housing development

Loss of view from back garden

Three stories is too imposing and depth is uncharacteristic, block views and obscures light from surrounding houses and leaves insufficient canal edge space for public use.

Affordable Housing:

Not enough affordable housing, 50% affordable housing should be achieved. Increase in house prices, strong objection to 32% affordable housing

Non-affordable housing units are larger than those in surrounding streets and out of character

Opportunity to specify that affordable housing built be sheltered housing for older people. Affordable housing should be allocated to the elderly as sheltered housing

Too many houses in a small area of insufficient affordable housing.

Separation of affordable housing is an issue.

Traffic and Parking:

Car free means that residents of the new development would not be eligible for a Jericho CPZ permit.

Unclear as to how principle of car free development can be enforced

Give more disabled parking spaces.

Concerns over traffic, especially Great Clarendon Street due to restaurant

Concerns of cycle traffic through square, cyclist must dismount at all times.

Cycling safety issues on pathway that follows Sheepwash Channel will intensify. Regulations should be enforced and cyclist redirected along Rewley Road. Barriers should be installed to force dismount and reduce speed of cyclist

New house owners will park in permit only spaces

Encouragement should be given to increase the buses to the area.

Bridge:

Objection to location of the new canal bridge [at northern end], serious conflict with the mix of uses envisaged for the square, should be located at the foot of Great Clarendon Street.

The position of the bridge should be moved to the south of the site, nearer the end of Great Clarendon Street.

Problem of access to community centre, bridge should be located at the foot of Great Clarendon Street.

Support for the revised plans, particularly the relocation of the canal bridge. Aligning it with Great Clarendon St was the City Council's original intention and was also advocated by the Canals and Rivers Trust and the Oxford Civic Society and with good reason. It is good planning to segregate the main cycle route from north Oxford to the train station from this new square and it is nonsense to insist the square will lose vitality. It will have a community centre serving morning coffee and lunches during the day as well as a restaurant and boaters using the boatyard and this will provide sufficient activity, and be all the safer without having the conflict of this main cycle route crossing it.

Low level bridge directly into piazza has support amount local organisations however some disadvantages including, piazza should be a quiet community space, not a thoroughfare for new Radcliffe Infirmary University quarter, low bridge impedes boat traffic which is potentially increased by new boatyard, amount of time bridge is up for may cause nuisance to locals and pedestrians (solution of high bridge at end of Great Clarendon St.) construction of development should be phased to take into account the needs of the boaters as college cruisers is depended on by canal users, increased cost of community centre threatens viability.

Swing bridge is a terrible idea it will cause congestion on the towpath as well as on the canal. Increased pedestrian traffic is likely to causes towpath jams when bridge is open. Cycling will be in the way when people are in the square or when there are public events. Bridge should be opposite Great Clarendon Street and it should a high bridge.

Level bridge is an excellent idea.

Conflict between rushing cyclist to stations in same space ad children going to proposed nursery.

Would be better to have a traditional fixed arch bridge

Bridge is welcomed and considered essential that it leads directly into the public square

Public Square/ Restaurant

Support for siting of square, community centre and boatyard

Plan does not include which party will maintain control over the square and its uses, or the supply of street furniture and who will pay for the upkeep of the square.

Lack of specific management arrangements is a concern, may create unsocial behaviour.

Noise control should be a priority, car traffic should be discouraged.

Restaurant will take up space which is already at a premium, adds nothing to area, creates extra traffic, idea of piazza is that it is a space for the local community, not another commercial site, developers would maintain ownership of the restaurant and therefore control of rent (this has failed at Oxford Castle quarter), also height issue with the block that contains the affordable housing.

Other good restaurants are already in the area (Canal Street and Cranham Street)
The space could be better used to lower the overall height of the building.

Jericho does not need another restaurant

Other:

Every possible opportunity should be taken to add new trees.

New buildings should not be too tall, and should respect the existing architectural style.

Effect of the development on Great Clarendon St west of the junction with St Barnabas Street.

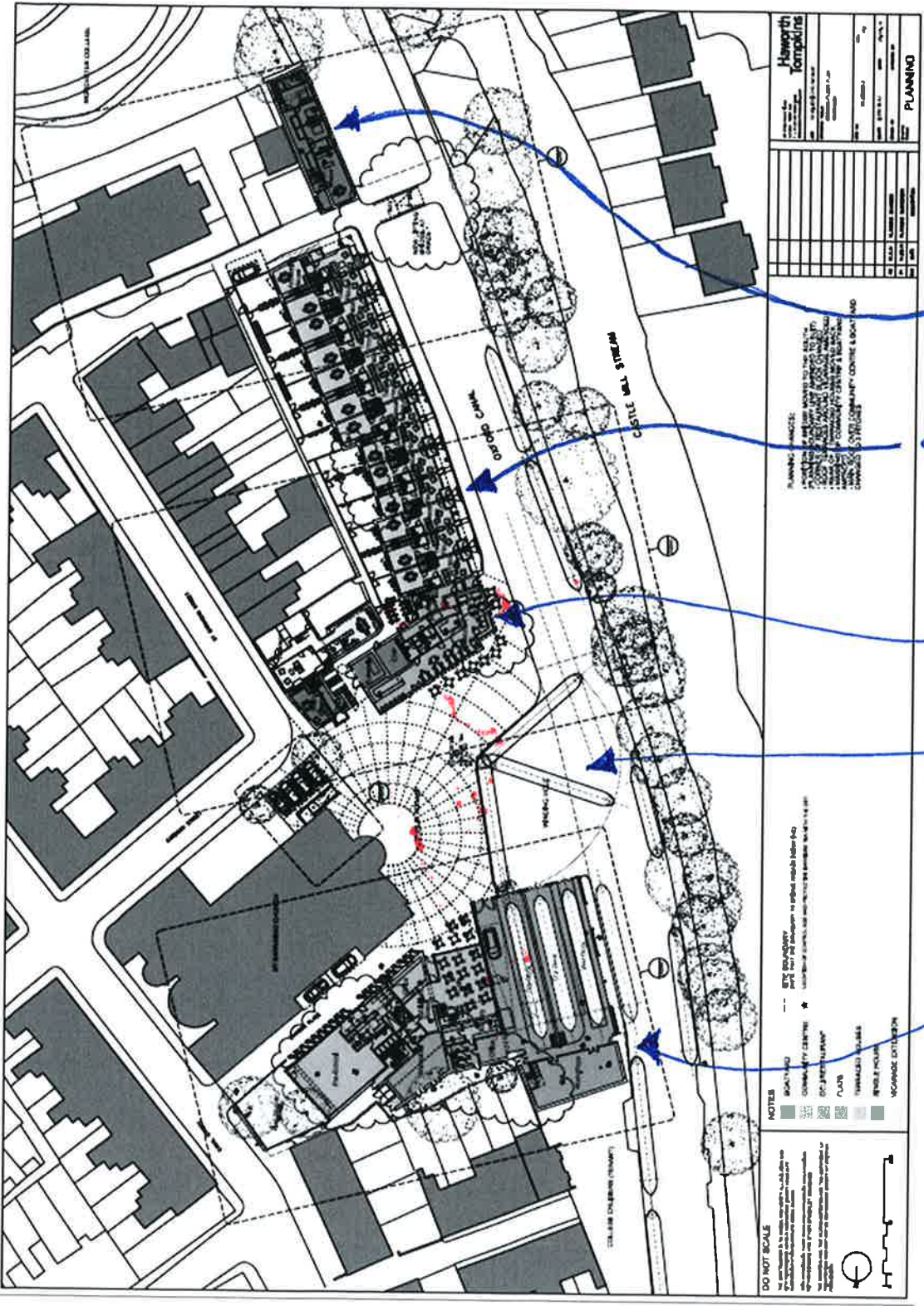
Insufficient information for a conservation area consent which affects setting of grade 1 listed building.

Council should set conditions as to building materials used.

Absence of biodiversity measures.

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Appendix 3 Site Layout



'SOUTHERN' HOUSE

CANALSIDE TERRACE HOUSING

RESTAURANT/FLATS

WINDING HOLE + NEW PUBLIC OPEN SPACE

COMMUNITY CENTRE AND BOAT YARD

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West Area Planning Committee

13th January 2015

Application Number: 14/01442/LBD

Decision Due by: 18th September 2014

Proposal: Demolition of boundary walls on north and west elevations as part of re-development of canal site (14/01441/FUL) and involving provision of ramped access to south entrance of church. (Amended plans)

Site Address: Land At Jericho Canal Side, Oxford, Oxfordshire [Church of St Barnabas]. Site Plan **Appendix 1**

Ward: Jericho And Osney

Agent: Haworth Tompkins Ltd

Applicant: Cheer Team Corporation Ltd

Recommendation: West Area Planning Committee is recommended to support the proposal in principle subject to and including conditions listed below.

Reasons for Approval

1. It is considered that the proposals, subject to the conditions imposed, would accord with the special character, setting and features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. The proposals are considered to accord with the requirements of relevant policies in the Oxford Local Plan, Core Strategy and the NPPF.
2. The City Council has given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building(s) and/or conservation area. The proposal would cause harm to the boundary walls of the Grade I listed Church, however, it is considered that this is less than significant harm and in any event is outweighed and justified by the substantial public benefits of creating a public square. Any harm would be mitigated by recording and salvage of the walls. The proposal would not be harmful to the character and appearance of the conservation area, canal and other non-designated heritage assets. The proposal is considered to accord with the requirements of relevant policies in the Oxford Local Plan, Core Strategy and the NPPF.

Conditions

- 1 Commencement of works LB consent
- 2 LB consent - works as approved only
- 3 7 days' notice to LPA
- 4 LB notice of completion
- 5 Repair of damage after works
- 6 Recording
- 7 Re-use of stone and brick
- 8 Metal finish
- 9 Handrail and posts iron
- 10 Paint colour

Main Local Plan Policies:

Oxford Local Plan 2001-2016

HE2 - Archaeology

HE4 - Archaeological Remains Within Listed Blgs

HE3 - Listed Buildings and Their Setting

HE7 - Conservation Areas

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS18_ - Urban design, town character, historic env

Other Planning Documents

Jericho Canalside SPD (2013)

Other Material Considerations:

National Planning Policy Framework.

The Church of St Barnabas is a grade I listed building.

This application is in the Jericho Conservation Area.

Planning Practice Guidance.

Relevant Site History:

12/02483/FUL - Demolition of boiler house. Erection of new building housing WCs, utility room and tool store with rooflight. Insertion of new door at north end. PER 28th November 2012.

12/02484/LBC - Demolition of boiler house. Erection of new building housing WCs, utility room and tool store with rooflight. Insertion of new door at north end. PER 29th November 2012.

14/01441/FUL - Demolition of various structures on an application site including former garages and workshops. Erection of 22 residential units (consisting of 1 x 2 bed, 13 x 3 bed and 1 x 4 bed houses, plus 3 x 1 bed and 4 x 2 bed flats), together with new community centre, restaurant, boatyard, public square, winding hole and public bridge across the Oxford Canal. Demolition of existing rear extension and erection of two storey extension to Vicarage at 15 St. Barnabas Street and ramped access to church entrance. (Amended plans) PCO

Representations Received:

English Heritage has no objection to the principle of the proposals.

Statutory and Internal Consultees:

Oxford Civic Society, English Heritage Commission, Oxford Architectural And Historic Society Victorian Group, Oxfordshire Architectural & Historical Society, Society For The Protection Of Ancient Buildings, Victorian Society, Garden History Society.

Issues:

Access and impacts of proposals as affecting the building's character as one of special architectural or historic interest and the character and appearance of the conservation area.

Sustainability:

The proposals would help the continued use of the church in its original use.

The Site, Proposals and Officers Assessment:

1. The church of St Barnabas Cardigan Street is the parish church of Jericho. The church was built from 1868-9, the campanile in 1872 (reroofed with a lower pitched roof 1893) and the Morning chapel (now Lady Chapel) and N aisle erected 1888-9. The architect was Sir Arthur Blomfield (1829-1899), awarded the RIBA Royal gold medal in 1891. Blomfield was one of the most active and successful church architects of the Gothic Revival. His early work is characterised by a strong muscular quality and the use of structural polychrome often with continental influences.
2. Blomfield was articled to P.C. Hardwick and began independent practice in 1856 in London. In 1882 Blomfield designed the Royal College of Music in London. In 1890-97 he rebuilt the nave of Southwark Cathedral. He was highly regarded as a church restorer. One of Blomfield's early pupils was Thomas Hardy. The church is an important monument to the influence of the

Oxford Movement in the city where it began.

3. The church is one of the most interesting and unusual churches from the great era of church-building in the mid-C19. It was designed to provide a place of Anglican worship in the poor area of Jericho and was built at the expense of Thomas Combe, superintendent of the Clarendon Press, a strong Anglo-Catholic and an early patron of the Pre-Raphaelites. He stipulated that at the church there should be 'strength, solidity and thoroughly sound construction' but that 'not a penny was to be thrown away on external appearance and decoration'. Internal embellishment was to be added gradually.
4. Blomfield responded to the challenge and initially proposed to build the whole church of concrete (then a very new and experimental material which was being tried out in a number of places) but elected for rubble walls faced with cement. This was an innovative method of construction.
5. The style is Italianate Romanesque, in complete contrast to the prevalent Gothic style of church-building in the 1860s. The other fundamental characteristic of the exterior is the use of cement rendering for the facing. This is decorated with narrow brick banding and polychrome red and brick arches to the openings. The nave has tall, round-headed clerestory windows and brick string-courses. To the aisles there are low lean-to roofs and small two-light square-headed windows, each with a central column with moulded capital and base. At the south west corner of the building the south porch wraps it and is a continuation of the south aisle. The south doorway has corbelled detailing to the jambs and an outer door with good strap hinges. Above the lintel, the wall is pierced with three openings for an overlight.
6. The choice of style at St Barnabas is most unusual and is evidently to do with the patron's desire to break the mould of church-building and provide something that is economical yet dignified. Non-Gothic Anglican churches would remain extremely rare for the rest of the C19. The objective was to provide a place of worship that could be embellished over time, as intended by the founder, and the final intentions have never been fully realised.
7. The boundary walls are constructed of rubble stone and brick and are part of the church's curtilage. Parts of the walls are visible in a historic photograph of 1875 taken by Henry Taunt. These walls have historic significance as evidence of the church ownership and historic pattern of walls to the canal side. The high level walls have suffered from decay caused by cement-rich pointing. A modern timber fence would be removed but this does not form part of the special architectural or historic interest of the church.
8. There are three sections of wall, as follows:
 - A low level red brick wall with bullnose engineered brick coping on the north side of the church: this has been partly knocked down recently with material lying to the church side. There is a straight joint between the church corner and the wall.
 - A high level rubble stone random coursed boundary wall (with some ashlar) to the north. This has suffered from some localised decay and is bulging in

- places.
- A high level rubble stone random coursed boundary wall (with some brick and some ashlar) to the west.
9. The loss of the boundary walls are justified as this would open up the church to the wider proposed Jericho development as part of redevelopment of canal site (14/01441/FUL). Some minor harm would be caused by the loss of original fabric and historic evidence. This harm would be less than substantial and would be justified by the integrating the church with the development proposals and creating a new public square. Any harm would be mitigated by recording and by salvage of historic material for re-use in the proposed ramp and in the wider canal site redevelopment.
 10. A ramp with landing and railings are proposed to the south entrance of the church. This entrance is currently used as the main entrance and has two stone steps leading up to the threshold. The handrail and posts would be simple in design as befits the unadorned appearance of the church. The material proposed would be steel, painted, however it is considered that iron would be more appropriate and this has been conditioned. The ramp could use material salvaged from the demolition of the walls.
 11. The proportions of the doorway would be altered to a minor extent however it is considered that this would be justified by the improved access.
 12. The proposed location for a ramp is appropriate as alternative locations such as the historic main entrance doors of the west end would not be appropriate locations and would unbalance its symmetry. It would not be appropriate to insert a new door into the church walls. In addition wheelchair users would share the main entrance and not a side entrance which is in the spirit of the Equality Act 2010.

Conclusion:

13. The proposals subject to satisfactory discharge of conditions would not cause significant harm to the special architectural and historic interest of the church or the character or appearance of the conservation area; are justified; would accord with local and national policies and the NPPF, would improve access to the church and would be reversible.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant Listed Building Consent, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance

with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 safety.

Background Papers:

PPS5 Practice Guide
14/01441/FUL

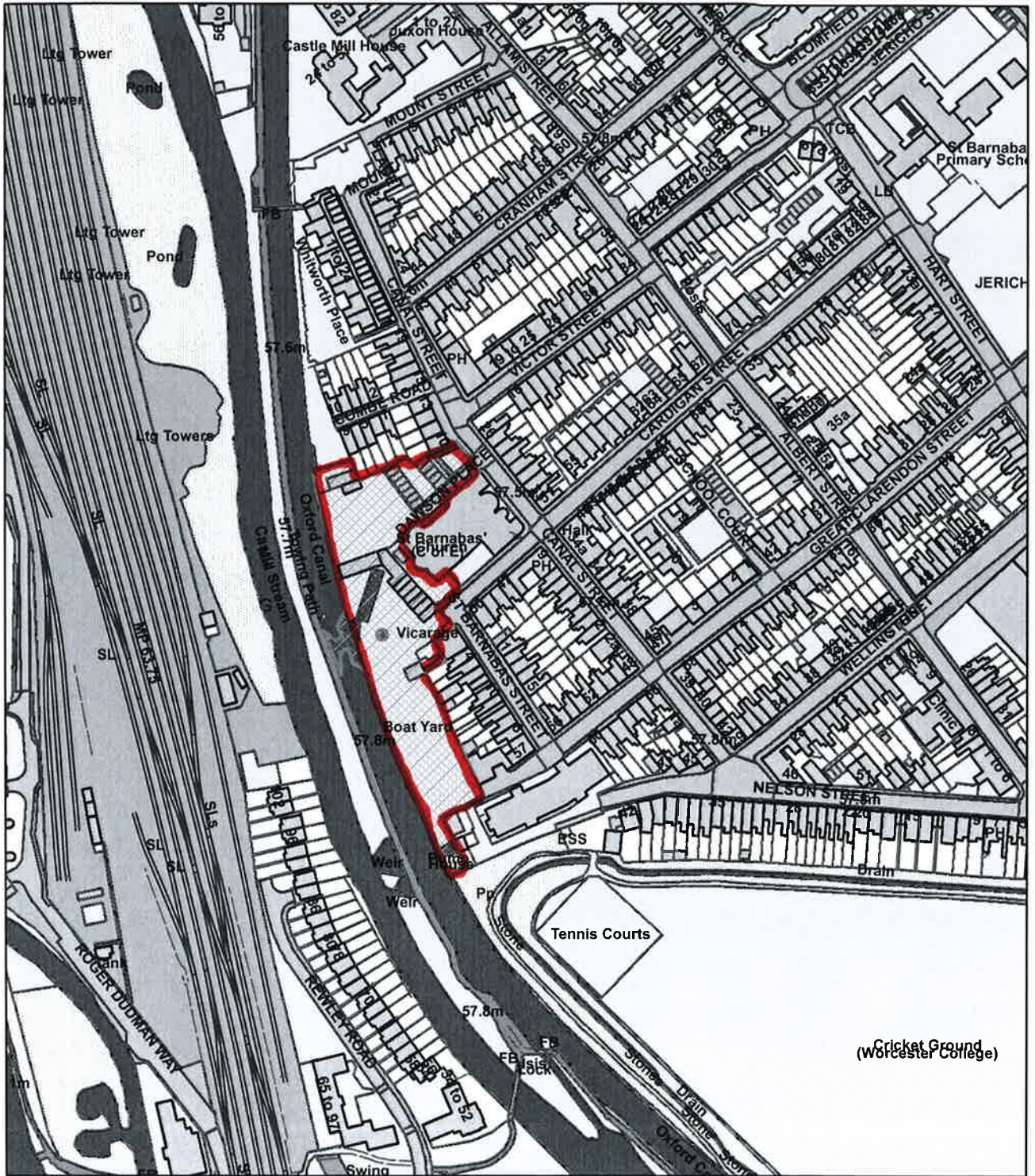
Contact Officer: Katharine Owen

Extension: 2148

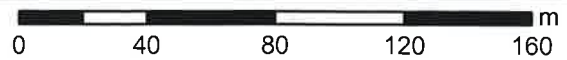
Date: 5 January 2015

Appendix 1

14/01441/FUL & 14/01442/LBC: Jericho Canalside



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Ordnance Survey 100019348.



Oxford City Council

City Development

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West Area Planning Committee

10 February 2014

Application Number: 14/01348/FUL

Decision Due by: 8th September 2014

Proposal: Demolition of existing footbridge. Erection of replacement footbridge with ramped approaches and new stepped access. Provision of 12 No car parking spaces and change of use of part of land adjacent to railway lines for educational purposes as part of SS Phillip and James School. (Amended plans)

Site Address: Aristotle Lane Footbridge, Aristotle Lane, **Appendix 1.**

Ward: Jericho And Osney

Agent: N/A

Applicant: Network Rail

Recommendation: Approve subject to conditions.

Reasons for Approval

- 1 The proposed bridge replacement is necessary to deliver strategic railway network improvements. The electrification of the railway between Oxford and Paddington delivers substantial public and economic benefits, and as part of the proposals it will also benefit the adjacent SS Philip and James School Primary School in relation to an extension of its school grounds. Safer access and parking arrangements for the allotment holder users is also provided. To address safety and access requirements necessitates design solutions that will affect the appearance of the area. These can be satisfactorily mitigated to minimise any adverse impacts by conditions to control such matters as the construction and design details, the use of materials and hard and soft landscaping proposals. The proposal is therefore considered to accord with the requirements of the relevant policies in the Oxford Local Plan, Core Strategy and National Planning Policy Framework and Practice Guide.
- 2 The Council has considered responses raised in public consultation and by statutory consultees and the proposals have been amended to address the issues raised and as proposed to be controlled by the conditions imposed. Any residual concerns do not constitute sustainable reasons sufficient to refuse planning permission and any harm that might result to interests of acknowledged importance are outweighed by the public benefits the proposal will deliver.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Boundary and abutment details, including spur ramp, handrails and boundary walls
- 4 Flood plain storage
- 5 Contamination and remediation
- 6 Demolition and Construction Travel Plan
- 7 Sustainable drainage
- 8 Tree protection
- 9 Landscape plan required
- 10 Landscape carry out after completion
- 11 Landscape management plan
- 12 Hard surface design.
- 13 Underground services
- 14 Tree protection plan
- 15 Arboricultural method statement
- 16 Samples of materials
- 17 Sample panels
18. Biodiversity
- 19 Archaeology

Legal Agreement.

No CIL contributions or s106 agreement required

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP8 - Design Development to relate to its context
- TR4 - Pedestrian & Cycle Facilities
- TR8 - Guided Bus/Local Rail Service
- HE1 - Nationally Important Monuments
- HE10 - View Cones of Oxford
- CP11 - Landscape Design
- CP13 - Accessibility
- NE15 - Loss of Trees and Hedgerows
- NE21 - Species Protection

Core Strategy

- CS11 - Flooding
- CS12 - Biodiversity
- CS18 - Urban design, town character, historic environment

Other Documents.

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance.

Statutory Designations

- The application site is partly within the Oxford Meadows Special Area of Conservation (SAC) which is a European site,
- This application is in close proximity to Port Meadow with Wolvercote Common and Green Site of Special Scientific Interest (SSSI),
- The site is in close proximity to Port Meadow Scheduled Ancient Monument,
- Common Land.

Public Consultation

Statutory Consultees.

- Thames Water Utilities Limited. No objections. Reminder that easement for access to sewers is required
- Berks, Bucks and Oxon Wildlife Trust (BBOWT). No objection subject to not raising the western ramp.
- Environment Agency Thames Region. No objection subject to conditions
- County Council and Highways Authority: No objection subject to conditions and clarification of details on parking
- English Heritage Commission. No objection to proposal in relation to the nearby scheduled ancient monument.
- Natural England. Requires clarity on the proposed levels for the western ramp and on the supports for the link bridge to the allotments to allow local planning authority to carry out Habitats Regulations Assessment, and to assess impact on habitats of Oxford Meadows SAC. On the basis of the above concerned that proposal is likely to damage or destroy the features of interest at Port Meadow with Wolvercote Common and Green SSSI.

Third Parties

- Oxford Waterside Residents' Association
- Oxford Waterside Management Company
- Oxford Civic Society
- Port Meadow Protection Group
- Friends of the Trap Grounds
- Oxford Fieldpaths Society
- St Margaret's Area Society
- One Voice Oxford
- Councillor Pressell

13 Individual Comments: 24 Lathbury Road, 7 Rawlinson Road, 71 Hayfield Road, 93 Kingston Road, 30, 47, 49 and 57 Plater Drive, 1 Osborne Close, 17 and 23 Chalfont Road, 8 St Aldate's, 14 Adelaide Street.

The main points raised were:

- EIA screening opinion flawed, photomontages inaccurate,
- Questions the legal right to consent to the works and to carry out development or landscaping without Secretary of State consent because its common land,
- Closure of level crossing will allow train speeds to increase with consequent

- increase in noise and vibration,
- Replacement parking will be more visible and not secure,
 - Parking spaces are too narrow and short, not compliant with highway standards
 - Concerned about the direct and indirect effects on Oxford Meadows SAC,
 - The increased height of the bridge and the supporting trusses and lattice work will be visually intrusive,
 - Appearance of barrier fencing from Port Meadow will be shocking and path will have engineered appearance. Generally concerned about effect on views from Port Meadow,
 - Proposed hard surfaces will lead to conflict between potential users of the route. Concern about the proposed surface materials will look too urban. Ramp gradients may discriminate against less able,
 - Concern about privacy and security for properties in Plater Drive that back onto east ramp,
 - Proposed handrail should be deleted or free standing, not attached to wall. Wall height should be increased in brickwork to compensate for increased height of ramp,
 - Southern footpath entrance to Trap Grounds should be retained, concern about effects of infilling ditch,
 - Semi-rural character should be retained, new planting should be native species and not urban/suburban in character,
 - Any soil contamination needs to be remediated,
 - Western ramp should be raised to improve access, especially during flooding,
 - Recommend condition on drainage strategy so that no significant effect on hydrological status,
 - Construction work should avoid bird nesting season,
 - Siting and access to construction site compound and storage of materials should be restricted to existing tracks and concrete areas to avoid adverse impacts on nature conservation interests,
 - Concerned about effect of extension of school grounds on sparrow population,
 - Suggestion of steps to allotments rather than spur ramp,
 - Concerned about lack of ecological assessment,
 - Suggestion that scheduled monument consent is required.

The proposals have been subject to pre-application discussions with the City Council, involving lengthy consultation with stakeholders and public meetings.

Officers' Assessment:

Background to Proposals

1. Network Rail is delivering a number of infrastructure improvements in the Oxford area that will increase the frequency and number of trains using this section of railway line. Some of these separate projects include a gauge clearance project (reconstruction of over bridges) to facilitate the transportation of larger freight containers between Southampton and the Midlands, a re-instated passing loop to the north of Aristotle, electrification of the railway from Oxford Station (and sidings to the north of the station) to Paddington as part of Great Western Electrification Project and Phase 1

of East West Rail (previously known as Evergreen 3). Due to the increase in the number of trains moving along this stretch of the railway, for safety reasons Network Rail, DfT and the Office of Rail Regulation wish to see the closure of the Aristotle Lane pedestrian level crossing.

2. The replacement of the Aristotle Lane footbridge is required to allow sufficient height over the main line tracks to accommodate overhead line equipment associated with the electrification. Part of the application also proposes a change of use of adjacent land to extend the school grounds of SS Philip and James Primary School with new boundary fencing to form a safe enclosure and a new route off the western ramp to give access to the allotments upgrading the southern access to the Trap Grounds
3. It is proposed to replace the existing three span bridge, along its existing alignment with a single span structure, removing the existing two piers and providing headroom of 4.78m (improved from 4.2m). The new bridge will be cambered with a maximum gradient along its length of 1:15 and with a clearwidth of 3.0m between handrails. The bridge is proposed to be painted green. The bridge structure will be taller than the existing with a maximum height from rail track to the top of the bridge (top chord) of just over 8.5 metres.

Site Description

4. The Aristotle Lane Bridge is an over-bridge of the railway to the north of Oxford Station. The existing footbridge forms part of the County Council's bridgeway network (reference 320/12). The western part is the existing footpath/bridgeway from Port Meadow. An entrance to Council owned allotments exists just to the north of this western ramp. The ramp consists of a gravel path with timber post and rail fencing on its sides. The central part of the application site is the existing three span bridge with two concrete piers over the operational railway, incorporating brick abutments. The bridge is a metal structure 2.5m in width. The eastern part of the application site consists of an existing gravel pathway extending from Aristotle Lane with a brick wall on the southern boundary with residential properties at Plater Drive beyond and an embankment to the north with mixed planting. To the north of the embankment is an existing gravel access road leading to an informal parking area accommodating approximately eight parking spaces used by allotment holders and to the Aristotle Lane level crossing, which forms a private users crossing and second entrance to the allotment site. To the north east of the access road is SS Philip and James Primary School. There is also a footpath along the school grounds boundary to the Trap Grounds to the north.

Consent Regime

5. Network Rail benefits from the use of permitted development rights by virtue of the Town and Country Planning (General Permitted Development) Order 1995 (GDPO) which grants consent for "*development by railway undertakers on their operational land required in connection with the*

movement of traffic on rail". The works to replace the bridge span and works to access ramps could ordinarily rely upon the use of these GDPO powers via the 'prior approval' procedure but since the proposal includes works beyond the needs of the railway, (eg spur ramp to allotments, allotment holders car park and extension of school grounds), then Network Rail has submitted a single planning application for the whole project rather than discrete applications under separate consent regimes. Related proposals to facilitate the railway infrastructure works described above were submitted under the "prior approval" procedure at Hinksey Lake and White House Road and were granted planning permission on appeal.

6. Concern has been expressed through consultation responses about the legal issues associated with the Port Meadow Common, in determining this application and implementing any permission granted. Officers have taken legal advice on this matter and have been advised that in relation to the Common there is no impediment to the City Council determining this application.
7. The principle determining issues in this case are considered under the following headings:
 - planning policy;
 - design and built forms;
 - heritage;
 - highways and parking;
 - landscaping;
 - flood risk and drainage; and
 - biodiversity.

Planning Policy

8. Development plan policies recognise the importance of the rail transport infrastructure, with policies in the Core Strategy and Local Plan that safeguard the transport corridor to facilitate future investment and improvement. Policies CS17 and TR8 refer respectively.
9. The site is in a sensitive location, alongside and leading into Port Meadow, host to statutory designations that recognise its nature conservation and heritage interest. Core Strategy and Local Plan policies seek to ensure that the special interest the site holds is not harmed, policies CS21 and NER22. Considerable weight and importance needs to be paid to the objective of preservation and enhancement in considering any harm against other planning priorities.
10. The site is not in a conservation area but the policies in the Core Strategy and Local Plan seek to ensure that the positive characteristics and appearance of the local context are respected and that new development should be designed to take account of local character.
11. The site is within an area of flood risk and development will not be permitted if it will result in an increased risk of flooding

Design and Built Forms

12. The nature of the proposals will involve some change to the existing appearance of the area. The engineering requirements to provide the eastern ramp, car park and access stairs to it from the bridge will serve to 'formalise' what are currently slightly haphazard and informal areas. It is proposed that the effect of this is mitigated by soft landscaping and careful selection of hard surfacing and other external materials. Officers consider the overall benefits associated with the proposal justify the changes. The existing characteristics of the bridge and ramps have an association with the nature of the railway corridor and these proposals will retain that character. The bridge, as a larger structure than that existing, will have more prominence, but only in the immediate locality. From longer distances views its presence will be filtered by the retained and proposed landscaping; the colour (and tone) of the bridge structure; and the skeletal form of the upper parts which assist it to assimilate into its surroundings. The introduction of electrification of the railways and overhead gantries that will form part of that investment are likely to be more visible elements characterising the railway corridor as it passes alongside Port Meadow.
13. There are a variety of detailed design matters that are not finalised at this stage including railing details and the detailed design for the allotment bridge connection. It is considered that these matters can be satisfactorily controlled by condition.

Heritage

14. Port Meadow is a scheduled ancient monument (SAM) and provides a publicly accessible area that also allows views over Oxford's historic city centre skyline. The National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. In this case it is only the SAM which is a designated heritage asset however, due to its important below ground archaeology. The remainder of Port Meadow is a non designated asset. Nevertheless the effect of an application on the significance of a non-designated heritage asset should still be taken into account in determining planning applications. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
15. Port Meadow is of interest as a SAM because of its location on the Northmoor Thames gravel terrace adjacent to an extensive prehistoric landscape of late Neolithic / Early Bronze Age barrows and Iron Age settlement remains. However none of the bridge works now proposed fall within the confines of the SAM, with the nearest archaeological feature being a possible stock enclosure located 150m

from the western end of the existing bridge. Previously stray finds of worked flint and a Roman coin have been recovered from the area of allotments to the north of the footbridge. An archaeological condition requiring a programme of work to be undertaken is suggested.

16. For its part English Heritage has confirmed that it does not consider the proposal will have any harmful impacts on the SAM or its setting. Officers concur with that view and concluded that there would be no adverse impact.

Highways and Parking

17. The proposals include the provision for a car park for allotment holders, to rationalise the existing informal parking area, organised to relate to the new access arrangements for allotment holders. It is designed to be SUDS compliant and a condition is proposed to secure this.
18. The demolition and construction methodology is complicated, designed to minimise interruption to rail traffic, to maintain public access across the bridge for as long as practicably possible and also to protect nature conservation interests. The site is also constrained in terms of access for plant and equipment and a demolition and construction travel plan has been recommended by the Highways Authority to ensure managed impacts on the road network and to safeguard residential amenity. A condition is proposed to secure this and should include details of compound and working areas.

Landscaping

19. As now proposed tree works on the western side of the railway line which include the removal of a mature sycamore and pollarding of a large willow would have a detrimental impact on the appearance of the landscape and reduce the softening and screening effect of existing trees of the footbridge and embankment. These impacts are required to be weighed in the balance against the important benefits to the strategic rail network, services to and from Oxford, and economic performance if the proposals were to be approved. Officers have concluded that in view of the importance of improvements to rail infrastructure that the balance of advantage in these terms lies with supporting the proposals.
20. Elsewhere within the application site, additional information has been submitted on existing trees and soft landscaping since submission of the original application. This confirms the extent of tree removal and replacement planting. The landscaping scheme submitted has therefore been amended to reflect the desirability of maintaining the informal character of the area, proposing native tree species such as hazel, hawthorn, field maple etc. A raft of conditions are proposed to secure protection of existing trees, delivery of the landscaping proposals to the north side of the eastern embankment and

ongoingmanagement.

Flood Risk and Drainage

21. The Environment Agency (and others) expressed concerns that the submitted proposals would have unacceptable impacts on flooding and flood storage capacity. The applicant subsequently submitted a Flood Risk Assessment and has been in ongoing negotiation with the Agency and officers to address the concerns raised. This has involved some minor changes to the proposals, but in particular in order to satisfy the Environment Agency's requirements the ramp from Port Meadow (western ramp) will no longer be raised, but will maintain its existing levels. Having considered the additional information supplied and the proposed amendments the Environment Agency has now withdrawn its objection, subject to the imposition of conditions (which have been included in the recommendation).

Biodiversity

22. Natural England objected to the planning application on the grounds that the application, as submitted, did not demonstrate that it would not damage interest features for which Port Meadow with Wolvercote Common and Green SSSI has been notified. It expressed concerns about the level of evidence and assessment that had been submitted with the original application. Officers have been in ongoing consultation with Natural England Network Rail and undertaken their own assessment.

23. As a competent authority the City Council must assess the impacts on the SAC in accordance with Regulations 61 and 62 of the Conservation of Habitats and Species regulations 2010. The applicant has supplied supplementary information which addresses concerns raised by consultees, including BWONT, the Environment Agency and Natural England. The latter would however wish to see further constructional details. After consideration of this information Officers have concluded that there would be no negative impact on the SAC. To ensure this is the case protective measures should be conditioned regarding details of the western ramp and construction details for the allotments spur ramp.

Other Matters

24. Through consultation responses a number of concerns have been raised about the nature and appearance of hard surfaces. The desirability is to ensure that they do not appear over engineered, reflect the informal character of the area and do not encourage misuse or anti-social behaviour. Officers have recommended a condition to review and control the execution of this element of the proposals. Concern has also been expressed about privacy and security for residents in

Plater Drive, whose properties back onto the eastern ramp. The introduction of a handrail along the wall and the increase in height of the ramp are the concerns. Proposals have been suggested that could mitigate these concerns – namely excluding the handrail or installing separate posts and rail and increasing the height of the boundary wall. These matters are included in the proposed conditions.

Conclusion

25. The replacement of the bridge is necessary to enable the electrification of the railway, which is of strategic importance. The application also proposes additional works which will benefit the local community and address issues associated with the safety of the existing level crossing. During the application process the applicant has introduced a variety of amendments and supplied additional supporting information to address the concerns raised and officers are satisfied that the application can be recommended for approval.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 14/01348/FUL

Contact Officer: Nick Worledge

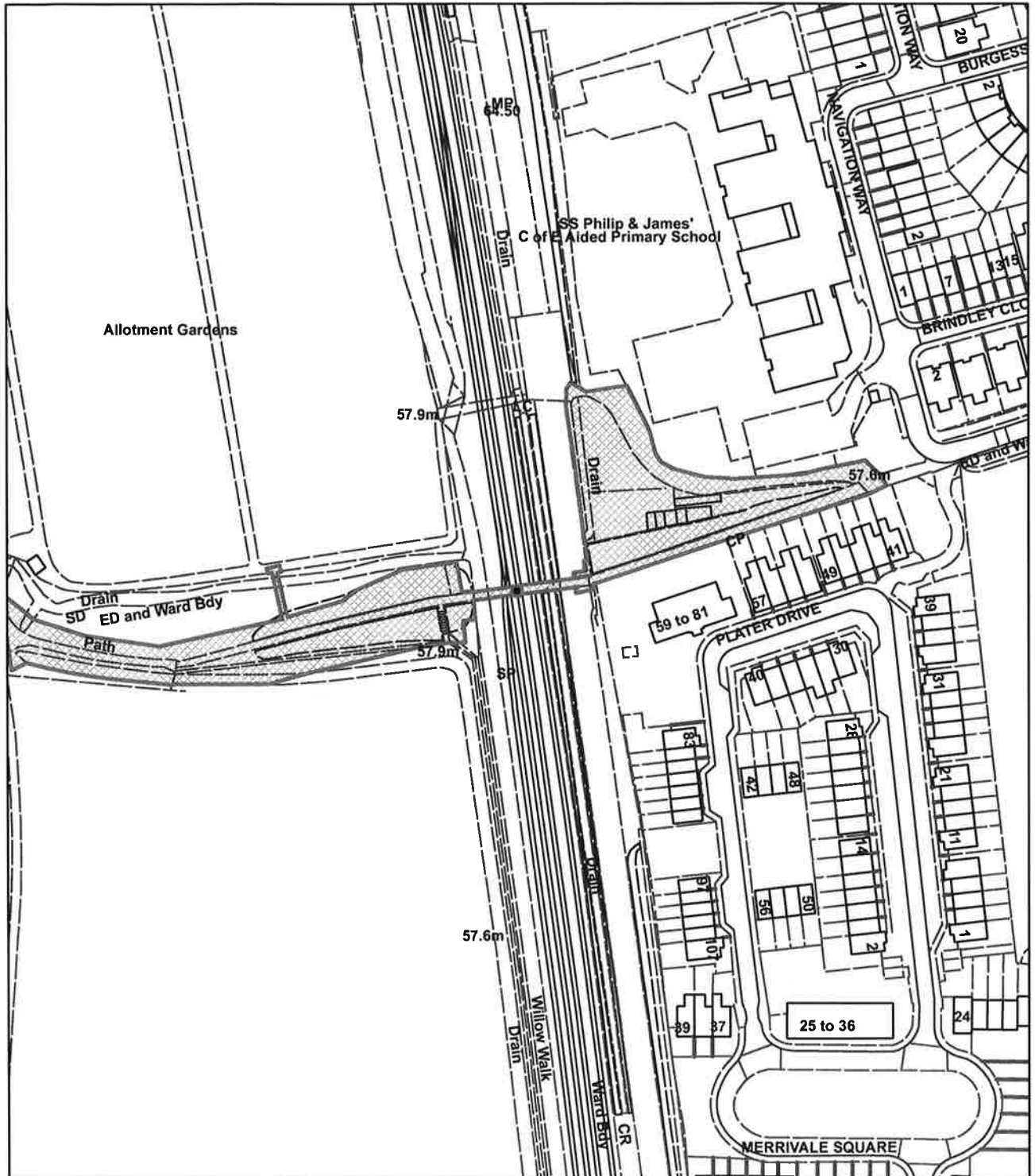
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Date: 29th January 2015

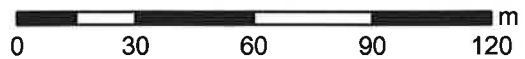
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Aristotle Lane Footbridge, Aristotle Lane

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Oxford City Council

Planning

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West Area Planning Committee

10th February 2015

Application Number: 14/03198/FUL

Decision Due by: 14th January 2015

Proposal: Erection of single storey rear extension and formation of a basement. Raising roof height, hip to gable extension to allow formation of second floor. Installation of solar panels. (Amended Plans)

Site Address: 8 Charlbury Road, Appendix 1

Ward: St Margarets Ward

Agent: Yiangou Architects Ltd

Applicant: Mr And Mrs Harris

Application Called in – by Councillors – Wade, Goddard, Fooks and Wilkinson for the following reasons - The increased height and pitch of the roof will adversely affect the proportions of the house, and will affect the view from neighbouring properties to east and west. The new gables are out of keeping with those on neighbouring houses. The expanse of glass at the back of the house is out of keeping with the conservation area. The proposed back extension will double the house's original footprint.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extensions to the roof, rear extension and formation of basement are considered to be of a form, scale and appearance that, on balance, preserve the special character and appearance of the North Oxford Victorian Suburb Conservation Area without causing significant harm to the amenity enjoyed by occupiers of neighbouring properties. Consequently the proposals accord with policies CP1, CP8, CP9, CP10 and HE7 of the Oxford Local Plan 2001-2016, policy CS18 of the Oxford Core Strategy 2026 as well as policies HP9 and HP14 of the Sites and Housing Plan Submission document.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 SUDs

Main Planning Policies:

Oxford Local Plan

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- HE7 - Conservation Areas
- CP10 - Siting Development to Meet Functional Needs
- NE16 - Protected Trees

Core Strategy

- CS18 - Urban design, town character, historic environment

Sites and Housing Plan

- HP9 - Design, Character and Context
- HP14 - Privacy and Daylight
- MP1 - Model Policy

Other Material Considerations:

- National Planning Policy Framework
- Application is within the North Oxford Victorian Suburb Conservation Area.

Relevant Site History:

79/00600/AH_H - Additional use of 3 rooms on weekdays during the daytime only as tutorial rooms for language school. REF 15th August 1979.

95/01609/CAT - Various tree work at 6 and 8 Chadlington Road and 1 Charlbury Road and the main Dragon School. RNO 18th December 1995.

05/00739/CAT - Fell lime tree in the North Oxford Victorian Suburb Conservation Area at 8 Charlbury Road, Oxford. WDN 9th May 2005.

05/00901/FUL - Two storey side extension. Single storey rear extension. New porch.. WDN 21st June 2005.

05/01278/CAT - Prune lime tree (as specified by Oxford University Parks Department in report dated 17/5/05) in the North Oxford Victorian Suburb Conservation Area at 8 Charlbury Road, Oxford. RNO 11th July 2005.

05/01350/FUL - Erection of two storey side extensions (north and south facing elevations). Erection of rear extension to form a swimming pool. Extension to existing porch (south facing elevation). PER 26th August 2005.

05/02118/CAT - Fell magnolia and pear trees (front garden) and plum, catalpa, lilac, elder and apple trees (rear garden) in the North Oxford Victorian Suburb Conservation Area at 8 Charlbury Road. RNO 2nd December 2005.

06/00223/CAT - Repollard lime tree in the North Oxford Victorian Suburb Conservation Area at 8 Charlbury Road. RNO 10th February 2006.

06/00422/FUL - Erection of single storey side extension (north elevation). PER 19th April 2006.

06/01550/FUL - Erection of two storey side extensions (north and south facing elevations). Erection of rear extension to form swimming pool and extension to existing porch (south facing elevation). (Amendments to planning permission granted under application 05/01350/FUL). WDN 15th September 2006.

07/00442/CAT - Fell 2 apple trees and crown raise 1 lilac tree to 3.5 m at 8 Charlbury Road in the North Oxford Conservation Area. RNO 12th March 2007.

08/02124/CAT - Fell Holly tree at 8 Charlbury Road in the North Oxford Victorian Suburb Conservation Area. RNO 10th October 2008.

08/02572/CAT - Fell Lime tree in the North Oxford Victorian Suburb Conservation Area at 8 Charlbury Road, Oxford. WDN 12th January 2009.

12/00319/CAT - Fell Lime tree in the North Oxford Victorian Suburb Conservation Area. RNO 20th March 2012.

12/02085/CAT - Fell 3 Malus sp. trees affecting the North Oxford Victorian Suburb Conservation Area. RNO 3rd October 2012.

14/01805/FUL - Erection of single storey rear extension and formation of a basement. Raising roof height, hip to gable extension to allow formation of second floor. Formation of 5no. dormer windows and insertion of 7no. rooflights. (Amended plans). PER

Public Consultation

Statutory Consultees:

None.

Third Party Comments Received:

The Victorian Group of the Oxfordshire Architectural and Historical Society; 8 and 21

Northmoor Road; 13 Belbroughton Road; 4 Charlbury Road; 21 Bardwell Road; 4 Garford Road; and 28 Polstead Road.

Following comments were raised in objection to the development:-

- Concern that public consultation was carried out and that neighbours did not receive letters
- The proposal will set a precedence for future development
- Raising the roof will change the proportions of the building to its detriment
- The rear garble is far too steep and out of keeping with the shallower one
- The house has already had extensive extensions and should be left alone
- The building works of the basement will cause vibrations and disturbance
- The increased height will block views east from houses in Northmoor Road (4,6,8 in particular) and affect privacy.
- proposed extension redoubles the original house footprint, causing overdevelopment
- The expanse of glass at the back of the existing and proposed extensions is out of keeping with the character of the house and of the conservation area
- 8 Charlbury Road has been extended and intensified incrementally, and this latest application continues that process to a point where the site cover, built area and adverse impact on the garden suburb would reach unacceptable proportions.

Determining issues:

- Impact upon the conservation area
- Impact upon neighbouring properties

Officers Assessment:

Site:

1. The application site comprises a large detached dwelling, designed by Alfred John Rowley, built in 1908. Rowley trained under Harry Wilkinson Moore (designer of many houses in the area). The dwelling is located within the North Oxford Victorian Suburb conservation area.
2. Proposal:
3. The application proposes to erect a single storey rear extension and formation of a basement. It also seeks to raise the roof height, including a hip to gable extension to allow formation of second floor, insertion of dormer window and installation of solar panels. This application is a revision to the previously approved application reference number 14/01805/FUL.

Impact upon Conservation Area:

4. The prevailing character of this part of the North Oxford Victorian Suburb Conservation Area consists of substantial dwellings in a suburban setting with relatively generous gaps between buildings allowing views through to

rear gardens as well as green tree-lined wide streets. There is mix of architectural designs within Charlbury Road and most houses are unique in design and style. The size of these dwellings also varies. No. 8 lies between no.6 and no.8A Charlbury Road both of which have higher ridge lines than that of no.8. The increase in roof height would be lower than both neighbouring roofs. The proposed hip to gable extensions would also be in keeping in terms of style and scale. The proposed increase height of the roof remains the same as that already approved under 14/01805/FUL.

5. The front elevation would also include a gable extension above the main bay windows. This gable is considered to be similar and in keeping with the prominent gables of nearby neighbouring properties. The addition of a flat roof dormer on the front is considered to be of an appropriate size, scale and design, whilst the side dormer on the south elevation would be hidden from public view. The dormer on the north elevation would not be highly visible; it would only glimpsed along the through the gap between houses. All of these elements have previously been approved under 14/01805/FUL. The main difference in this development is the front gable above the main bay windows which is smaller in size and scale than the previously approved gable. It is considered that the smaller gable with smaller window is appropriate and acceptable in design terms.
6. At the rear the new single storey extension is considered to be acceptable in size and scale and design. It would not double the footprint of the existing house as thought by some. It would infill a small patio area directly in front of the existing dining room and existing back lounge. It would come out 0.5m from the existing rear lounge wall to sit slightly forward to the existing two-storey element. It would have an expense of bi-folding doors along the rear elevation. Officers consider that extension forms an appropriate visual relationship with the existing dwelling and again does not differ greatly in designs terms from what was previously approved. The plans also show the creation of a balcony terrace on the first floor on the new flat roof over the proposed single storey rear extension with a glazed balustrade. The balcony area is in the same location but has been realigned. Officers consider that moving the balcony area has no design implications.
7. The existing rear chimney stack would be replaced with a new rear gable, and whilst the loss of the chimney stack is regrettable, it is important to note that the removal of a chimney stack does not of itself require planning permission.
8. Where the previous application showed a flat roofed rear dormer window inserted in the rear roof, this would now be replaced by a gable extension.
9. The proposal also includes the addition of 3 new rooflights, 2 of these would not be visible at all as they would be located on the southern end of the dwelling behind the main elevation. There would also be solar panels located on the central part of the roof where they would not be visible in public views.

10. The last element of the proposals is the raising of the existing roof by 1.8m to enable the roof space to be utilised and provide additional living accommodation. Officers consider that whilst the extension to the roof is substantial, the proposal would form a visually appropriate relationship with the existing dwelling and surrounding area as neighbouring properties are significantly taller than no. 8 currently with extensive roof areas themselves providing a third level of accommodation. Indeed even with its additional height the application property would still be lower than its neighbours to ridge height. It is concluded therefore that this element would not harm the character or appearance of the conservation area. Although the enlarged property would be substantial, it would be comparable with its neighbours creating a better balance between them. The remaining garden would still be large, measuring 425 sq m. with generous gaps between buildings remaining, allowing views through to rear gardens.
11. Concerns have been raised with regard to the application setting a precedent for future extensions; however, all planning applications are judged on their own merits and site circumstances, therefore, officers consider that this would not set a precedent.
12. On balance therefore it is concluded that the development would not be detrimental to the appearance of the existing building or harmful to the character and appearance of the conservation area, and as such would comply with policies CP1, CP6, CP8 and HE7 of the OLP and CS18 of the OCS.

Impact upon Neighbouring Properties:

13. Policies HP.14 of the SHPDPD and CP.10 of the OLP require the appropriate siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. Proposals are assessed in terms of potential for overlooking into habitable rooms or private open space.
14. In terms of privacy the proposed dormer windows would not create any adverse overlooking that would be more than typically to be found in a residential street in an urban environment. The north facing dormer looking onto the side elevation of no.8A Charlbury Road would look out towards the second floor side window, which is a bathroom window. Moreover neither would the creation of a balcony and terrace at first floor level overlook the neighbouring properties as it is enclosed by a flank wall and roof structure.
15. On the potential for loss of light, the single storey rear extension would comply with the 45/25 degree guidance as set out in Appendix 7 of the Sites and Housing Plan and would not cause a loss of light to either neighbouring property.

16. However concerns have been raised with regards to views and privacy from Northmoor Road as a result of the increase in height of the roof. The distance between the Northmoor Road properties and application site is approximately 55.0m. This well exceeds the advice at paragraph A3.26 of the Sites and Housing Plan which states that there should be at least 20 metres distance between directly facing windows to habitable rooms in separate dwellings.
17. With regard to views from the Northmoor Road properties, whilst the extended house would be visible, officers consider that the proposed increase in roof height would not adversely affect the amenities of those properties. In summary therefore, officers consider that there is no adverse impact on the residential amenity of the neighbouring properties. The application complies with policy CP10 of OLP and HP14 of the SHP.

Other Matters:

18. Concerns have also been raised about possible noise disturbance and vibration to the neighbouring properties as a result of the excavation of the basement. With any building work there is always an accepted level of noise disturbance, but there is no reason to suppose that disturbance to neighbouring properties should be greater than at any other comparable building project. Normal Building Regulations would apply with reserve powers available under Environmental Health legislation if a statutory nuisance were created.

Conclusion:

The extensions represent a variation to a similar development already granted planning permission and have been carefully designed with the wider context in mind. Officers' have come to the view that it would not lead to any unreasonable impacts on the adjacent properties or on the character and appearance of the Conservation Area. The proposal conforms to the Council's policies and the presumption should be in favour of the grant of permission. Whilst the concerns of neighbouring householders are acknowledged and have been carefully considered, they do not raise issues which justify the application being refused planning permission.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance

with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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 permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 14/03198/FUL, 14/01805/FUL.

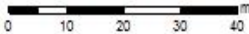
Contact Officer: Davina Sarac

Date: 28th January 2015

Appendix 1 8 Charlbury Site Plan



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Ordnance Survey 100019348.



Not Set

Oxford City Council

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Planning

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Monthly Planning Appeals Performance Update – January 2015

Contact: Head of Service City Development: Michael Crofton-Briggs

Tel 01865 252360

1. The purpose of this report is two-fold:
 - i. To provide an update on the Council's planning appeal performance; and
 - ii. To list those appeal cases that were decided and also those received during the specified month.

Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 26th January 2015, while Table B does the same for the current business plan year, ie. 1 April 2014 to 26 January 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	18	37.5%	9	9
Dismissed	30	62.5%	8	22
Total BV204 appeals	48	100%	17	31

**Table A. BV204 Rolling annual performance
(1 February 2014 to 26 January 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	17	41.5%	9	8
Dismissed	24	58.5%	7	17
Total BV204 appeals	41		16	15

**Table B. BV204: Current business plan year performance
(1 April 2014 to 26 January 2015)**

All Appeal Types

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C	Appeals	Performance
Allowed	20	42.6%
Dismissed	27	57.4%
All appeals decided	47	
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)
Rolling year 1 February 2014 to 26 January 2015**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during January 2015
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during January 2015. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.

Table D

Appeals Decided Between 18/12/14 And 26/01/15

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; **APP DEC KEY:** ALC - Allowed with conditions, ALW - Allowed without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
14/01322/FUL	14/00052/REFUSE	DEL	REF	DIS	19/12/2014	RHIFF	35 Courtland Road Oxford OX4 4HZ	Demolition of existing garage. Erection of 2 x 1-bed dwellings (Use Class C3). Provision of private amenity space, car parking and bin and cycle storage.
14/00396/VAR	14/00054/PRIOR	DEL	REF	ALW	19/12/2014	MARST	139 Oxford Road Old Marston Oxford Oxfordshire OX3 0RB	Removal of condition 11 (removal of PD rights) of planning permission 09/01428/FUL.
14/01578/FUL	14/00063/REFUSE	DEL	REF	DIS	24/12/2014	SUMMTN	12 Middle Way Oxford OX2 7LH	Erection of a two storey side and rear extension and formation of vehicular access and parking.

Total Decided: 3

Enforcement Appeals Decided Between 18/12/14 And 26/01/15

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS - Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
14//0013/7/ENF	14/00061/ENFORC	WITHDR	19/01/2015	43 Magdalen Road	STMARY	Unauthorised change of use of land to form extension of curtilage

Total Decided: 1

Table E

Appeals Received Between 18/12/14 And 26/01/15

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; **TYPE KEY:** W - Written representation, I - Informal hearing, P - Public Inquiry, H - Householder

DC CASE	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
14/02701/FUL	15/00001/REFUSE	DEL	REF	H	195 Howard Street Oxford Oxfordshire OX4 3BB	IFFLDS	Erection of single storey side and rear extension
14/02942/H42	14/00068/PRIOR	DEL	7PA	H	61 Green Road Oxford Oxfordshire OX3 8LD	QUARIS	Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 2.80m, and for which the height of the eaves would be 2.60m.

Total Received: 2

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WEST AREA PLANNING COMMITTEE

Tuesday 13 January 2015

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Gotch (Vice-Chair), Benjamin, Clack, Cook, Gant, Hollingsworth, Price and Tanner.

OFFICERS PRESENT: Murray Hancock (City Development), Michael Morgan (Law and Governance) and Jennifer Thompson (Law and Governance)

93. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

There were no apologies for absence.

94. DECLARATIONS OF INTEREST

There were no declarations of interest made.

95. LAND AT JERICHO CANAL SIDE: 14/01441/FUL

Prior to the meeting, this application was deferred by the Head of City Development at the request of the Chair of the committee.

Before the application will be considered by the Committee, a formal visit to the site will be arranged for committee members.

96. LAND AT JERICHO CANAL SIDE: 14/01442/LBD

Prior to the meeting, this application was deferred by the Head of City Development at the request of the Chair of the committee.

Before the application will be considered by the Committee, a formal visit to the site will be arranged for committee members.

97. 17 APSLEY ROAD OXFORD: 14/02833/FUL

The Head of City Development submitted a report setting out an application for planning permission to demolish the existing house and construct two four-bedroom dwellings with private amenity space, car parking, refuse and cycle stores.

The planning officer reported a correction to paragraph 8 of the report: the single storey element was 5.5m not 7m as in the report.

Helen Morton, a local resident, raised concerns including the adverse impact of the proposals on the character of this part of the street.

David Burson, agent for the applicant, spoke in support of the application.

The Committee resolved to grant planning permission for application 14/02833/FUL, 17 Apsley Road, Oxford subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples.
4. Landscape plan required.
5. Landscape carry out by completion.
6. Landscape hard surface design - tree roots.
7. Landscape underground services - tree roots.
8. Tree Protection Plan (TPP) 1.
9. Arboricultural Method Statement (AMS) 1.
10. Car/cycle parking provision before use.
11. Bin stores provided before occupation.
12. Design - no additions to dwelling.
13. Amenity no additional windows.
14. Amenity windows obscure glass - first and second floor side elevations.
15. Boundary details before commencement
16. Details of solar panels.
17. SUDS.
18. Variation of Road Traffic Order.
19. Vision Splays.

A Community Infrastructure Levy charge of £24,400 is payable.

98. 14 HERNES ROAD: 14/03010/FUL

The Head of City Development submitted a report setting out an application for planning permission for the construction of a single storey side and rear extension.

Barbara Wyatt, a local resident, spoke against the application.

Gino Magnotta, the applicant, spoke in support of the application.

The planning officer clarified that the separation of 2.3m stated in paragraph 19 of the report related to a specific point and was not the minimum separation (1.3m) of the buildings.

The Committee resolved to grant planning permission for application 14/03010/FUL, 14 Hernes Road, Oxford subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as proposed.
4. Amenity no additional windows.
5. Amenity no balcony.

99. 23 FRENCHAY ROAD OX2 6TG : 14/03051/FUL

The Head of City Development submitted a report setting out an application for planning permission for the construction of a single storey rear extension; insertion of two windows to west elevation; formation of two dormer windows to rear elevation and insertion of one rooflight to front elevation in association with loft conversion; replacement of garage with home office; and repositioning of garden gate.

The planning officer recommended an additional condition to agree details of the reinstatement of the boundary wall to Hayfield Road once the gate was moved. He drew attention to condition 4 (use of outbuilding) restricting use to ancillary to the main dwelling and that condition 2 included first floor windows overlooking Hayfield Road being obscure glazed and fixed shut.

John-Paul Ghobrial, a local resident, spoke against the application.

The Committee resolved to grant planning permission for application 14/03051/FUL, 23 Frenchay Road OX2 6TG, subject to conditions as set out in the report and recommended at the meeting:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Approved materials.
4. Use of outbuilding.
5. Details of relocated pedestrian gate to boundary wall.
6. New windows to Hayfield Road to be fixed closed and obscure glazed.

100. 7 FARNDON ROAD: 14/02945/FUL

The Head of City Development submitted a report setting out an application for planning permission for construction of a two storey (basement and ground floor) side and rear extension, first floor side and rear extension and second floor rear extension.

Mairi Pritchard and Robin Aitken, local residents, raised their concerns about the application.

Greg Brisk, applicant, and Tom Brown, architect, spoke in support of the application.

The Committee resolved to grant planning permission for application 14/02945/FUL, 7 Farndon Road, Oxford subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials – matching.
4. Tree Protection Plan (TPP) 1.
5. Obscure glazing.

101. 30 HARPES ROAD: 14/02925/FUL

The Head of City Development submitted a report setting out an application for planning permission for construction of a garden outbuilding.

Gretchen Seiffert, a local resident, spoke against the application.

Notwithstanding the officer's recommendation for approval, the Committee were of the view that the building was too large and in particular too high, and was as a result dominating and overbearing given the narrow plot and its proximity to the adjacent gardens and did not sit well in its wider surroundings. The outbuilding therefore was considered not to comply with policies CP1, CP8, CS18 and HP9 highlighted in the report.

The Committee resolved to refuse planning permission for application 14/02925/FUL, 30 Harpes Road because:

the size and in particular the ridge height of the building was overly dominant in the narrow plot and created an unacceptably overbearing development adversely affecting the amenities of neighbouring householders contrary to policies CP1, CP8, CS18 and HP9.

102. PLANNING APPEALS

The Committee noted the report.

103. MINUTES

The Committee resolved to approve the minutes of the meeting held on 10 December 2014 as a true and accurate record.

104. FORTHCOMING APPLICATIONS

The Committee noted the list of forthcoming applications and that 9A & 11 Chester Street: 14/03143/FUL (which had been called in) would not be considered as officers had refused permission.

105. DATE OF NEXT MEETING

The Committee noted that the next meeting would be held on 10 February 2015.

The meeting started at 6.30 pm and ended at 8.20 pm