

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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