

Extract from Inspectors Report

Reasons

The new community centre

16. The existing community centre in Jericho is housed in a late Victorian building on the corner of Canal Street and Cardigan Street. The building is owned by St Barnabas Church, but has been leased to Oxford City Council to be run as a community centre. The building is now considered, by both the Council and the Jericho Community Association (JCA), to be no longer suitable for a community centre, in terms of lack of a larger hall and limited number of rooms available, lack of compliance with the Disability and Discrimination Act (DDA), 2004, and lack of outdoor play space for a pre-school play scheme. The building is also inefficient, both in use of space and in demands on energy. The Council believes that bringing the building up to DDA requirements would not be viable, and would be counter-productive in terms of lost space, and is not renewing the long lease, although it will continue to take the building on a short lease until a suitable replacement has been provided. Although it is suggested for the appellants that the possibility of using financial contribution monies to improve facilities in this existing building has not been fully explored, I saw at my visit to the centre that it is severely constrained in terms of internal layout and lack of external space, and I am persuaded by the argument that proper facilities can only be provided with a new building.
17. The possibility of providing for a new community centre as part of the redevelopment of the appeal site was introduced in the SPG development guidelines, which indicate that the Council has agreed that adjacent land that it owns in Dawson Place could be added to the appeal site to enlarge the available development site. In the replacement local plan, Policy SR.14A states that planning permission will be granted for new community facilities at Canalside Jericho, and Policy DS.12 confirms that permission will be granted for a mixed-use development at Canalside and that a community centre is one of the uses all of which must be included. The supporting text to Policy DS.12, at paragraph 14.2.15, indicates that one of the key objectives of redeveloping this site is the provision of a sustainably sized Community centre. British Waterways Board (BWB) objected to Policy SR.14A, arguing that the site should not be required to provide for a new community centre. Bellway Homes objected to both policies, arguing, among other matters, that there is sufficient space on the Dawsons Place land alone for a new centre and that there is no shortage of facilities existing in the area. These objections were not accepted by the local plan Inspector and as a result these policies are going forward towards adoption without modification.
18. For the appellants, it is argued that Policy SR.14A is only permissive, and that the requirement of Policy DS.12 for the inclusion of a sustainably sized community centre can be met by the use of the Dawsons Place land alone. It seems to me therefore that it is necessary to consider firstly, what is the reasonable requirement for a sustainably sized community centre, and

secondly, whether or not this can be accommodated on the Dawsons Place land alone.

19. The need for a new community centre has been recognised in the recent report by the local plan Inspector, and to my mind is implicitly acknowledged in the appellants' offer of a financial contribution towards the provision of a new centre. The JCA, partly in conjunction with the Council, has worked up a design brief to indicate what would be required from a proposed new centre. This is partly based upon a needs survey carried out in the area and partly on a comparative case study with the West Oxford Community Centre. There has also been consultation with BWB as owners of the site leading to a requirement to take account of the proposed new centre being mentioned in BWB's own design guide for the site, and in its marketing details, in which prospective purchasers and developers are advised to consult with JCA in formulating their proposals. The latest design brief prepared by JCA, dated August 2004, indicates that some 787 square metres of floor space, with 498 .of that on the ground floor, is needed to provide the necessary accommodation in the new centre, although it is accepted that a final design may be able to reduce this somewhat depending on how efficient use of space can be achieved.
20. For the appellants, there is criticism of this space requirement, suggesting that it goes beyond the reasonable requirements of the local community. For example, the size of the main hall, at some 18 by 10 metres and a height of 6 metres, would appear to be driven at least in part by a desire to provide badminton facilities, whereas this does not feature anywhere in the needs survey. The proposed community cafe would be in duplication of the appellants own proposals for a bistro in their scheme. All in all, it is argued for the appellants that an unnecessary amount of accommodation has been proposed, particularly as some of it is intended to be revenue generating rather than solely meeting local community needs. For the JCA, it is argued that the accommodation is all required, that careful attention has been given to multi-function spaces, and a centre of this size is necessary to be sustainable in the longer term, meeting the aim of less reliance on public subsidy.
21. The JCA points out that the size requirement indicated in the design brief is based on advice in a design guidance note for Village and Community Halls, issued by Sport England, as well as comparison with the functioning of the similar sized facility in West Oxford. For the appellants it is argued that comparison with West Oxford is flawed, as the available census data indicates that Jericho has a much higher percentage of population in the age range 18-26, and in particular 19-22, than does West Oxford, indicating a large student population, and students are well supplied with sport, recreation and community facilities through the University and Colleges. However, I understand that the Jericho ward includes Worcester College, and this would boost the proportion of student-aged residents. Although I am mindful that the Sport England guidance is apparently issued for organisations seeking Sport England grant funding, which is not the case in this instance, it nevertheless seems to me that it gives a reasonable indication as to best practice and what

range of activities and space requirements may be expected for a new community centre.

22. As part of its work towards the new community centre project, the JCA has produced business plans, and these were presented to the public inquiry .The latest business plan demonstrates that the necessary funding is in place for building a new community centre, with contributions from the Council, from the developer at another site, from the Church Institute with the proceeds of the sale of the existing centre for residential development, and from a certain amount of other fundraising activities. This financial position with regard to capital funds is not disputed by the appellants, although there is some criticism of the on- going cash-flow situation in respect of the projected cost of the centre manager. It is put, therefore, by the Council, by the JCA and by others, that the money is in place and all that is needed is the land, which is not. It is argued that there is no other site in Jericho where the centre could be built, and certainly no suggestion has been brought forward by any party at the inquiry of any alternative. Further, it is argued that St Barnabas Church is the hub of the community, and that the community centre needs to be close to the church, as it would be in Dawsons Place and as it is in the existing building. Indeed, there was a suggestion by the Vicar that if the new centre were not closely related to the Church then the Church Institute may need to reconsider its financial contribution, which would prejudice the entire project. It seems to me that not only is the Dawsons Place site the only realistic opportunity of siting a new community centre in Jericho, it is ideally placed in terms of its relationship with the church.
23. Regardless, it is argued for the appellants that a reasonable or adequately sized community adequately sized community centre can be provided on the Council-owned land that offered, without need for any land to be taken from the appeal site. This parcel of land in Dawson Place comprises an open area fronting Canal Street and a courtyard of lock-up garages to the rear, with a boundary onto the appeal site to the rear of that. This land comprises a gross area of 450 sq.m. However, there are a number of constraints on the extent of the land that may be developed. There is a footway along Dawsons Place that is part of the adopted highway that takes up some 31 sq.m., retaining the tree on the corner with Canal Street would take some 20 to 24 sq.m., and respecting the building line along Canal Street would take 27 sq.m. There is a registered right of way to the rear of no.10 Canal Street that covers the whole of the garage forecourt of 102 sq.m., and a possible permissive right of way to the rear of nos. 1, 3 and 5 Combe Road, although this only accounts for some 5 sq.m. This leaves a net developable area of some 260 sq.m.
24. The latest JCA design brief indicates a need for some 500 sq.m. of ground floor space, with a further 289 sq.m. of upper floor space also allowing for a full height hall extending into the upper floor space. This does not take account of external space for disabled car parking, deliveries and essential playspace for the pre-school. There has been much discussion about the proposed height of the hall, but it is clear to me that a full sized hall of some 200 sq.m. cannot be restricted to a single storey, and this has not only to do with sport requirements but with acoustics for musical events and with a

design requirement for a proper sense of space. As for the other ground floor space requirements, I have heard the comments made for the appellants and consider it possible that some space may be saved when more detailed design proposals are worked upon. However, what is clear is that whatever space may be saved, a centre of what I would consider to be a reasonable size would need a site area considerably larger than the 260 sq.m. developable area presently available in Dawsons Place.

25. I am also mindful of the criticisms for the appellants that the Council has not sought to negotiate over the rights of way in Dawsons Place, and it may be that something could be done to reduce the amount of space taken by them. Equally, that may not be the case. So, as things stand at the moment, the developable area remains restricted. It follows therefore that to allow this appeal scheme with no provision for land towards the requirements of a new community centre would result in a strong likelihood that a satisfactory-sized and sustainable community centre could not be provided. This would be completely at odds with the relevant policies in the replacement local plan that are proceeding towards and are now close to adoption.
26. I have noted an argument made that if this appeal is dismissed then development may not go ahead, and the community centre would get neither funds nor land. However, the viability evidence submitted by the Council indicates that development as proposed on the appeal site would remain viable with a land contribution for the community centre. Although alternative costings were submitted on behalf of the appellants, I have not been persuaded that the viability of the proposal would turn on this question of land contribution, particularly as the amount required may be more modest when more detailed design work is carried out and rights of way are investigated. Given that the needs of the community centre are now more clearly defined, and funding is in place, I see no reason why need for a land contribution would unduly inhibit development on the appeal site nor why a suitable and viable scheme accommodating the community centre requirement would not be forthcoming.
27. Finally, there is the argument that this requirement for a land contribution would not accord with the requirements of Circular 1/97, "Planning Obligations". This requires that the extent of what is sought or offered must be fairly and reasonably related in scale and kind to the proposed development and that developers should not be expected to pay for facilities, that are needed solely in order to resolve existing deficiencies. It is pointed out for the appellants that there is held by the Council to be an existing need for the community facilities, that the proposed additional 46 houses in this scheme are a very small percentage of the total households in Jericho, and so this appeal proposal is expected to make a disproportionate contribution towards the community centre. However, Circular 1/97 also states that it might on occasions be acceptable for an obligation to be sought where it would overcome an existing constraint which is materially exacerbated by the proposal. Although this proposal would represent only a small percentage increase in households in Jericho, I find it reasonable to conclude that it would clearly exacerbate the existing need for community facilities, and take it that

this being material is the basis upon which the appellants have made the offer of a financial contribution rather than a land contribution.