

West Area Planning Committee

13th 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 9<sup>th</sup> 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 16<sup>th</sup> June 2010 and expires 16<sup>th</sup> 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 transshipment 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 1<sup>st</sup> 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 19<sup>th</sup> -20<sup>th</sup> 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

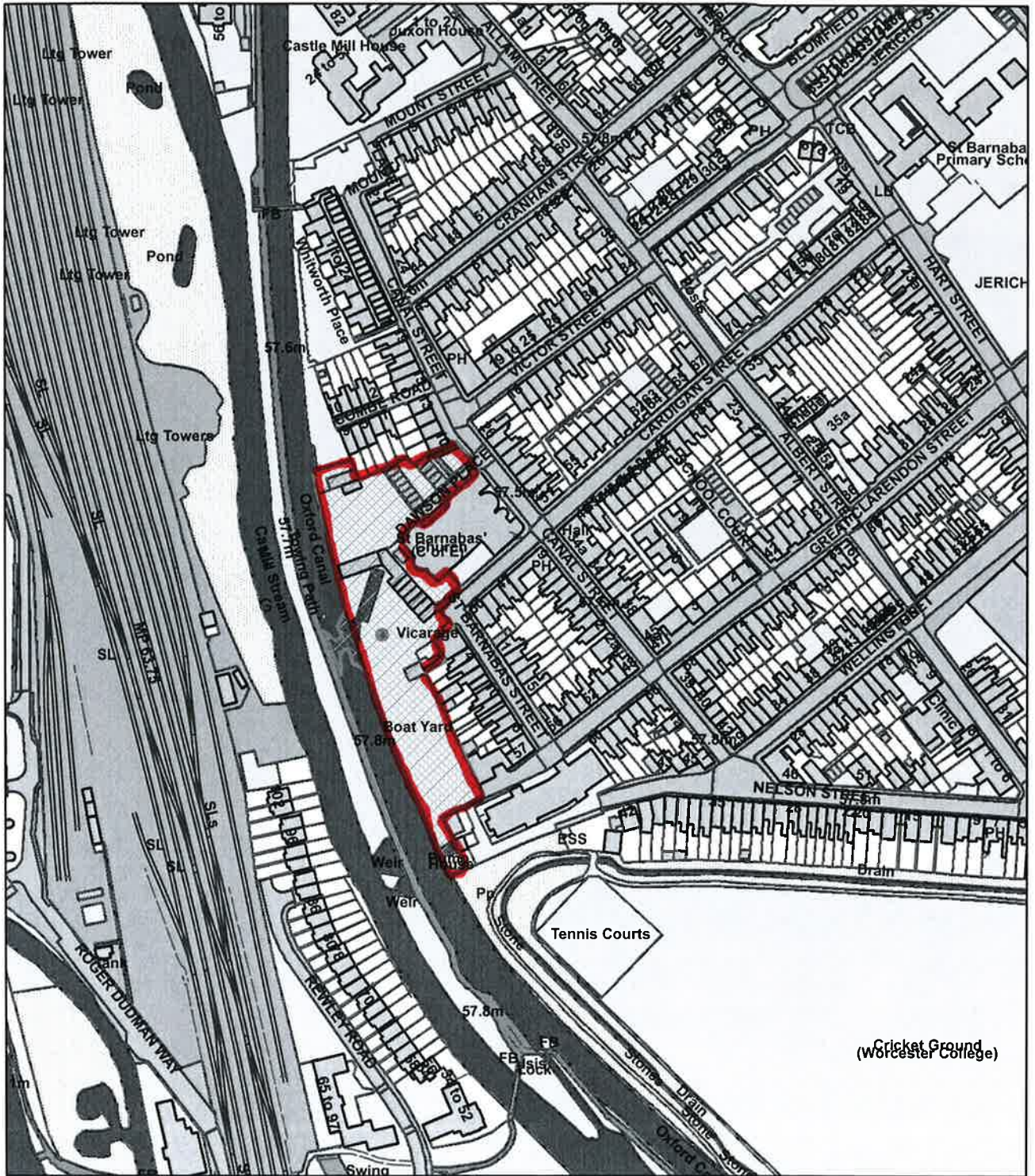
**Extension:** 2360

**Date:** 5<sup>th</sup> January 2014



# Appendix 1

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



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Oxford City Council

City Development

Scale: 1:2,231 (printed to A4)

**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

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Further to Officers report to West Area Planning Committee of 13<sup>th</sup> 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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