

**To: City Executive Board**

**Date: 11 September 2013**

**Report of: Head of City Development**

**Title of Report: DRAFT JERICO CANALSIDE SUPPLEMENTARY  
PLANNING DOCUMENT – PUBLIC CONSULTATION**

## **Summary and Recommendations**

**Purpose of report:** To approve the draft Jericho Canalside Supplementary Planning Document for consultation

**Key decision?**No

**Executive lead member:** Councillor Colin Cook

**Policy Framework:** The SPD will assist in the delivery of the allocation policy for this site in the Sites and Housing Plan

**Recommendation(s):** That City Executive Board:

1. Approves the Draft Jericho Canalside Supplementary Planning Document for public consultation
2. Approves the Draft Jericho Canalside Supplementary Planning Document as a material consideration in determining planning applications
3. Endorse the accompanying Strategic Environmental Assessment Screening Report
4. Authorises the Head of City Development to make any necessary editorial corrections to the document prior to publication in consultation with the Board Member

Appendix 1: Draft Supplementary Planning Document

Appendix 2: Interim Public Involvement Statement

Appendix 3: Risk Assessment

Appendix 4: Strategic Environmental Assessment Screening Report

Appendix 5: Equalities Impact Assessment

## **Introduction and Policy Background**

1. The Jericho Canalside site has been vacant and derelict since 2007. The City Council are very keen for the site to be developed and it has been allocated in Local Plan documents for a number of years.
2. This site is possibly one of the most complicated sites in Oxford in recent times due to the variety of competing uses expected and the challenge of balancing community uses with more lucrative residential development. It is also a site which attracts huge amounts of public interest being close to the heart of many Jericho residents and Oxford canal boaters due to its heritage and location.
3. There have been two relatively recent planning applications made on the site in 2003 and 2007. Both were unacceptable to the City Council failing to comply with policy requirements and were subsequently refused. The applicants appealed these decisions but both appeals were dismissed.
4. Most recently the site was allocated under Policy SP7 in the Sites and Housing Plan adopted by Council in February 2013. This policy allocates the Jericho Canalside site for a mixed-use development. It expects the development of this site to include:
  - residential;
  - a sustainably-sized community centre;
  - public open space/square;
  - replacement appropriately sized boatyard;
  - an improved crossing over the canal for pedestrians and cyclists.
5. The majority of the site was owned by Spring Residential Ltd who went into administration in 2009. Their land is currently in the hands of administrators PricewaterhouseCoopers who are now seeking to dispose of the site and are receiving bids.
6. This Supplementary Planning Document (SPD) at [Appendix 1](#) comes at a very important time as it will be clear on how the City Council want to see the site developed so that potential purchasers of the site are in no doubt what is expected. This should also minimise the likelihood of developers over-paying for the site and subsequently arguing non-viability in order to justify providing less than 50% affordable housing.
7. The SPD will bring together all the information regarding previous planning applications, appeals and current policy guidance to help applicants make a successful planning application and reduce time delay to the planning process by reducing the potential for conflicts and objections.

## **Consultation**

8. It is important that the SPD evolves a vision for the site shared by the local community and the City Council. Officers have been liaising with local community groups to understand their aspirations. The Jericho Wharf

Trust(which comprises the Jericho Community Association, Jericho Community Boat Yard, Jericho Living Heritage Trust and St Barnabas Church Parochial Church Council) have been involved in the initial stages of production. In addition, Officers has been in contact with Oxford City Canal Partnership, College Cruisers, Worcester College and the Boaters of Oxford Action Team.

9. The City Council undertook an informal consultation drop-in event on 10 July 2013 in Jericho where views were sought from the local community on their aspirations for the site. A representative from a house builder interested in purchasing the site also came to the event.
10. Officers have met with the Canal and River Trust (formerly British Waterways) to understand the issues relating to development affecting the canal and towpath and to ensure any requirements in the SPD will comply with their design requirements for the safe operation of the canal.
11. The Interim Public Consultation Statement at Appendix 2 provides further detail on this early stage of consultation.

#### **Content of the SPD**

12. The SPD first identifies characteristics, constraints and opportunities on the site. This particularly looks at heritage, archaeology, flooding, biodiversity, trees and contaminated land. It then summarises the community aspirations for the site.
13. Sections 6 of the SPD sets out the development requirements of the site. These requirements remain within the scope of Policy SP7 of the Sites and Housing Plan. More detail is provided on each land use in order for potential applicants to understand how the City Council will apply its policies. Below is a brief summary of these requirements. Full details can be read in the SPD appended:

#### Boatyard

14. Policy SP7 requires a “sustainably-sized” boatyard. The SPD seeks to clarify what is meant by this. First it sets out what are considered essential boatyard facilities:
  - A covered wet/dry dock with hard standing space and a mechanism for lifting boats out of the water;
  - Indoor DIY workshop space and store room;
  - Chandlery and small office;
  - Service docks;
  - Toilet and possible shower/laundrette facilities.
15. The SPD then sets out factors which would be used to determine the appropriate level of these facilities to be provided on the site which are:
  - The number of boats within the Oxford area in which the boatyard would serve including any projected growth in boat ownership;

- The quality and provision of alternative boatyard services within the Oxford area and whether they are in an equally accessible and suitable location;
- The likely noise impact and disturbance from the boatyard on nearby properties;
- The commercial viability of a boatyard bearing in mind its likely level of trade.

16. Applicants will be expected to provide evidence to support the level of boatyard facilities proposed.

### Community centre

17. Policy SP7 requires an “appropriately-sized” community centre. The Jericho Community Association have undertaken considerable work on assessing the facilities required which provided some guidance for the SPD. The inspector into the 2003 appeal gave some guidance on an appropriate size. Importantly, the new community centre must be large enough to accommodate the likely demand from the community but not so large that it would not be fully and regularly utilised and uneconomical to run.

18. The SPD does not set a precise floorspace requirement but considering the information referred to above and also the need for the site to accommodate other uses, Gross External Area in the region of 1,000m<sup>2</sup> would be an appropriate guideline. Applicants will be expected to demonstrate how they have assessed the requirements of the community centre in liaison with the City Council’s Communities and Neighbourhoods team and the Jericho Community Association.

19. It is preferable for the community centre to occupy a position directly onto the new public square. This creates active frontages and a presence around the square, allows for community uses to spill out onto the square and increases its vibrancy. To ensure maximum integration with the square, a position to the south of the square on its longest length would be most appropriate. By spreading the active/public uses (community centre and boatyard) and private uses (dwellings) across the whole site will ensure that the entire site feels and acts as part of community rather than the active/public uses being restricted to one area.

### Residential

20. This site is expected to contribute to Oxford’s housing target and for that reason residential should not be relegated to a minor ancillary use on the site. A number of positions on the site may be suitable for residential but some should be included at the southern end of the site. The Strategic Housing Land Availability Assessment 2012 estimated a capacity of 20 dwellings although this is a guideline and not an absolute requirement. Depending on the scheme proposed a higher or lower figure may be more appropriate.

21. A mix of dwelling sizes (number of bedrooms) and types (houses and flats) will be expected in order to create a balanced community. The site is constrained due to the unusual shape of the site and the other land use requirements on the site therefore the City Council will apply some flexibility to the requirements of the Balance of Dwellings SPD.
22. A minimum of 50% of the dwellings on the site must be affordable. The City Council will expect applicants to have considered the financial implications of all policy requirements, including the affordable housing requirements, and local market indicators when purchasing the land for development. The City Council will not accept an applicant arguing a case for non-viability if the price paid for the land was inflated having not taken into account the full policy requirements and the site specific constraints.

#### Public square

23. The square should be large enough to hold public events, such as markets or street theatre and it should link well with the adjacent land uses. The preferred location is in front of the listed St Barnabas Church extending to the canal frontage. The boundary wall in front of the church should be removed in order to create an open back drop to the church. Development should create a presence around the public square with active frontages.

#### Improved crossing

24. The City Council has long since aspired to deliver a new bridge over the canal as part of the redevelopment of this site. It would enable pedestrians and cyclists a more direct route from Oxford Station to the Radcliffe Observatory Quarter and Oxford University Press.
25. Sites and Housing Policy SP7 states that “an improved crossing” should be provided. The inspector was convinced by arguments from objectors that a new bridge could not be provided and that there was already an existing bridge. The existing footbridge to the north of the site is not easily accessible by cyclists nor people with disabilities. There is no obvious solution as to how this bridge could be improved in a way that would allow access for everyone. In addition the Canal and Rivers Trust are confident that they would be able to come to an agreement with a future applicant on the design of the bridge and that this would not create an obstacle to delivery.
26. There is not considered to be any option to delivering “an improved crossing” other than the provision of a new bridge for pedestrians, cyclists and people with disabilities.
27. Some flexibility has been left regarding the design and position of the bridge. This is because there are many issues to consider when determining the most appropriate design and location. A lifting/swing bridge creates an obstacle to boaters but takes up less land and is less of a visual intrusion down the canal’s tree lined green corridor than an arch bridge.

28. There are probably two potential positions for a bridge. The first is at the southern end of the site where pedestrians and cyclists crossing the canal would then have direct access along Great Clarendon Street to the major employers in Jericho. The second possible position is more central on the site where the bridge would lead people directly into the new public space and increase the vibrancy of the space. Public access for pedestrians and cyclists will be expected along the canal frontage leading south from the square.
29. In considering the siting and method of construction of a bridge crossing the canal, special consideration will have to be given to conserving the contribution of the trees lining the canal towpath to the rural character of the canal corridor and their contribution to the amenity of views.

### Design principles

30. Section 7 of the SPD sets out the design principles expected from any proposals and particularly considers the heritage of the site, building heights and mix.

### **Next stages**

31. Following approval of the draft SPD by City Executive Board, the draft SPD will undergo a public consultation, most likely for 6 weeks. The City Council will invite comments from the Jericho community, local interest groups, people on our consultation database, statutory consultees, the administrators PricewaterhouseCoopers and developers with a known interest in the site.
32. Following the close of consultation, comments will be considered and changes made to the SPD as appropriate. The SPD will then come to City Executive Board a second time in Dec 2013 with a recommendation for adoption.

### **Level of risk**

33. A risk assessment has been undertaken and the risk register is attached ([Appendix 3](#)). All risks have been mitigated to an acceptable level.

### **Climate change / environmental impact**

34. Sustainability Appraisal is no longer required for SPDs under UK law, however to comply with European regulations, a Strategic Environmental Assessment (SEA) Screening Report has been produced to identify whether the SPD would have any significant environmental impacts and is available at [Appendix 4](#). The statutory consultees for the SEA (Environment Agency, English Heritage and Natural England) agreed with the conclusions of the Screening Report that no Strategic Environmental Assessment of the Jericho Canalside SPD was required. Where advice has been provided this has been incorporated within the draft SPD.

### **Equalities impact**

35. Consideration has been given to the public sector equality duty imposed by s149 of the Equality Act 2010. Having paid due regard to the need to meet

the objectives of that duty and of the SPD the view is taken that the duty is met. An Equalities Impact Assessment is at Appendix 5.

**Financial implications**

36. The costs associated with the production of the draft SPD have been met through the current resources of the Planning Policy team and budget. A small part of the site is owned by the Council. By having an SPD to help deliver the site, the Council's Corporate Asset team will have greater certainty over the development likely to be supported by the Council and will be able to realise the capital value of these assets in a timely fashion subject to joint working with the landowner of the remainder of the site. For the avoidance of doubt it is noted that this is an incidental consequence. The ownership of the site was not a consideration save as is relevant to the plan making process (e.g. in connection with the likelihood of delivery).

**Legal Implications**

37. Any person may apply to judicially review the adoption of the SPD upon adoption (adoption estimated for the December City Executive Board) and must be made promptly and in any event within three months. The level of risk of a successful judicial review is considered to be acceptably low.

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**List of background papers: None**

**Version number: 2**

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