

Oxford City Planning Committee

23rd March 2022

Application number: 20/01276/FUL

Decision due by 28th September 2020

Extension of time

Proposal Demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to the Church and works to the Oxford Canal. (Amended information and plans).

Site address Land At Jericho, Canal Side, And Community Centre 33A Canal Street, Oxford – see **Appendix 1** for site plan

Ward Jericho And Osney Ward

Case officer Felicity Byrne

Agent: Mr Andrew Ross **Applicant:** Cornerstone Development

Reason at Committee Major Development

1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission subject to:

- receipt of further updated bat surveys and details of mitigation and enhancement measures as necessary;
- the satisfactory completion of a unilateral undertaking and a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

1.1.2. **agree to delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- finalise the recommended legal agreement under section 106 of the Town

and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- Complete the unilateral undertaking and section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

2.1. This report considers the mixed use development of an allocated brownfield site to the north of Oxford City Centre within the Jericho Conservation Area. The proposed development includes 18 residential units, combined boatyard and community centre building, works to the Oxford Canal to create a new basin and associated boatyard moorings, provision of a public square and ramped access to the Grade I listed St Barnabas Church, associated car and cycle parking and hard and soft landscaping. The site is constrained due to its size and shape, location beside the Oxford Canal, proximity to the Grade I listed Church and existing residential properties. It also involves several different land ownerships and stakeholders. It is in a relatively sustainable location, however the nearest bus stops are in excess of 800m walking distance.

2.2. Officers conclude that the principle of development is acceptable. During the application, in response to the Canal and River Trust representations, the bridge and winding hole have been removed from the scheme. The Applicant has agreed to provide a financial contribution towards a replacement bridge at Mount Place, located close to the site, in lieu of provision on site. The development would be of high quality that makes best and efficient use of the constrained site. Considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. Any harm is outweighed in this case by material considerations of the development and the public benefits of the development including the provision of housing, public piazza, access to the canal, community centre and boatyard. The development would accord with Policies DH1, DH3 of the OLP, the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.3. The viability of the scheme to deliver affordable housing has been robustly reviewed and the inability to provide any affordable housing onsite or off-site contribution is fully justified in this case. In the event of any surplus profit from the development in the future, a review mechanism secured via a s106 legal agreement would secure a 60% proportion of the surplus profit as a contribution to affordable housing in the City.

2.4. The development would result in an overbearing impact and reduction in day and sunlight at certain times of year to some adjacent properties. However, weighing in the balance all material considerations and constraints on site in this urban location together with the substantial public benefits of the scheme, Officers consider that in this case the benefits outweigh the harm in this case. The

development would have good internal living space but external living space is below normal requirements. However, due to the proximity to the Canal and towpath and Port Meadows, this lack of external space is therefore outweighed in this case.

- 2.5. The site is within a Controlled Parking Zone (CPZ) but in excess of 800m walking distance to a bus. The provision of 16 car parking spaces for 18 units is therefore accepted and would result in a significant reduction in parking currently available. Two Co-Wheels car club cars are located in close proximity. There would be no harm to high way safety as a result of traffic generation. Parking in surrounding on-street parking would be controlled by the CPZ and the development would not have permits for parking. Adequate cycle parking would be provided.
- 2.6. There would be some tree removed and a loss of public amenity in one instance. The constraints of the site and other material considerations means that it would not be possible to provide a net gain in canopy cover and this is justified in his case. Overall a net gain in biodiversity could be achieved through suitable tree and shrub planting and other enhancement measures. There are protected bat species on site and subject to receiving updated bat surveys and details of any appropriate mitigation measures needed due regard would be given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). A financial contribution towards mitigation signage at Port Meadows would mitigate additional use of the generated by the development.
- 2.7. The site is in Flood Zone 3a and 3b. The development would provide suitable compensation and mitigation measures and Officers are satisfied that the operation of the boatyard would not be unduly compromised by these measures. Details of a final drainage strategy and sustainable drainage details could be secured by condition.
- 2.8. The development would be of sustainable design and construction principles meeting the 40% carbon reduction requirement. There would be no adverse land contamination, air quality or noise impact. Subject to updated bat surveys, appropriately worded conditions and s106 legal agreement, and the development would accord with all policies in the local plan and NPPF.

3. LEGAL AGREEMENT

3.1. This application is subject to a legal agreement to cover:

City:

- a contribution of £655,000 towards a replacement bridge at Mount Place;
- a contribution of £7000 towards a signage board at Meadows;
- Affordable Housing Review Mechanism to secure a proportion of any future surplus profit of the scheme towards affordable housing in the City.
- Provision and construction of the community centre/ boatyard phase 1 to shell;
- Canal works (bank and basin and boatyard docks) in conjunction with

CRT;

- Public Realm maintenance use and management strategy;
- Triggers for construction/ phasing of the development; occupation of residential units and construction of the public open space, works to canal, boatyard/ community centre Phase 1 to shell has been completed;

3.2. The County Council request the below secured via a unilateral undertaking:

- A contribution of £1,446 towards monitoring of the Framework Travel Plan.

4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

4.1. The proposal is liable for CIL amounting to £526,080.98.

5. SITE AND SURROUNDINGS

5.1. The site comprises an irregular shaped 0.45 hectare allocated brownfield site under Policy SP33 of the OLP within the historic suburb of Jericho, and incorporates land within separate ownerships. It is bounded to the west by the Oxford Canal, which is owned by the Canal and River Trust (CRT) and surrounded on all other sides by residential development, including student accommodation to the immediate south and the gardens of Worcester College and the Grade 1 listed St. Barnabas Church owned by The Diocese of Oxford and St Barnabas Parochial Church Council (PCC).

5.2. The brownfield site is a former boatyard and workshop site and has been vacant and derelict since 2006, with many of the few remaining building structures fallen into disrepair. The northern end of the site is currently used by College Cruisers as part of their boat hire facility: storage buildings/ office, boat repairs and informal parking. To the north eastern end of the site are the Dawson Place garages and open space owned by the City Council. The Grade 1 listed St. Barnabas Church adjoins the eastern boundary of former boatyard, marked by a high stone wall, and forms an important backdrop to this part of the site. The land to the rear of the Church (including elevation) and stone wall fall within the application site.

5.3. The former boatyard is mostly hardstanding with an existing dock from the Canal, a collection of single storey outbuildings and a few individual mature trees and self-set saplings and plants. More substantial tree coverage is found adjacent to the site along the Canal towpath and in Worcester College Gardens to the south of the site.

5.4. The site is located approximately 1km to the north of the City Centre, and benefits from relatively good accessibility to the City Centre, Railway Station and the neighbourhood shops along Walton Street by foot and cycle. The nearest regular bus service is on Woodstock Road, more than 800m walking distance away.

5.5. See block plan below:



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Ordnance Survey 100019348

6. BACKGROUND AND PROPOSAL

Background

6.1. Planning permission was previously granted under 14/01441/FUL for a mixed use development including combined boatyard and community centre, 3 docks, basin and winding hole, public open space (piazza), new bridge over the Canal demolition of the Church wall and steps up to the rear of Church, restaurant/café use and 28 residential units: 14 houses (13 x 3 bed and 1 x 4 bed) and 16 flats (5 x 1 bed and 4 x 2 bed flats and 7 no. affordable flats (3x1-bed and 4x2-bed)) The development was car free, except for disabled and retention of the existing church car parking. See Figure 1 below showing the approved layout. This permission has lapsed, however it is a material consideration in this case.



Fig 1 showing approved layout under 14/01441/FUL

Proposed development

6.2. This application proposes demolition of existing single storey buildings, structures and garages and redevelopment to provide a mixed use development of a similar layout, height and massing to 14/01441/FUL including:

- 18 market sale residential units:
 - 1 x 4 bed detached house
 - 1 x 4 bed townhouse
 - 12 x 3 bed townhouses
 - 1 x 3 bed maisonette
 - 2 x 3 bed flat
 - 1 x 2 bed flat
- A combined community centre and boatyard building to the northern half of the site measuring overall approximately 56m in length and maximum 11.5m high. The boatyard element would measure approx. 34m in length and 19m wide. The Community centre (ground floor) would measure approx. 38m long and 19m wide. The community centre sits above the main boatyard dock area at first floor.
- New public open space (piazza) and other hard & soft landscaping/ tree planting;
- Ramped access to the rear of St Barnabas Church (associated listed building application 20/01277/LBC refers);
- Works to the Oxford Canal to create a new basin in front of the boatyard docks to provide access to the boatyard and associated boatyard moorings.

6.3. See Figure 2 below for proposed layout.



Fig 2 showing proposed site wide ground floor layout: yellow denotes residential, Red Phase 1 community centre and boatyard.

6.4. The community element would include a multi-sport hall, dance hall, pre-school, several meeting rooms, café, ancillary kitchen, toilets/changing rooms and office. The boatyard element would provide 3 docks (2 dry one wet) and 2 workshop rooms, chandlery shop, and two overnight bedroom accommodation. The basin area to the front would provide mooring space for boats associated with the boatyard and would be managed by the boatyard operator.

6.5. This combined building would be constructed in two phases:

- Phase 1 - construction of the boatyard and workshops / accommodation etc, docks, basin and part of the community centre that sits above and immediately adjacent to the boatyard. This element of the community centre would provide a large multi-use hall, dance floor room, café, toilets and changing rooms;
- Phase 2 - construction of the community centre including smaller rooms for office/ event use/ meetings, a pre-school (with associated toilets/ staff room/ buggy store etc.) and outdoor amenity space.

6.6. Phase 1 would be constructed to shell by the Applicant and Phase 2 would be funded and constructed by the community in the form of the Jericho Wharf Trust (JWT). The JWT comprises the Jericho Living Heritage Trust (JLHT), the PCC, the Jericho Community Association (JCA) and the Jericho Canal Boatyard (JCBY). The new Community Centre (Phase 1 and 2) would provide approximately 2,633.80m² (GEA) (1,777.5m² (GIA) floor area. Phase 1 would provide the equivalent re-provision of the existing community centre floor area. Figure 3 below shows the layout of and phasing of the community centre:

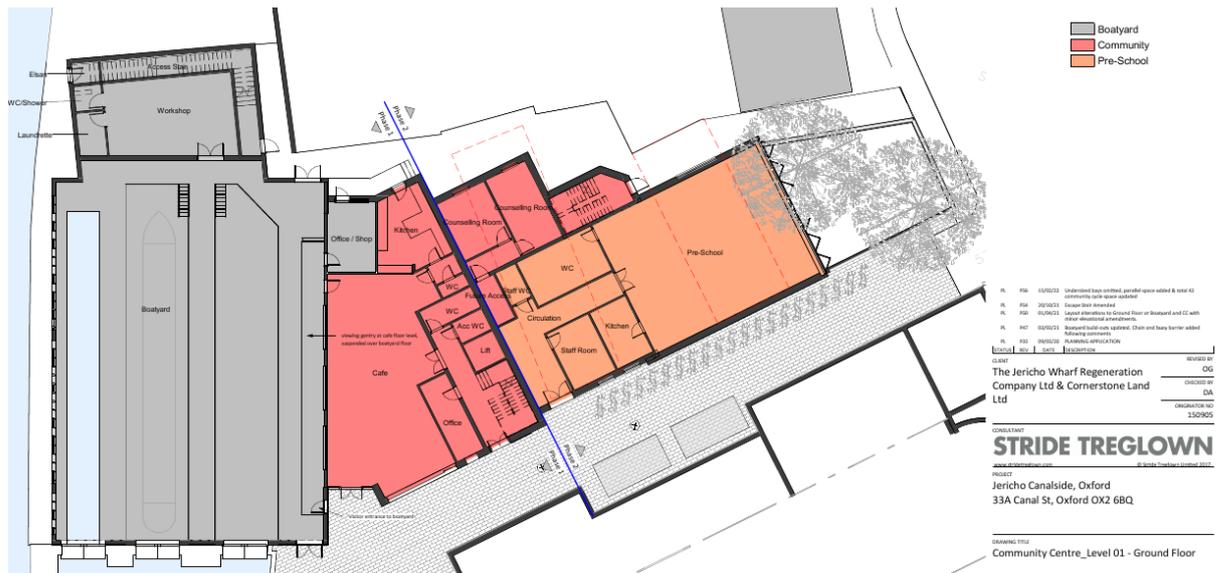


Figure 3 showing ground floor of community centre and boatyard with phasing. Orange denotes pre-school, Red community centre and grey boatyard, Blue line denote phasing: Phase 1 to left hand site and Phase 2 right hand side

6.7. The new boatyard element would contain 3 docks, one wet and two dry and associates two workshops, with overnight accommodation and laundry facilities. The purpose for the boatyard would be to provide both professional commercial and DIY facilities for boaters in a safe, secure and managed environment. The boatyard would provide for those boats that do not have engines to get them to Eynsham or Banbury which are currently the closest boatyard repair facilities. It is understood from the JCBY that the DIY aspect of the yard is intended to work alongside the professional commercial side in two ways. Firstly, anyone who wants to do DIY work would have to rent the dry dock to undertake work on their boats there. They would need to demonstrate ability with tools (e.g. angle grinders to take off the rust) and sign legal agreements as to responsibility in case of an accident before being allowed to do so. The professional commercial boatyard activities could then carry on in the other dry and wet dock. In this way the boatyard would be commercially viable and allows for professional work and supervised DIY work to run alongside each other in the docks. Boat owners would also be able to effect repairs for their boats in the communal DIY workshops. DIY owners could also use the overnight accommodation whilst their boats were being worked on. The JCBY and JWT intend for the boatyard to be run by the same professional boatyard operator of Tooleys boatyard.

6.8. 16 of the residential units would have one car parking space each, together with cycle and bin storage. The Church would retain their existing level of car parking, albeit located elsewhere on the site, as previously approved under 14/01441/FUL.

6.9. During the application process the bridge and winding hole have been removed from the original submission in response to a strong objection from the CRT (as

Statutory Consultee and landowner). The proposed development has been further amended to remove the existing Community Centre, No.33 Canal Street, from the scheme and the provision of 6 affordable housing units within that converted building, due to the non-viability of the development to provide affordable housing. These issues are discussed in more detail below.

7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

<p>14/01441/FUL - 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). Approved 19th April 2016.</p> <p>14/01442/LBD - Demolition of boundary walls on north and west elevations as part of re-development of canal site (14/01441/FUL) and involving provision of ramped access to south entrance of church. (Amended plans). Approved 29th December 2016.</p> <p>20/01277/LBC - Construction of a ramp and steps to the south-west elevation of the church and demolition of curtilage boundary walls to south-west: Currently under determination in conjunction with this application.</p>

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents
Design	92-103, 119-125, 126-136	DH1 - High quality design and placemaking DH7 - External servicing features and stores RE1 - Sustainable design and construction RE2 - Efficient use of Land	
Conservation/Heritage	189-208	DH3 - Designated heritage assets DH4 - Archaeological remains	

Housing	60-77	H1 - Scale of new housing provision H2 - Delivering affordable homes H4 - Mix of dwelling sizes H10 - Accessible and adaptable homes H14 - Privacy, daylight and sunlight H15 - Internal space standards H16 - Outdoor amenity space standards	
Commercial	86-91		
Natural environment	92-103, 152-169 174-188	RE3 - Flood risk management G1 - Protection of Green/Blue Infrastructure G2 - Protection of biodiversity geo-diversity G7 - Protection of existing Green Infrastructure G8 - New and enhanced Green and Blue Infrastructure	
Social and community	114-118	V7 - Infrastructure, cultural and community	
Transport	104-113	M1 - Prioritising walking, cycling and public transport M2 - Assessing and managing development M3 - Motor vehicle parking M4 - Provision of electric charging points M5 - Bicycle Parking	Parking TAN
Environmental	117-121, 152-169, 170-183	RE1 - Sustainable design and construction RE4 - Sustainable and foul drainage, surface RE6 - Air Quality RE7 - Managing the impact of development RE8 - Noise and vibration RE9 - Land Quality	Energy Statement TAN
Miscellaneous	7-12	S2 - Developer contributions H1 - Scale of new housing provision RE2 - Efficient use of Land V8 - Utilities V9 - Digital Infrastructure SP33 - Canalside Land	

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 20th August 2020 and an advertisement was published in The Oxford Times newspaper on 6th August 2020. A second round of consultation (amended plans and information submitted) and third round of public consultation (omission of bridge and winding hole) were undertaken and site notices were again displayed around the site on 18th March 2021 and 9th September 2021 respectively and an advertisement was published in The Oxford Times newspaper on 18th March and 09th September 2021 respectively. A fourth round of public consultation was undertaken (omission of No.33 Canal St from the development) and an advertisement was published in The Oxford Times newspaper on 11th November 20 and site notices were put up on 10th November 2021.

Statutory Consultees

Oxfordshire County Council (Highways Authority (HA))

9.2. The HA comments can be summarised as

9.3. While the canal bridge would have served as a direct linkage of the site (including this part of Jericho) to the towpath between Castle Mill Stream and Oxford Canal, which is a vital north to south walking route, the alternative is to utilise the existing footbridge off the northern end of Canal Street where it meets Mount Place. This would be a detour of about 150m to north from the point where the proposed bridge was assumed. While the change related to omission of the bridge is undesirable, recommending refusal on this basis would be unjustifiable and would not meet the government tests required for infrastructure requests, noting that the bridge would be outside of land under the applicant's control.

An objection is presented on the basis of substandard car parking space dimensions which are not fit for purpose.

Conditions requiring Electric Vehicle charging points, and Construction Traffic Management Plan, Travel Plan and Travel Information Packs

Oxfordshire County Council (Lead Local Flood Authority (LLFA))

9.4. No objection subject to conditions requiring a full detailed design of Surface Water Sustainable Drainage (SUDS) in accordance with the submitted Flood Risk Assessment and Drainage Strategy (including calculations, ground levels and plans) ; a SUDs Management and Maintenance Plan; Evidence to be submitted of implementation for the LLFA Asset Register.

Thames Water Utilities Limited

9.5. Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network.

- 9.6. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. There are public sewers crossing or close to the development.
- 9.7. The proposed development is located within 20m of a Thames Water Sewage Pumping Station. Given the nature of the function of the pumping station and the close proximity of the proposed development to the pumping station we consider that any occupied premises should be located at least 20m away from the pumping station. The amenity of those that will occupy new development must be a consideration to be taken into account in determining the application as set out in the National planning Policy Framework (NPPF) 2019 at paragraphs 170 and 180. Given the close proximity of the proposed development to the pumping station we consider that it is likely that amenity will be impacted and therefore object. Notwithstanding this objection, in the event that the Local Planning Authority resolve to grant planning permission for the development, we would request that an informative be placed on the permission advising occupiers that they could periodically experience adverse amenity impacts from the pumping station in the form of odour; light; vibration and/or noise.
- 9.8. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.
- 9.9. To the south west of the proposed development site sits St Barnabas SWPS. There are easements within the proposed Site [shown from within the site and underneath the canal to the towpath].

Environment Agency

- 9.10. Following the third round of consultation, the EA raise no objection. Their comments can be summarised as:
- *Flood risk* – they note the removal of the bridge and winding hole. Based on the information submitted and amended plans the development is acceptable subject to a condition requiring the development to be carried out in accordance with the Flood Risk Assessment and amended plans and mitigation measures detailed therein (which shall be implemented prior to first use of the development).
 - *Biodiversity* - satisfied to see the recognition of the importance of the canal as a wildlife corridor and that lighting needs to be carefully considered during construction and operation to ensure no harm to wildlife. The risk of pollution during construction is highlighted too and a Construction Environmental Management Plan (CEMP) is recommended. The site is brownfield and offers limited potential for wildlife currently. Bats have been found and proposals for mitigation of the loss of roosts in existing buildings to be demolished has been addressed. Whilst no Otters have been found on site, it does offer holt breeding sites and they breed all times of the year. Therefore this should be reviewed prior to commencement of construction. Bat/ bird boxes could be incorporated. Surface water should

be multifunctional and for biodiversity/ wildlife and residents. The development is acceptable subject to conditions requiring a landscape and ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), which should include a lighting plan; Habitat improvements; Otter searches prior to construction; details of treatment of site boundaries and/or buffers around water bodies, details of maintenance regimes and management responsibilities.

- *Groundwater and Contaminated Land* – The information submitted is old however there has been no change in use. Further investigation is needed including Controlled water receptors could also include nearby “site drains” shown just to the south and the Castle Mill Stream/River Thames (if the canal is not based in the underlying clay). The weathered the oil storage tank which is close to the Canal is unbunded and poses a threat. The Applicant would be liable should any pollution incident resulted in oil entering the Canal. The development would be acceptable subject to conditions requiring a Phased Risk Assessment, submission of a Verification and remediation Report, and submission and prior approval of an assessment of the risks to controlled waters for all drainage systems for the infiltration of surface water to the ground.

Historic England

9.11. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Natural England

9.12. Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. Consideration should be given to the potential impacts on the nearby Thames Path National Trail. Appropriate mitigation measures should be incorporated for any adverse impacts.

Thames Valley Police (TVP)

9.13. TVP has made comments on the design of the development in respect to Secured by Design, as summarised below:

- Residential access should be controlled by a two-way audio visual system with remote access controls;
- Undercroft parking is vulnerable to crime and ASB. Formal surveillance (CCTV) and lighting should be provided;
- The cycle store is enclosed with a visually permeable, secure lockable door certified to a minimum;
- Bin stores should have a large single leaf door to deter crime, ASB and rough sleeping;

- There is a significant amount of cycle parking located between the community centre and church, in an area with limited natural surveillance. It is more appropriate to provide cycle parking across the development in smaller clusters with better surveillance. Similar with vehicle parking in this location;
- Blank elevations (or obscured high level windows) on either side of the footpath and restricted sightlines from Canal Street. Ground floor of pre-school should have windows. Corner of play area should be chamfered;
- Vehicle bollards should be provided to prevent unauthorised vehicle incursion into pedestrian areas;
- Recommends a window is added to the community centre office to provide views over the building core;
- Several doors to the rear of the community/ boatyard building that are located in a recessed area lacking surveillance,. Access to the rear should be controlled with alarmed fire doors and CCTV should be provided;
- Rear access route serving the terraced housing is excessively long. Routes should serve ideally no more than 4 units and be kept as open as possible, to maximise surveillance from surrounding dwellings;
- Boundary details required.

Canal and River Trust (CRT)

9.14. The CRT's first letter raised several issues and request for further information. These points can be summarised as:

- Objection to the boatyard / community building. CRT previously objected at application and pre-app stages. The building is overly large and overbearing to the Canal;
- The application does not address the delivery and operation of the boatyard, winding hole, and lack of associated moorings and therefore the impact on the waterway and navigational safety cannot be assessed. A full operational statement is required;
- Previously the CRT raised concern over the bridge in relation to its position adjacent to the winding hole. An assessment of the impact of the fixed bridge on the navigational safety and other users and canal towpath is required before it can be assessed as acceptable
- The bridge would result in a loss of visitor moorings which would harm the blue infrastructure. Replacement moorings would need to be provided elsewhere on the Canal;
- No moorings are shown for the boats waiting for the boatyard. Moorings are shown for the CRT Tennant, College Cruisers. A Mooring Plan is required.
- The proposed housing is an improvement over the previous scheme;
- A contribution may be required to improve the towpath;
- A narrowing of the canal appears to be proposed to facilitate the bridge.

No details are provided and this may not be acceptable. Details of diversion of the towpath under the bridge, surfacing and connection is required.

9.15. Subsequently a meeting was held between the Council, Applicant, CRT and JWT to discuss issues raised and further information submitted.

9.16. The CRT raised a strong objection response received at the second round of consultation. Their letter dated 28th January is appended in full at Appendix 2. A summary is given below:

- The proposal would be detrimental to both navigational safety of the canal and the safety of towpath users. The CRT would not be able to agree to the proposals as submitted as Landowner and are minded to object as Statutory Consultee.
- Further information submitted in December relating to the moorings and the bridge confirmed that the proposed bridge would have an adverse impact on navigational safety due to the build out into the canal and proximity to the winding holes and boatyard entrance, and also a detrimental impact on towpath users who must go under or behind it.
- Build out into the Canal is needed to allow users of the towpath under it, however it acts as an obstruction to boats attempt in to wind and has an impact on visibility for boats moving in the canal.
- Even with build out into the Canal the bridge would not provide adequate headroom for all users below, nor is there sufficient space to allow users to move behind it without significant works to the eastern bank of the Castle Mill Stream.
- The bridge does not comply with the Trusts guidance on bridge design nor location of new structures and objects to the bridge. As landowner the CRT would not permit the bridge being installed
- The CRT guidance on new marinas applies in relation to new areas of waterway on the canal (i.e. the basin). Sufficient visibility is required for egress and ingress of the boatyard and boaters moving in the Canal. A boatyard entrance should not be within 40m of a bridge (as set out the guidance).
- The proposal is likely to result in an unacceptable increased risk of boating collisions, damage to property and accidents on the waterway due to the proximity of the bridge to the boatyard entrance and basin.
- Many bridge designs have been considered by the Council and CRT and Applicant and we have been unable to agree a suitable bridge design in this location that does not have safety implications for users of the canal and towpath, due in part to the limited land available on the towpath side.
- There would be a conflict between visitor moorings, passing manoeuvring boats and particularly if the boatyard entrance is used as a winding hole. (Compounded by proximity of bridge and necessary build out into the Canal). 4-5 visitor moorings would be lost to allow a boat to safely wind. Further research by the CRT established it is not possible to provide

replacement moorings elsewhere on the towpath side. Moorings could be provided in front of the new housing;

- Without moorings associated with the Boatyard, increased pressure would be placed on the limited visitor moorings in the area. As landowner the CRT will not allow the boatyard to connect to the Canal unless a suitable provision of dedicated moorings for the boatyard are provided.

9.17. Following the third and fourth round of consultations on amended plans, the CRT objected (letter 24th November 2021). Their comments are summarised as:

- the size, mass and scale of the proposed boathouse/community building does not reflect the waterside heritage of the site, of the conservation area and will have a detrimental impact on views of the Grade 1 listed building and the amenity of the canal corridor by virtue of its overbearing effect. The canalside elevation remains overly large and oppressive in this location and does not comply the Councils Policies SP33 or DH3. The building is too tall, top heavy and without any apertures or roof variation at high level to provide relief from the overbearing sense of mass. It would have a negative impact on the designated and non-designated heritage assets and visual amenity of the Canal corridor;
- No assessment of over-shadowing of the corridor has been done;
- Navigational safety – the removal of the bridge and winding hole has overcome the CRTs serious concerns regarding navigational safety
- Boatyard operation – Additional information and revised plans help overcome previous concerns raised regarding delivery and operation of the boatyard, winding hole, lack of associated moorings and impact on existing visitor moorings. The proposal includes the provision of off-line moorings for the boatyard and allows retention of the well-used towpath visitor mooring which provide an important facilities in the area and maintaining the existing recreational waterway resources in accordance with G1 of the Oxford Local Plan.
- Further information on methods of pollution prevention during operation of the boatyard is needs and could be conditioned.
- Boat movements – boat manoeuvring in relation to the boatyard operation may cause scouring and erosion of the canal bank opposite the boatyard entrance and thus degradation of the towpath. Further protection work may be required and details to demonstrate likely damaged and mitigation measures is required and could be secured by obligation.
- Construction - The development would be constructed close to the waterway. The canal and towpath was not designed with the consideration of modern day loading. There is risk to the canal and navigation from buildings, foundations, scaffolding, plant and equipment. Excavation could cause leakage pathways and in extreme cases inundation. Leakage could cause collapse of supporting structures and risk to navigational safety. Ground vibrations may lead to accelerated degradation and collapse of the waterway wall. The Applicant should engage as soon as possible with the CRT on these issues. Risk Assessments and Method Statements for all

works within 10m of the waterway edge, including foundation details and a CEMP are required and could be secured by condition.

- Piazza – Further details of hard landscaping, seating, waste bins and any waterside boundary fencing or bollards to prevent vehicles accessing the waterside area are required. Field Maple tree species now proposed is acceptable and details of tree root guards are required. Details of external lighting to ensure lighting of the canal remains low. The canal is a popular habitat for bats and other nocturnal animals. The CRT expects lighting to be zero lux over the canal. This could be conditioned;
- Drainage – It is noted that the proposal does not seek to discharge surface water into the canal. Any diversion of the rising main from the existing pumping station which passes under the canal will require review by the CRT.
- Accessibility – the CRT is discussing with the Highways Authority about towpath upgrades as a result of the proposal. A contribution may be required towards these improvements;
- Comments as Landowner – The CRT own 0.5m strip of land alongside the canal. Any proposals impacting on this would need the CRT's express permission. The boatyard and basin had not been fully assessed through their Works Proposal or New Marina process or agreed by the Third Part works process. The Applicant should engage with the CRT as soon as possible to assess the impact on navigational safety and structural integrity of the canal. A Party Wall Agreement for construction of the boatyard/community centre and housing is required due to proximity to the canal. A DERFA consent is required for various elements. Discussions regarding the Mount Place Bridge should take place as soon as possible. No comment is made regarding suitability or otherwise of replacing the Mount Place Bridge or the financial contribution suggested.

Public representations

9.18. Local people and interested parties commented on this application from the following addresses and groups:

Jericho Community Association
Jericho Living Heritage Trust
Jericho Wharf Trust
Parochial Church Council of St. Barnabas
Rewley Park Management Company
The Victorian Group

Albert St: 3
Aldrich Road: 13
Allam St: 7
Apsley Road: 12
Beckley, Royal Oak Cottage
Boults Close: 4
Rewley Road: 80

Canal St: 1A, 31
Cardigan St: 47, 48, 64
Charlbury Road: 18A
Church House
Church Way: 44
Clearwater Place: 24
College Cruisers
Combe Road: 4, 8
Complins Close: 36
Cranham St: 40, 43, 45, 51, 71,
Cranham Terrace: 8A, 15
Cumnor Rise Road: 17
Eagle Works: 61
Foundary House: 5, 63
Godstow Road: 185
Great Clarendon St: 59, 31, 58, 60, 63, 66, 69, 72, 83
Hart St: 33
Hertford St: 14
High St: 24
Ivy Lodge, Radway
Juxon House, Flat 6
Kingston Road: 6, 6A, 41, 64, 70, 97, 102
Lark Hill: 44
Leckford Road: 2, 23
Lonsdale Road: 65
Market St: 11
Minster Road: 25
Mount St: 12
Nelson St: 6, 45, 46, 51, 56
Observatory St: 36, 54, 57, 64
Old Village School, Cuddesdon
Plantation Road: 49, 53, 91
Rewley Road: 36, 62, 80
Richmond Road: 8, 10, 33, 24
Rowland Hill Court: 44
School Court: 4
Southmoor Road: 5, 49, 68, 78, 93, 109
St. Barnabas St: 10, 15
Stable Close: 12
Sunderland Ave: 41
The Villas, Rutherway: 11
Thornclyffe Road: 12
Tumbling Bay Court: 61
Venneit Close: 42
Victor St: 5, 7, 9, 32
Walton Crescent: 4, 8
Walton St: 5, 14, 37A
Waterloo Barn, Stonesfield
West Ave: 4
William Lucy Way: 26

Woodstock Road: 81
Worcester Place: 20

9.19. The comments are summarised as:

- Proposal not in keeping with character and nature of Jericho;
- The proposed centre seems to be an afterthought to the space
- The need for a bridge is paramount and essential to the success of the space;
- Anybody visiting the site will have a much longer walk ;
- The footbridge will act as an important connection which is likely to be used by residents of both sides of the canal;
- Concerns that the City/County see the bridge as a cycling link. Doesn't meet the specifications set out in the Dept for Transport design;
- The design of the bridge is not suitable for people with buggies/wheelchairs/mobility scooters;
- Risk of failure of the lift – where does that leave those with mobility issues?
- A more suitable location for the bridge is Great Clarendon Street, where it provides a direct route for people on bikes travelling to and from the station into Jericho;
- Lack of restaurant use has significant impact on community feeling;
- The area needs to be an attractive space to encourage people to use it;
- Reducing the piazza space means less space for community activities;
- The planned “affordable housing” is not on site, amounts to social segregation;
- Developer only providing 25% of affordable housing, whereas the Council has stated that 50% is required;
- The large size and bulk of the housing to the south is out of proportion to the rest of the houses in Jericho;
- The housing facing the Piazza is too close to the Grade 1 listed Church of St. Barnabas;
- Jericho is a conservation area and the architectural style of the buildings next to the church do not align with the church and other buildings of Jericho;
- No space for emergency vehicles to access the Piazza;
- Car parking spaces have now been allocated for the town houses, whereas previously there were none (takes up a large space);

- There are currently 2 good sized trees in churchyard. Not shown on the plans;
 - Proposal should include provision for a restaurant or café on the Piazza in order to encourage its use as a communal space;
 - Support highway comments that the plan indicates too many car parking spaces and does not comply with car parking standards;
 - Historic view from the canal up Cardigan St to the ROQ Observatory will be lost unless the bulk of the proposed housing on the south side is reduced;
 - In support – it's a good size and the size of the square and shape is right for the size of the development;
 - In support – plan is better than previous one. Jericho deserves a new boat yard; the plan enhances the St. Barnabas church location;
 - The square is much smaller in size, therefore limits possible events; festivals; markets etc.;
 - Removal of the restaurant and replacement with private housing means it's likely that residents of the houses will want to limit activities due to disturbance;
 - The traffic over the bridge and through the square will be very difficult ;
 - Bridge access will greatly promote eco-friendly footfall into the community;
 - Not enough green space proposed, development should include trees and bee-friendly plants;
 - Agreements need to be place for the ownership and management of the community centre, including the square, to secure community control of those facilities before the existing community centre closes;
 - The proposed housing encroaches too far into the public square;
 - More traffic will be generated with the additional housing;
- 9.20. Further comments received from second, third and fourth rounds of public consultation, where different or in addition to the above:
- Development too close to surrounding residential properties, daylight and sunlight will be compromised;
 - Development too large on a small site;
 - Viability Statement does not go far enough to understand the Oxford housing market;
 - Contributions made, as part of the development, should be used on pre-agreed community benefits;

- Proposed housing doesn't address the lack of affordable housing in Jericho;
- Removal of affordable housing goes against the Council's policy of having 50% affordable housing in new developments;
- The piazza should be larger and much more prominent and a bridge is essential;
- Proposed houses don't need garages, Jericho is well served with rail and bus links, there is no need for cars;
- Revised plans seem misleading and submitted without proper consideration to the area and needs of the local residents;
- Many of the original benefits seem to have disappeared – decent size plaza; meeting place; affordable housing and bridge;
- Removal of the bridge will restrict the access to Botley Rd and Port Meadow;
- Suggestion that the houses will sell at a similar price to those in Barton and Wolvercote clearly ignores the premium that is consistently placed on Jericho's canalside position and accessibility to the railway station;
- Housing figures underestimates the income the developer will receive and significantly reduces the contribution the development can make for community benefit. These figures should be reassessed;
- In support - Jericho needs to be redeveloped. It will have a good effect on the character of the area with the new boatyard; community centre; piazza will provide valuable gains;

Officer response

9.21. The provision of a restaurant is not a specific requirement of the local plan site allocation policy and therefore the Applicant is not required to provide this use. The only tree within the Church's ownership and the red line of the application that would be affected by the development is the one tree within the Church Car park on the Corner of St Barnabas St and Cardigan St. Other trees mentioned above within the Churchyard are not within the application site or part of the proposed development. Other comments are dealt with in the report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Affordable Housing and Housing mix
- Design and Heritage
- Neighbouring amenity
- Transport and parking

- Landscape and Trees
- Biodiversity
- Sustainable Design and Construction
- Flood Risk and Drainage
- Archaeology
- Land Quality
- Air Quality

a. Principle of development

- 10.2. The National Planning Policy Framework (NPPF) 2021 sets out a presumption in favour of sustainable development, which should be approved without delay unless material considerations dictate otherwise. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.119).
- 10.3. Policy S2 sets out that where appropriate the Council will seek to secure physical, social and green infrastructure measures to support new development by means of planning obligations, conditions, funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms.
- 10.4. Provision will be made for at least 10,884 new homes to be built in Oxford over the plan period 2016-2036 as set out in Policy H1 of the OLP36. This will be achieved through Site Allocations; the efficient use and development of land/sites, including higher densities and building heights in appropriate locations; and ensuring that all new housing developments contribute to the creation and/or maintenance of mixed and balanced communities.
- 10.5. The site is allocated for mixed use development under Policy SP33 which states that 'Planning permission will be granted for a mixed use development at the Canalside Land that includes all of the following uses:
- a) residential
 - b) a sustainably-sized community centre
 - c) public open space/square
 - d) replacement operating boatyard and winding yard
 - e) a new bridge over the Oxford Canal for pedestrians and cyclists
- Other complementary uses will be considered on their merits.
- 10.6. The policy also requires a Flood Risk Assessment, that any impact on air quality during construction is minimised, an assessment of the potential impact on Oxford Meadows Special Area of Conservation (SAC) is undertaken, and provision of sealed storage areas if fuels, paints and chemicals are to be used at the boatyard.
- 10.7. The mix of uses within the development would broadly meet those listed in the allocation policy, specifically the provision of residential accommodation, a

boatyard, community centre and public open space. A bridge and winding hole were also proposed as originally submitted. However, these two elements of the scheme have been removed from the application as a result of comments made by the CRT as both Statutory Consultee and Landowner, as set out in their letter attached at Appendix 2. The CRT would not permit the bridge being installed on their land for a number of reasons. The bridge design was unacceptable and did not meet their requirements for all users, the necessary abutments built out into the canal would lead to harm to navigational safety. The bridge would be too close to the entrance of the boatyard (within 40m). There would also be conflict between moored boats on the far side of the Canal, boats arriving and departing of the boatyard, winding boats and proximity to the bridge, resulting in harm to navigational safety. There is not enough space on the towpath side to land a bridge (hence the need for abutments), provide the space for cyclists and horse drawn boats underneath, and necessary steps (or ramps), or users to go round the bridge, and without landing in the Mill Stream. Officers also consider this would require removing a large number of trees which would unacceptably harm the character and appearance of the CA, the Canal and Mill Stream and also have a possible adverse impact on ecology). The loss of visitor moorings to accommodate any winding would be unacceptable as they provide an important recreational facility.

10.8. The EA commented in their letter of 8th January 2021 that the footbridge and its abutments could impede flood flows, hence they could increase flood risk at the site and elsewhere.

10.9. Officers consider that the comment of the CRT and Statutory Consultee and Landowner is a material consideration and has great weight. As the CRT has commented, considerable time and effort during the previous application, at pre-app and during this application stage) has been put into trying to find a suitable bridge that meets all requirements and would not result in harm to navigational safety or loss of moorings. However it is clear from this thorough exploration, that there are inherent difficulties to delivering a bridge in this location as set out in the allocation policy. To mitigate the loss of the bridge, the Applicant has agreed to contribute £655,000 towards a replacement bridge at Mount Place which is just north of the site. Public comments regarding the lack of bridge provision are noted and the desire to have a bridge in this location understandable. However, the weight of the material reasons preventing delivery would outweigh its provision as part of the development and it is considered that the financial contribution would satisfactorily compensate in this case. The removal of the bridge from the scheme also removed the EA's objection to the development. The winding hole was originally provided for the longest boats to turn around (wind) as there is already a winding hole that smaller boats can use just south of the site. The larger boats would still be able to turn in the River Thames as they do now. The CRT has not objected to the lack of winding hole provision. As such it is considered in view of the CRT comments that this is acceptable. In conclusion therefore it is considered that the material considerations outweigh the Policy requirement for on-site provision in this case.

10.10. The principle of development of this brownfield site for residential, boatyard, community centre and public open space is therefore acceptable in principle, subject to other consideration sets out in the report below. The provision of

residential accommodation would help meet the provision of new homes in accordance with Policy H1.

b. Residential and Affordable Housing

- 10.11. Policy H2 of the Oxford Local Plan requires provision of affordable housing on sites of 10 or more units or sites which exceed 0.5 hectares. A minimum of 50% of units on a site should be provided as homes that are truly affordable in the context of the Oxford housing market (defined in the Glossary). At least 40% of the overall number of units on a site should be provided as on-site social rented dwellings (equivalent to 80% of the affordable housing). The remaining element of the affordable housing may be provided as intermediate forms of housing provided that they are affordable in the Oxford market. Policy H2 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.
- 10.12. The application as originally submitted in 2020 was for 24 residential units 18 market sale and 6 affordable units (25%) contained solely within the existing Jericho Community Centre building (No.33 Canal Street). In accordance with Policy H2 the Applicant submitted a Financial Appraisal containing viability evidence seeking to demonstrate that any onsite provision of affordable housing beyond the 6 flats proposed would make the scheme unviable and therefore an exception should be made in this case, in accordance with policy H2. The Financial Appraisal concluded that that only 6 of 24 units (18%) could be supported as being affordable, and that these would be social rent tenure.
- 10.13. The Council's methodology for assessing viability is set out in Appendix 3.3 of the OLP and the Housing Technical Advice Note. 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.
- 10.14. The financial viability of the scheme was been reviewed and assessed by an independent Consultant, Evolution PDR, and a Financial Viability Appraisal (FVA) Report (May 2020) and Supplementary Report (January 2022) provided. The FVA is based on Royal Institute for Chartered Surveyors (RICS) guidance 'Assessing viability in planning under the National Planning Policy Framework 2019 for England' March 2021 and the NPPF.
- 10.15. RICS guidance states that the assessment of land value is required to be an up to date assessment of market conditions, reflecting the Existing Use Value (EUUV) plus uplift at such a level that the landowner is incentivised to release the site for development. It should not consider historic land values or purchase prices. The Applicant's submission that the £2.6m purchase price paid for the site should be used was therefore not accepted. The FVA identified a lack of corroborative market evidence for similar sites and uses in Oxford to establish a

benchmark land value (BLV). Therefore the Local Plan Economic Viability Assessment (LPEVA) for the Local Plan 2036 was considered to provide the most up to date valuation. The FVA concludes that a BLV target of between £2.0m and £2.3m was appropriate, based on the most recent LPEVA evidence available and in line with NPPF and RICS guidance. This was accepted by the Applicant and the Council.

10.16. The FVA concludes in that the provision of 50% affordable housing, the provision of the Community Centre to shell standard and the provision of all other requirements of the scheme cannot be supported. Applying other policy options in accordance with the cascade approach in policy H2, such as a reduction of the affordable housing provision to 40% of the total number of units, or taking a financial contribution achieves a similar result, as summarised in Table 1 below:

Contribution Mix	Residual Land Value (BLV £2.0m and £2.3m)
50% Affordable/ Community Centre to shell	£ 999,667
40% Affordable/ Community Centre to shell	£ 163,451
Affordable Housing Contribution @15% /Community Centre to shell	£ 1,442,158

Table 1 Residual Land Value and Policy H2 Cascade

10.17. The FVA also highlighted areas of concern with the submitted viability assessment including:

- the fact that the proposed costs used 2019 figures, which were high in comparison to industry standards and were not evidenced or substantiated;
- the projected sales values were higher than any evidence of the current market comparisons could corroborate and were not evidenced or substantiated;
- Concern was also raised regarding overall timescales for implementation of any permission and conversion of the existing community centre to affordable housing units and the construction of the combined community centre/ boatyard.

10.18. The FVA of the scheme as proposed at that time demonstrated that a fully policy compliant scheme was not viable. It should be noted that this was based on industry standard input costs rather than the Applicants costs (which were not accepted at the time). However, the FVA identified that the proposed scheme (comprising provision of Boatyard and community centre Phase1 to shell, a contribution towards a Bridge at Mount Place, public realm provision and 6 affordable housing units (social rent)) would generate additional value over the anticipated residual land value and so there was a possibility of seeking a greater level of public benefit contribution over that which the developer proposed.

10.19. The assessment also considered the potential for value engineering, reflecting the fact that the design of the scheme generated increased costs due to unit size

and configuration, which ultimately reduced the potential for scheme viability and public benefit contributions. Recent changes to the NPPF and Policy Practice seek to avoid such practice. This exercise also used lower sales values than the developer submitted for the reason set out above and industry standard costs. The FVA therefore considered whether the provision of a less complex design, whilst still meeting policy standards, could result in greater optimisation of policy objectives. It showed that there was a potential for the delivery of the Boatyard and Ph1 of the Community Centre in full (turn key), public realm and contribution towards a bridge, however there would be no affordable housing. TI would solve the risk of timing of conversion and delivery of the community centre but at the expense of the affordable housing. The FVA concluded that the provision of a fully policy compliant scheme as not viable, but that the scope for additional contributions may be possible. The developer did not agree with this conclusion and consequently could not confirm their acceptance of the May 2021 report.

10.20. Officers also established from the JCA that Phase 1 of the Community centre would provide the like for like replacement floor space of the existing community centre and Phase 2 would be the additional floor space the JCA considered was required to maintain financial viability into the future. The JCA were also asked to undertake a Needs Assessment to underpin and justify the floor area of the Community Centre they required and proposed uses and facilities therein. The Needs Assessment demonstrated a need for a large multi-purpose hall which could serve a range of functions, re-provision of dance hall and a desire for improved changing rooms and toilets. However, it also showed that there was not the demand for a pre-school provision specifically but instead demands for other educational/ community uses, such as after school clubs, parents/ toddlers clubs/ groups and teenager clubs. These could be provided within the same larger ground floor room of the phase 2 community centre.

10.21. In relation to sales values both the National Planning Practice Guidance and RICS Guidance provided on undertaken assessments of this nature require the use of market evidence to justify/support the approaches proposed by the Applicant. The evidence must be comparable. The FVA identified that there is a lack of directly comparable market evidence in Jericho to substantiate the proposed sales figures. The Applicant also is not able to evidence it. Their justification for an increased value over existing was based on an assumption of locational advantage and unit specification, however there has been no substantiation of this claim. In these circumstances therefore the next best step is to look at other similar developments close by or within Oxford. In this case Barton Park and Wolvercote Paper Mill have been used, the latter largely reflects unit type and size similar to those proposed. Both these sites showed a lesser value than projected by the Applicant. The projected sales were therefore been adjust down in the Evolution PDR FVA and Officers considered this appropriate. In order to recoup any surplus profit as a result of higher sales values realised, a Review Mechanism could be put in place, for the Council to get a share of this towards affordable housing.

10.22. Given the length of time between submission of the application and agreeing points of difference raised in the FVA between parties, Officers requested that the Applicant re-submit an updated viability assessment with updated 2021 costs with evidence and justification for those costs, and the financial contribution of

£655,000 to be taken in lieu of onsite bridge provision. The Applicant also agreed to an independent review of construction costs by a Quantity Surveyor (QS), W.H.Stephens. McBain, acting on behalf of the applicant provided an updated assessment of the construction costs. W.H.Stephens advised that the costs were, on the whole, reasonable for the stage in the design process.

10.23. As part of the ongoing discussions, the Applicant showed that as a result of the additional costs there was now a lesser degree of viability. This was set out in the Applicant's subsequent FVA update Note (dated October 2021) with supporting cost plan and evidence and justification for the costs. The Applicant also sought to remove No.33 Canal Street from the application which addressed concerns over the timing of the affordable housing delivery and provision of the proposed Community Centre prior to any conversion taking place.

10.24. The Applicant's Update FVA Note states that the balance of securing a high-quality scheme for the local community's benefit, bringing regeneration to a longstanding development site and securing a package of planning obligations remains challenging on this site. It concluded that the scheme with the agreed BLV of £2.3m, contribution towards a bridge, removal of 33 Canal Street from the scheme, agreed build costs, and construction of Phase 1 to shell, was not viable to provide any affordable housing on site or contribution towards off-site provision.

10.25. Evolution PDR reviewed this and a Supplementary FVA Report was received January 2022. There were some minor discrepancies in agreed costs in the Applicant's Update Note. These were amended and agreed by the Applicant for inclusion in the Evolution PDR viability assessment. The FVA again reviewed the current sales values in the area and confirmed that there was insufficient evidence to suggest that sales values have increased to any great degree or directly comparable sites. The FVA shows that the proposed scheme of community centre/ boatyard to phase 1 to shell, piazza and residential would result in a RLV of £332,880. This is significantly below the BLV of £2- 2.3m. This deficit of circa £2.0m engenders the basis for confirming that the scheme does not generate sufficient viability to support all policy requirements. It should be noted that despite the viability of the scheme and the deficit, the Applicant has confirmed his commitment to constructing this development (including the community centre/ boatyard phase 1 to shell) should planning permission be granted.

10.26. The Review Mechanism has been agreed with the Applicant and 60% of any surplus profit would be contributed to affordable housing in the City and would be secured via the S106 legal agreement. This has been done elsewhere in the City, notably Oxford North.

10.27. In response to JWT and others concern about the property sales values within the Evolution PDR FVA and their belief that higher sales values would be obtained, the RICS guidance is clear that directly comparable evidence must be used in any assessment. There are no directly comparable developments in Jericho and this is why Wolvercote Paper Mill and Barton Park have been considered. JWT has been asked to provide the evidence to support their claims however none has been provided to date. There is no reason to suggest that the approach by Evolution PDR does not form a robust evidence base in this case and Officers

consider it entirely appropriate and acceptable in accordance with RICS guidance. The review mechanism would in any event secure any surplus profit for affordable housing in the City. It should also be borne in mind that any reduction in values would to some extent be negated by a reduction in the benchmark land value.

10.28. In conclusion therefore all areas of the viability appraisal have been robustly and independently considered and it is considered that the Applicant has robustly demonstrated that the scheme is not viable to provide any affordable housing on site or contribution towards off-site provision in accordance with H2 of the OLP.

c. Design and Heritage

10.29. The NPPF makes clear that the creation of high quality buildings and places is fundamental and good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make development acceptable to communities. Developments should function well and add to the overall quality of the area for the duration of their lifetime. They should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and which are sympathetic to local character and history including the surrounding built environment and landscape setting. Development should establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit. They should create places that are safe, inclusive and accessible and which promote health and well-being.

10.30. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses and to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area including its setting. Case law (South Lakeland-1992) makes it clear that to preserve in this context means to do no harm. Case law has made clear that the duty to pay special attention to or to have special regard is to afford considerable weight to that duty and that this duty should be the first consideration for any decision maker. In considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). In considering any degree of harm whether substantial or less than substantial the duty to preserve the significance of the heritage asset (NPPF definition includes listed buildings, conservation areas and historic parks and gardens) must be afforded considerable weight (Barnwell-2014). Having assessed any degree of harm that may be caused to the significance of a heritage asset affording considerable weight to preservation of the asset's significance, the decision maker is then required to weigh this harm against any public benefits that may arise as a result

of the development, in the balancing exercise, including securing its optimum viable use (paras 193-196).

- 10.31. Policy DH1 of the Oxford Local Plan 2036 (OLP2016) states that only development of high quality design that creates or enhances local distinctiveness will be granted. Development should meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1. Developments should also be designed to meet the principles and physical security standards of the police's Secure by Design scheme.
- 10.32. OLP Policy DH2 seeks to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline and permission will only be granted for developments of appropriate height or massing where it meets the criteria set out in the policy. Developments above 18.2m in height within a 1,200 metre radius of Carfax tower (the Historic Core Area) should be limited in bulk and must be of the highest design quality.
- 10.33. Policy DH3 of the Oxford Local Plan 2016 states that planning permission will be granted for development that respects and draws inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality. For all planning decisions, great weight will be given to the conservation of that asset and to the setting of the asset, where it contributes to that significance or appreciation of that significance. Where a development proposal will lead to less-than-substantial harm to a designated heritage asset, this harm must be weighed against the public benefits of the proposal, which should be identified by the applicant.
- 10.34. Policy DH6 concerns itself specifically with new shopfronts and associated signage/advertisements. Policy RE5 states that the Council seeks to promote strong, vibrant and healthy communities and reduce health inequalities. Proposals that help to deliver these aims through the development of environments which encourage healthier day-to-day behaviours and are supported by local services and community networks to sustain health, social and cultural wellbeing will be supported. Developments must incorporate measures that will contribute to healthier communities and reduce health inequalities and for major developments details of implementation and monitoring should be provided.
- 10.35. Policy RE2 seeks to ensure development proposals make efficient use of land making best use of site capacity, in a manner compatible with the site itself, the surrounding area and broader considerations of the needs of Oxford. Development should be of an appropriate density for the use, scale (including heights and massing), built form and layout, and should explore opportunities for maximising density.
- 10.36. Standards of amenity (the attractiveness of a place) are major factors in the health and quality of life of all those who live, work and visit Oxford. Policy RE7 is an all-encompassing policy covering different aspects to ensure a standard of

amenity. Development should protect amenity, not result in unacceptable transport impacts affecting communities, occupiers and neighbours, and provide mitigation measures where necessary.

Significance of the heritage assets

- 10.37. The site lies within the Jericho Conservation Area (JCA). The JCA was designated in February 2011 and includes the suburban area surrounding the north and east of the site, the Oxford Canal, the Castle Mill Stream and land right up to the railway tracks themselves to the west. Jericho represents the Georgian and Victorian industrial and residential expansion of the City into the surrounding countryside. It is an area of working class and artisan housing that has developed a unique character by virtue of its historical land ownership, relationship with the canal, the railway, three major employers and its unique position as a working class suburb in the midst of the middle and upper class estate that was developed by St John the Baptist College.
- 10.38. The site falls within the Central Jericho character area of the JCA. It is a blend of terraced cottages tightly packed along narrow streets. The overarching character is one of regularity, created from the building line, roof line, form, scale and materials of the buildings. It is enclosed and intimate with its core character supplemented by individual expressions of architectural details that reflect the styles and personality of the army of small scale developers that built out the area. Mostly buildings are two storey with the occasional 3 storey building, such as No.33 Canal Street (the existing community centre). 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.
- 10.39. 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 hap-hazard collection of single storey buildings reflecting the history of use. St Barnabas Church towers over the canal and vacant boatyard. Early images of the church show two entrances looking over a mid-height stone wall onto the boatyard and canal. The existing hoardings around the boatyard detract from the character of the area. The towpath side of the Oxford 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 JCA as a whole.

Listed building

- 10.40. The church of St Barnabas at Cardigan Street is the parish church of Jericho. The church was built from 1868-9, the campanile in 1872 (re-roofed with a lower pitched roof 1893) and the Morning chapel (now Lady Chapel) and N aisle

erected 1888-9. The architect was Sir Arthur Blomfield (1829-1899), awarded the RIBA Royal gold medal in 1891. Blomfield was one of the most active and successful church architects of the Gothic Revival. His early work is characterised by a strong muscular quality and the use of structural polychrome often with continental influences. The style of St Barnabas is Italianate Romanesque, in complete contrast to the prevalent Gothic style of church-building in the 1860s. As such the significance of the Church is very high as shown by its listing at grade I. The also has technological interest for its innovative methods of construction, including the use of cement and concrete. Its internal decorative work is of outstanding significance, enhanced by its little-altered condition. Historically, it is an important monument to the influence of the Oxford movement in the city where that movement began.

10.41. The boundary walls are constructed of rubble stone and brick and are part of the curtilage of the listed church. They have historic significance as evidence of the church ownership and historic pattern of walls to the canal side; they were constructed after the church was completed, to form a tall barrier between the coal wharf at the boat yard and the church. The high level walls have suffered from decay caused by cement-rich pointing. Officers consider that the walls have medium significance primarily derived from its function and historical evidence.

Layout, Design & Appearance

10.42. As set out about the development is of a similar layout, height and massing as previously approved. To the southern end of the site, the residential element takes the form of three storey terraced town houses that abut the Vicarage on St Barnabas Street and then wrap around it to front the canal. The terrace would be 4 storey at the corner. At the southern end of the terrace the architectural building form and style changes from the domestic form of surrounding properties to a traditional wharf style of building architecture. Within this part are the flats and the undercroft car parking at ground floor. They would have front entrances onto the Canal still to maintain activity. To the south of the terrace, on the other side of the access road, would be a new detached dwelling with integral undercroft parking. Large windows and glazed elements would let natural light in and allow views across the canal. On the ground floor of the houses facing on to the Piazza and Canal frontages timber louvres would add an element of privacy and steps up (to mitigate against flooding) would create a further separation from the public realm. On the canal frontage, these house would also have a small garden with further timber slats that would provide additional privacy between properties. Materials proposed are brick (grey and red), timber and slate (or similar) roof tiles. Patterned brickwork would also reflect the detailing of the surrounding residential houses. Figures 4 below show the elevation fronting the Canal of the whole development and demonstrates the domestic heights, form and scale of the proposed residential in relation to the Church. Figure 5 shows the detailing and different architectural style of the residential.



Figure 4 above shows the whole development fronting the Canal (DAS pg. 18)



Figure 5: Detailing of the residential

10.43. It is considered that the residential appropriately reflects the existing character and appearance of the surrounding two storey terraces and the wharf style element is suitable and reflects Canalside architecture. Good quality internal space accords with National Space Standards and sufficient privacy from the Canal and Piazza would be provided for future occupiers.

10.44. To the north of the site is the combined community centre and boatyard that sits close to the rear façade of No.10 Canal Street and runs parallel to the Church and Combe Road properties, down to the Canal edge. A new basin would be created in front of the boatyard to accommodate boats waiting to be worked on, dropped off or collected. Adjacent to the boatyard would be the existing moorings for College Cruisers who operate on land adjoining to the north and on the site itself. The brief for the design of the boatyard was provided in 2018 by the JWT including the required clear dimensions for operation. In 2021 the JWT requested that the dry docks were reduced in width, agreed with the intended Operator of the boatyard, to be no less than 14ft clear. This was to enable the inclusion of a public viewing platform, within the boatyard and connected to the Community Centre café. This has been incorporated into the design. Some comments received from the JWT and JCBY relate to more technical matters that would be dealt with at a later design stage on ce permission was granted such as silt traps and electrical vs mechanical operating dock gates.

- 10.45. As previously approved, the combined building is large in massing and overall height in order to accommodate the requirements of a multi-purpose sports hall. Again this hall would be provided over the top of the boatyard docks. The JCA Needs Assessment demonstrated a need to this type of hall which could serve a range of functions. Also demonstrated was the need for and re-provision of dance hall and a desire for better and more changing rooms and toilets. On the basis of the Needs Assessment Officers are satisfied that the building of the proposed height and massing is justified in this case.
- 10.46. In relation to floor levels of the boatyard is placed broadly at the existing ground levels on the site which also reflects the levels of the new piazza at 57.50m datum. Due to flood risk, the Community Centre floor level is required to be placed higher at 58.02m. This is a level difference of 0.52m. This means that in terms of external levels, the boatyard floor will be flush with the piazza with the level change up to the Community Centre entrance being mitigated by a gentle slope in the piazza less steep than 1 in 20. This is considered appropriate in the circumstances.
- 10.47. Architecturally the scale of the whole building has been broken down into three elements, with differing fenestration which reflects the intended uses inside. The scale of the boatyard and sports & dance halls element has been reduced by dividing it into three gables with large windows and balcony facing the piazza, with three pitched roofs over. The adjoining community centre element containing the café is smaller in height with large glass windows to take advantage of the views of the piazza and Canal. The last element of the community centre contains the pre-school and meetings rooms and is again higher and larger in massing with less number (particularly at ground floor) and smaller windows for privacy safeguarding of children in the pre-school. The boatyard element is cranked to face the basin in the canal. Figure 6 below shows the front (south) elevation of the whole building. Materials proposed are again grey and red brick, standing seam zinc roof and timber. 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. In relation to the Church, the building would sit approximately at the same height as the Church eaves height, as seen in Figure 4 above. It is considered that as a whole the three distinct elements of the building and fenestration the building are appropriate in scale and height for its intended use. It would not appear overbearing or compete in height or massing with St Barnabas Church and would allow the church to retain its pre-eminence.



Figure 6: front (south) elevation of the combined boatyard and Community centre building

10.48. In response to Thames Valley Police (TVP) comments, the CCTV and Lighting and controlled accesses for the development could be secured by condition to reduce crime and the fear of crime. Specifically in relation to the Community centre windows at ground floor, there are few windows due to concern about the welfare of children in the pre-school. Any additional windows would likely be obscure glazed by the operator to prevent looking in. Officers therefore consider it unreasonable on balance to require additional windows here. In response to other comments raised, the Applicant would address these at the later design stage.

Piazza and Church ramps

10.49. The development proposes new ramps to the west doors of St Barnabas Church which would provide improved level access and combined seating, and remove the high wall that separates Church from the Canal thereby improving its relationship, setting and views of the Church from the Canal. The ramps would have a simple design as befitting the unadorned design of the Italianate Church and would be formed using recycled materials from the demolition of existing buildings on site (where feasible). This re-purposing would minimise waste produced by the development as well as ensuring the addition fits fully with the character of the area. Listed building consent is also needed. It is considered that this element would have an appropriate relationship to the Church and vital aspect of the piazza and its function as a public open space.

10.50. The development would provide a new public open space in accordance the Site allocation policy SP33. As before the Italianate Church has been the inspiration for a piazza and similar canal side examples can be found in Italy (see DAS pages 12 & 23). The open space would measure approximately 25m in width from boatyard building to residential townhouse on the opposite side and approx. 15m from the new ramp to the canal edge. A difference in hard surfacing material would be used to identify areas in front of the boatyard and residential properties and the central piazza area which would also have public area in the flooring. The Applicant would also provide public art as part of the hard landscaping of the Piazza, the details of which could be secured by condition in accordance with Policy DH1 of the OLP. Figure 7 below shows CGI model image of the proposed piazza, Church and boatyard building.



Figure 7 : Proposed piazza and Boatyard/ Community Centre Building

10.51. The JWT and residents have raised concerns that the piazza would not be sufficient in size to hold events and activities, in particular markets, and is smaller than previously approved. The Plan at Figure 8 show the measurements of the proposed space. The piazza as previously approved measured approx. 32m wide (boatyard to building on southern side) by 19m long (rear elevation of the Church to Canal (no ramp proposed at that time)). In this scheme the dimensions of the public open space have been dictated by

- a. The northern edge: the size of the boatyard (docks and space around to work and circulate) and the needs and requirements of the JCA for the new community centre (re-provision of the current community centre provision at No.33 Canal St, plus additional floorspace to ensure it survives and is financially secure into the future);
- b. The southern edge: the relationship of the residential to the Vicarage. It has moved away from the Vicarage in order to prevent this building being overbearing to a significantly harmful degree;
- c, The western edge by the Canal and space requirements for the basin. The basin is needed to access the boatyard and ability to moor the longest (21m) boats out of the main navigational channel of the Canal, and to avoid collision with moored boats in the Canal;
- d. Eastern edge: To provide an appropriate setting for the Church and sufficient separation distance between the buildings to the north and south of the Piazza.

10.52. The site is a very awkward shape and the requirements of the site allocation and materials considerations have to be weighed in the balance. Policy SP33 states that a public open space/square must be provided and does not set a

minimum size. The main difference in this case from the previous approval is the relationship of the building to the southern side of the piazza to the Vicarage, and provision of the ramp. Previously there would have been a new rear extension to the Vicarage that would have mitigated the overbearing impact of the development, which sat close to the property boundary. This is not the case here. To move the building southwards would have an adverse impact on the Vicarage. The new ramps and seating proposed provide good multipurpose use of this space and accessibility whilst improving the setting and appearance of the Church. In weighing in the balance the site constraints and all material considerations of this site together with the overall public benefits, it is considered that the proposed piazza is of an acceptable size and would provide an appropriate setting of the Church and Canal. Surfacing material could be secured by condition.

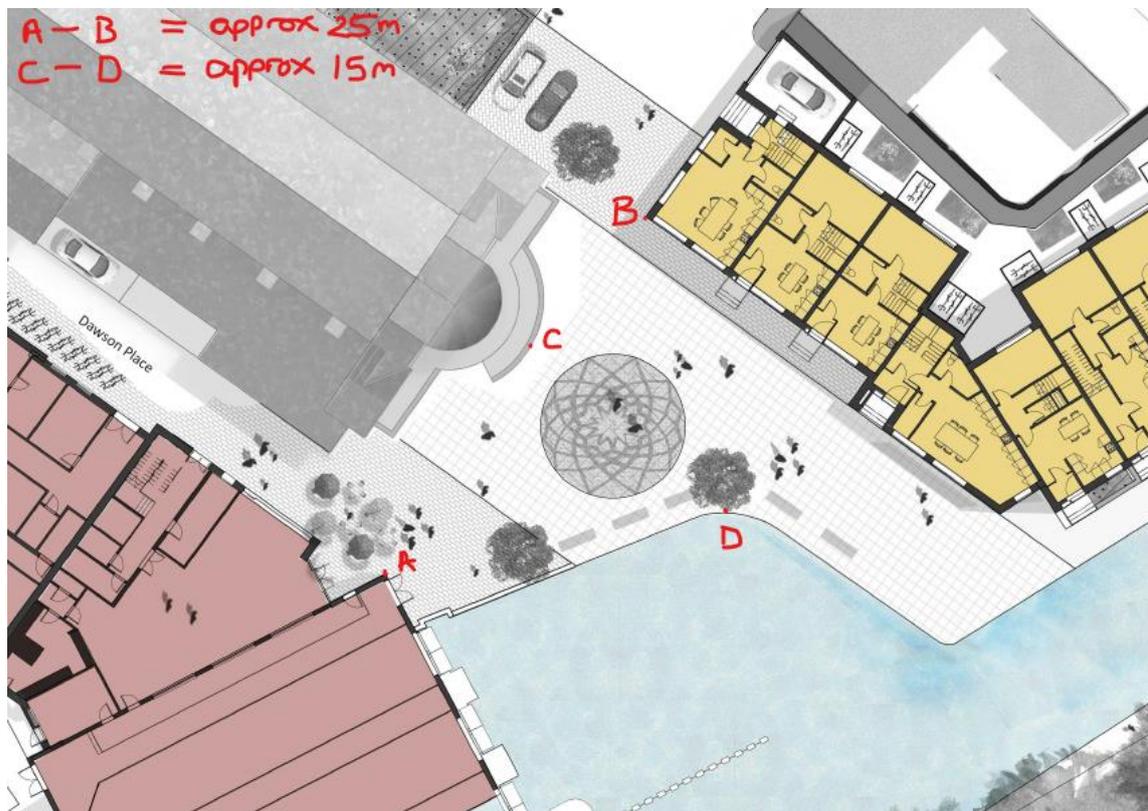


Figure 8: Piazza

Impact on heritage Assets

Walls

10.53. The proposed demolition of the church wall would result in substantial harm to that curtilage listed structure. It has evidential, historical and aesthetic value and defined the curtilage of the church, separating it from the working wharf area.

10.54. Paragraph 200 (b) of the NPPF states that assets of the highest significance including grade I and II* listed buildings their total loss should be wholly exceptional. The wall is a curtilage structure to a grade I listed Church, thus this loss would be wholly exceptional.

10.55. Paragraph 201 states: “Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use.”

10.56. In this circumstance it is considered that the substantial harm is justified by the substantial benefits brought about by integrating the church with the development proposals and by opening up space for a new public square or piazza. To retain the wall would not contribute to good urban design and would unduly compromise the piazza and public benefits that would bring. The demolition would enable the highly significant church to be more visible and appreciated from locations including the canal and the piazza. It is considered that the justification for the loss is clear and convincing and that the substantial harm to the wall from its demolition is outweighed by the substantial public benefits of the development in accordance with the NPPF. Further mitigation would be provided through recording, good design and by salvage of historic material for re-use in the proposed ramp and where possible through-out the re-development. This could be secured by condition.

St Barnabas Church

10.57. As set out above, the proposed design, massing and height of the combined boatyard and community centre has been clearly and convincingly justified. This new building would alter the setting of the church from the north and the residential terrace an impact on its setting to the south. These building would provide a frame for views to the western elevation of the Church when viewed from the canal and towpath. The immediate setting of the church to the west would alter as a result of the demolition of the walls which would open up the view from the canal and there would be an improvement as the Church would be much more visible. However this would result in a low level of less than substantial harm to the immediate setting of the Church.

10.58. The siting of new buildings would reduce the extent of the views of the Church from the Canal itself, instead creating framed views and a sense of enclosure formed by the public square. The development would preserve the effect of the campanile rising up over buildings. 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. Whilst it alters the character of the canal from currently more open

views, Officers do not consider this to be inappropriate to the canal side or the conservation area.

10.59. It is considered that the development would result in less than substantial harm to the setting of the Church and that level is considered low. In accordance with the NPPF, the public benefits of the development need to be considered. It is considered that the public benefits of the scheme including providing much needed housing, the community centre and boatyard, removing the hoarding, bringing this site into use, the creation of a new public open space and improved accessibility, seating and ramp outweighs the low level of less than substantial harm in this case.

Conservation Area

10.60. As set out above the character and appearance of the Conservation Area and setting of the Oxford Canal is currently harmed by the hoarding and vacant buildings and use of this site. It is considered that the design and appearance of the development appropriately responds to the Conservation Area. Whilst the boatyard/community centre building would be a large and high on the edge of the Canal the design has been robustly justified, and furthermore taller buildings are found adjacent to the Canal elsewhere in the City. The development would positively enhance the character and appearance of the Conservation Area and as such there would be no harm as a result of the proposed buildings. However it is considered that there would be a low level of less than substantial harm to the character and appearance CA as a result of the demolition of the walls and loss of significance including evidence of the protective nature, loss of legibility of the former coal wharves and industrial area. However, for the reasons given above, the loss would be to some extent mitigated by the walls being recorded, which could be secured by condition. It is also considered that the public benefits of the scheme (as set out above) would outweigh the low level of less than substantial harm in this case.

Views

10.61. 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.

Non-designated heritage assets

10.62. The brick entrance walls and piers are of interest and are in a robust, industrial style as befits the former uses of the canal side. The existing brick structures of late 19th and early 20th century date belonging to the canal wharf and the boatyard would also be lost as a result. These are considered to be non-designated heritage assets and their demolition would therefore result in substantial harm. Their re-use within the proposed development would

satisfactorily mitigate harm and they should be recorded according to a Written Scheme of Investigation to a brief approved of by the Local Planning Authority and secured by condition.

10.63. Officers have given considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. The proposal would cause substantial harm to the curtilage boundary walls of the Grade I listed Church and non-designated wharf buildings as a result of their demolition, and less-than-substantial harm to the setting of the Church and Canal. However, it is considered that this is justified by the scheme and outweighed and by the substantial public benefits of creating a public square, community centre and boatyard, residential housing to meet the high level of housing need in the City, improving the character and appearance of the Conservation Area and bringing this derelict site to life.

10.64. In summary therefore, the development would be of high quality design and appearance. Considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. Any harm is outweighed in the case by material considerations of the development and public benefits of the development including housing, public piazza, access to the canal, community centre and boatyard. The development would accord with Policies DH1, DH3 of the OLP, the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

d. Impact on neighbouring amenity

10.65. Policy RE7 and H14 of the OLP seeks to ensure that development does not have an adverse impact on, amongst other things, neighbouring amenity including light, overbearing impact and loss of privacy.

Light

10.66. An updated Sunlight & Daylight Assessment was submitted with the application following amendments to the design. It assessed impact of a development on light to rooms and amenity space of adjoining properties in accordance with Building Research Establishment (BRE) guidelines which are a recognised industry standard. It concludes that the development would on the whole not adversely impact on the daylight and sunlight to rooms and amenity space of properties in accordance with BRE guidance and a 10% flexibility where development is in an urban location such as this. The Assessment does not take account reflect surfaces/ materials such as glass or painted render, and can be considered as a worst case scenario. The Assessment indicates that overall the impact on neighbouring properties is in line with the criteria set out in the BRE guidance and therefore acceptable. However there would be an impact on certain neighbouring properties which is considered further below.

10.67. No.12A St Barnabas Street sits right on the common boundary and is a previously converted warehouse building. One first floor bedroom window would experience a moderate reduction in daylight as a result of the development.

BRE guidelines state that bedrooms are regarded as less important than other rooms for good access to daylight. All windows, including the affected first floor bedroom window, and garden would receive satisfactory sunlight. Again it should be noted that the relationship and impact is similar to that previously approved. Whilst there would be a reduction in daylight to this bedroom window, the bedroom window would still have adequate sunlight and weighed in balance with the wider benefits of the development as a whole together and the fact that the main habitable rooms on the ground floor would still have a good level of daylight, it is considered that the benefits of the proposal outweigh the adverse impact in this case.

10.68. No.10 Canal St would receive satisfactory sun and daylight to windows in accordance with the BRE guidance including the 10% flexibility for the urban location. In relation to the garden the Assessment assesses whether half the garden would have at least 2hrs sunlight on 21st March (Equinox, when day and night of equal length). As proposed, there would be a notable reduction in sunlight hours experienced. Approximately quarter of the garden would receive an hour or less sunlight at this time. This the same as for the previously approved scheme. During summer months the garden would have sunlight as it is west facing. Again on balance it is considered that the wider benefits of the development as a whole outweigh the adverse impact in this case.

10.69. Nos. 3, 7 and 9 Coombe Road would all experience a small reduction in sunlight to their gardens. However they would still receive satisfactory light to rooms and sunlight to their gardens.

10.70. No.59 Great Clarendon Street lies adjacent to the site at the southern end. It has a small courtyard garden and a utility window and secondary sitting room window in the side (west) elevation facing the development. Both windows would experience a reduction in light and sunlight. However as the utility room is a non-habitable room and the sitting room window is secondary with the main light received from large patio glazed doors, the impact is considered not significant. In relation to the outdoor space, the garden would experience a 15% reduction in sunlight on March Equinox. This is considered to be relatively small and overall it is considered that the benefits of the scheme would out-weigh the impact in this case.

10.71. In summary, this is an urban location and the site is constrained. The previously approved scheme had a similar impact on neighbouring properties at that time. Whilst the permission has expired this is a material consideration and the approach to amenity and impact of development on it has not changed including through the new Local plan. Whilst some properties would experience a reduction in sunlight or daylight it is considered that on balance the public benefits of the scheme and developing this vacant site out-weigh the adverse impact on sunlight and daylight in this case.

Overbearing

10.72. Whilst the previous permission is now lapsed the location of the proposed buildings is very similar to that previously approved. Local plan policies, whilst new, have not changed significantly from the previous local plan under which the

development was considered. This has been taken into account in considering the overall impact of the development.

10.73. Vicarage: The development would sit to the north and west of the Vicarage on St Barnabas St as the proposed residential terrace abuts the Vicarage and then wraps around the piazza and then runs parallel to the Canal (and other properties on St Barnabas St). The Vicarage is enclosed by a high boundary wall and there is a mature tree within the site to the northern immediately adjacent to the wall. The proposed houses would be separated from the Vicarage boundary wall by a common alleyway which serves the properties for bins and access to rear gardens. This alleyway would be approximately 1m wide. The rear gardens to properties to the north would be approximately 4m in depth and therefore 5m away from the joint boundary. To the north the eaves level would be approx. 6.48m high and 9.2m to ridge. At the corner of the Piazza and Canal the building rises to 10m to eaves and 12m to ridge, then drops down to 8m high to eaves and 10m high to ridge. At its closest point the building would be approx. 4m away (same as the previously approved scheme). It is considered that the development would create an enclosed feeling to the vicarage. The amended plans sought to mitigate this impact to the west where the building would be closest by reducing the eaves height down to 6m. The shape and size of the site together with the requirements to provide a public piazza and appropriate setting to the grade I listed Church have been given considerable weigh in this case. To mitigate further by moving the building northwards would comprise the pizza and setting of the Church and is not feasible to do so westwards closer to the Canal. The scheme as proposed is unviable and to reduce number of units or number of beds (and therefore sales values) would likely unacceptably compromise the viability further. The Vicarage and its garden would still have adequate daylight and sunlight from the south and this would mitigate the overbearing impact and sense of enclosure to a degree. There would be no overshadowing effect. Weighing these material considerations in the balance, together with the public benefits of the development site and enhanced setting of the Church it is considered on balance that the harm would be outweighed in this case.

10.74. St Barnabas St properties: the back to back distance would range from approx. 14m to 20m distance which is considered not unreasonable in this constrained urban location. No.12a would, as mentioned above, experience the development more keenly and the building has been pushed back at this point to mitigate the impact. The distance would be approximately 8m between buildings, which is similar relationship to that previously approved. 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.

10.75. No.59 Great Clarendon St: The flats and maisonette that sit above the undercroft parking area would lie to the west of No.59. No.59 is bounded by a low (approx. 1m high) stone wall. The approx. 2.7m high wall of the undercroft parking would be separated by an access alley approx. 1m to 1.7m wide alongside No.59. Above the parking, the external amenity terraces to the new properties would set in further from this outside wall and therefore measure approximately 3m to 3.6m from the joint boundary. These upper terraces would

be bounded by a 1.5m high hit and miss timber fencing to prevent overlooking. The proposed rear façade of the building would be approximately 6m from the joint boundary. The building measures approx. 8m high to eaves and 10m high to ridge and this part of the scheme has gables running in an east-west orientation to break up massing of this part of the development. It should be noted that the building would be approximately 0.44m lower in height than previously approved and a metre closer to the joint boundary.

10.76. The development will be noticeable from the courtyard garden to No.59 which currently has a view to the canal and trees beyond. On the basis that the previous permission considered a building in this location and similar proportions and height acceptable, there has been no significant shift in policy or material considerations since that time, the site is very constrained between houses on Gt Clarendon St and the Canal, and the public benefits of the development, it is considered that on balance the relationship is considered acceptable in this case.

10.77. No.10 Canal Street and Combe Road properties: The Community Centre and Boatyard building would sit parallel to the side boundary of No.10 Canal Street and the rear boundaries of Nos.1-9 (odd) Combe Road. The building would be set back from these boundaries by a rear service access/ yard area. Back to back the whole building would be approx.13m away from the rear facade of Coombe Rd prosperities (at closet point) These boundaries are mostly 2m in height with the exception of No.9 Combe Road which has a lower boundary at approx. 1.5m height.

10.78. In relation to No.10 Canal St the building would have a varying eaves height of between approx. 7m and 8m high, and approx.10.2m high to the ridge. The central section of the community centre would be approx.6.5m high to ridge, with a varying eaves height of approx.5.2m down to approx.3.2m at lowest point. At the boatyard end the building would wrap around No.9 Combe Road. At this point it would have an eaves height of approx.2.6m high that steps up toward the Canal (westwards) to approx.6.3m high and approx.9m high with flat roofs. Fronting the Canal the ridge would be approx.9.7m with pitch roof. To the rear part of the boatyard behind No.9 Combe Rd directly south, the building form has been amended to provide a flat roof element (approx. 7.4m high) to reduce the massing and mitigate any overbearing impact on No.9.

10.79. The new building would result in a feeling of enclosure and overbearing given the distance from properties and boundaries, but No.9 Combe Road and No.10 Canal Street would be most affected. In respect of Combe Road, there are currently existing single storey buildings with pitched roof and open sided structures adjacent used by College Cruisers to the west which already create a degree of enclosure. Adjacent to No.10 Canal Street are the City Council garages which also enclose that property along its side (southern) garden boundary. The development would increase the degree of enclosure and overbearing impact currently experienced by both these properties. This relationship is similar to that of the previously approved scheme. To mitigate further by moving the building southwards would comprise the size of the piazza and setting of the Church to their detriment. Weighing these material considerations in the balance, site constraints, together with the high level of

public benefits of the development and enhanced setting of the Church it is considered on balance that the harm would be outweighed in this case.

Overlooking

10.80. In general where proposed windows face towards residential properties, they would be obscured glazed or high level and this could be secured by condition. There are two instances where windows would directly overlook into gardens: at first floor level from the community centre into No.10 Canal Street; and from a second floor bedroom window in the 2 bed flat into No.59 Great Clarendon Street. In both instances amended plans to vary the window size and/or height above ground floor level to avoid direct overlooking could be secured by condition.

10.81. In summary therefore it is considered that the material considerations of this site including public benefits and site constraints would out-weigh adverse impacts on adjoining residential amenity in this case, and subject to conditions the development would accord with H14 and RE7 of the OLP.

e. Transport

Transport sustainability

10.82. Policy M1 states that planning permission will only be granted for development that minimises the need to travel and is laid out and designed in a way that prioritises access by walking, cycling and public transport. In accordance with policy M2, a Transport Assessment for major developments should assess the impact of the proposed development and include mitigation measures to ensure no unacceptable impact on highway safety and the road network and sustainable transport modes are prioritised and encouraged. A Travel Plan, Delivery and Service Management Plan and Construction Management Plan are required for a development of this type and size.

10.83. Policy M3 sets out the Council's policy for motor vehicle parking. In respect of residential development, sites within a Controlled Parking Zone that are within 400m walk of a 15-minute bus service and 800m to a supermarket should be car free. In all other locations permission will be granted where the relevant maximum car parking standards of one car space per unit (regardless of size) and car club parking provided (0.2 per dwellings), and one disabled space per accessible or adaptable unit are provided. Parking requirements for all non-residential development (whether expansions of floorspace on existing sites, the redevelopment of existing or cleared sites or new non-residential on new sites) will be determined on the basis of a Transport Assessment or Travel Plan, demonstrating opportunities to enhance and promote more sustainable travel to and from it and vehicle parking is kept to the minimum necessary to ensure the successful functioning of the development. In the case of redevelopment of an existing or previously cleared site, such as this, there should be no net increase in parking than existing on site and a reduction will be sought where there is good accessibility to a range of facilities.

10.84. Policy M5 and Appendix 7.4 set out minimum cycle parking standards and shower facilities for development.

10.85. A detailed Transport Assessment (TA) and two supplementary documents have been submitted with the application. The site lies within a CPZ. It is more than 400m walk to the nearest bus service on the Woodstock Road (Radcliffe Observatory stop 675m) and the Oxford Railway Station (675m). There is currently parking space available for in excess of 18 cars on the former boatyard site. The City Council garage court provides spaces for 12 cars. The Church has 4 existing car parking spaces accessed from St Barnabas St.

Traffic and Movements

10.86. The submitted TA sets out that the traffic flows generated by the residential parking would result in a very small number of peak hours car trips, 12 in each peak hour, and therefore a proportionately low traffic impact. The boatyard and community centre also would have a small number of peak hours vehicle trips (max of 17 in the morning and 15 in the evening). The HA has raised no objection to the development in terms of adverse impact on the highway network as a result.

10.87. A Framework Travel Plan (FTP) for the residential has been developed for the proposed development at Jericho with the ultimate aim of increasing the accessibility of the site by non-car modes of transport and in particular active travel modes. Separate measures have been prepared to account for the individual characteristics of each land use associated with the development. A finalised Travel Plan in line with comments from the County Council could be secured by condition to encourage sustainable modes of transport.

10.88. The CRT did raise the possibility of a contribution towards improvement of the towpath in order to mitigate the impact of the increased movements as a result of the bridge and development, but deferred to the County Council in this matter. In the event, the County Council has not confirmed this is required or requested one.

Car parking

10.89. Whilst the site lies within a CPZ it is farther than 400m to the nearest bus stops (with regular 15min service) on both the Woodstock Rd and at the Railway Station. The Bus Station on George Street is also in excess of 400m. The nearest Co-op supermarket on Walton Street is within 800m walking distance. Policy M3 is clear that for development to be a car free it must be within 400m of a bus stop (with regular 15min service) *and* 800m of a supermarket. As the development is in excess of 400m to the nearest bus stop it is not required to be car free and it is accepted that car parking for the development would be acceptable. It must meet the minimum parking standard of one space per residential unit and as a brownfield redevelopment show a reduction in existing parking levels.

10.90. The proposed development would provide a total of 19 vehicular parking spaces as follows:

- 15 residential spaces including one disabled;
- 4 spaces for the Church;
- No parking for the community centre or boatyard (except deliveries/servicing)

10.91. Of the total 15 residential spaces, 14 parking spaces would be provided within the undercroft parking area in the building fronting the Canal, accessed off Gt Clarendon St, for the residential properties. Amended plans received removed 3 substandard external spaces and created one additional parking space(s) within the envelope of the building. One individual undercroft parking space would be provided for the detached dwelling adjacent to the Canal. The existing site could accommodate in excess of 30 car parking spaces and therefore the development would result in a 50% net reduction in car parking overall in

10.92. The HA raised concern that the undercroft parking spaces would be, in some cases, smaller than the usual standard (2.5x5m dimensions) and may not be easily accessible. Due to the site constraints, including its size and shape, proximity to the canal and existing housing, and the engineering of the building means that supporting pillars, the space available for parking spaces is restricted in width. The farthest parking space within the undercroft would be accessible with a few car movements, but is possible. The provision of parking spaces also has an effect on sales values and the viability of the scheme as a whole. Given the constraints of the site and viability considerations and the public benefits of the scheme, on balance it is considered that these parking spaces are acceptable. The individual space for the detached house is of standard size and could be accessed easily.

10.93. The surrounding area is a Controlled Parking Zone (CPZ), therefore overspill parking would be controlled. The development would not be incorporated in to the CPZ

10.94. The 4 parking spaces for the Church would be re-provided within the development, two in the same location as existing off St Barnabas St, for disabled and key vehicles (hearses, servicing etc.) and two parallel parking spaces along the northern elevation of the Church. This is the same as previously approved under 14/01441/FUL. The Church itself is not part of the development proposals, however their car parking area off St Barnabas Street is critical to the implementation of the scheme as is from the new access point into the piazza. This would still meet the Church's needs to provide spaces for key vehicles and those with impaired mobility. The new at grade piazza and ramped access into the rear of the Church would maintain accessibility into the Church for visitors. It should also be noted that the existing on-street short stay parking spaces on the southern side of the Church on Cardigan Street are unaffected by the development and would remain available for use by the public, including Church visitors. It is therefore considered that the re-provision and location of the existing car parking spaces for the Church is acceptable and reasonable in this case.

10.95. The Community Centre would not have any dedicated permanent car parking, as is currently the case. Neither would the boatyard. However there would be

the ability for servicing and delivery vehicles to access both entrances off Canal Street down to the Piazza. Vehicles access would be controlled by bollards, details of which have not been submitted at this stage. This is considered further below.

10.96. It is therefore considered that the provision of 10 residential car parking spaces and 4 non-residential parking accords with Policy M3 and could be secured by condition.

10.97. EV Charging Points would be provided for all residential parking spaces thereby enabling all residents to own and/or operate hybrid and electric vehicles and accords with Policy M4. These could be secured by condition.

Servicing and deliveries

10.98. Details of the proposed deliveries and servicing for the Boatyard and community centre have not been given at this stage, as the Applicant is not the intended operator of either. Vehicular access from Canal Street would provide for larger deliveries to the Boatyard (machinery/ timber etc.) to the front of the building in the Piazza, similarly for the community centre. There would also be separate rear pedestrian access to the rear of both, which would be suitable for smaller deliveries. The Piazza would not be used for any permanent parking and access to the Piazza could be controlled by bollards, secured by condition. Deliveries to and from the Boatyard and Community centre could be dealt with by condition requiring a Servicing and Delivery Plan, as previously, which would restrict hours of delivery and types of vehicles. A condition could be imposed preventing indiscriminate parking on the piazza.

Cycle parking

10.99. Policy M5 and appendix 7.3 set cycle parking standards for residential community centres, pre-schools, residential and other sites which are treated on their own merits. In this case the community centre, pre-school and boatyard are in one combined building and therefore it is considered acceptable to use the standard of 1 space per 5 people. The residential units are required to provide 2 spaces per 1&2 bed houses and flats and 3 spaces per 3+ bed dwellings. The proposed cycle parking provision is set out in Table 1 below:

Use	Requirement	Proposed
Combined Community Centre (196m2 equivalent to 186 seats), Pre-School (17 staff) and Boat Yard (10 staff)	1 space per 5 people (37, 3 and 2 respectively)	Total: 42 publicly accessible 'Sheffield' type cycle Spaces
Residential	2 spaces per dwelling (1&2 bed houses and flats) 3 spaces per dwelling	12 covered and secure spaces in undercroft car park 3 covered and secure

	(3+ beds)	spaces in demise per townhouse and the detached house
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Table 1 – proposed cycle parking provision

Amended plans received show 42 cycle parking spaces along the outside of the Community centre/ boatyard building. Cycle parking for the residential units is shown in the rear gardens and within the undercroft parking areas and sufficient space is provided to accommodate the minimum parking provision. Further details of the cycle parking stands and storage could be secured by condition. Noting TVP comments, it is not possible to provide the cycle parking in smaller clusters elsewhere within the development due to the constraints of the site and other material considerations. Lighting and CCTV surveillance would need to be installed and could be secured by condition. As such the development accords with OLP Policy M5.

f. Blue & Green Infrastructure

10.100. Green and open spaces and waterways of the Green and Blue Infrastructure Network are protected for their social, environmental and economic functions under Policy G1, which includes the Oxford Canal. Planning permission will not be granted for development that would result in harm to the Green and Blue Infrastructure network, except where it is in accordance with of the other relevant OLP policies G2-

10.101. OLP Policy G7 states that permission will not be granted for development that results in the loss of green infrastructure features such as hedgerows, trees or woodland where this would have a significant adverse impact upon public amenity or ecological interest. It must be demonstrated that their retention is not feasible and that their loss will be mitigated. Policy G8 states that development proposals affecting existing Green Infrastructure features should demonstrate how these have been incorporated within the design of the new development where appropriate.

Green infrastructure

10.102. This site is mainly hardstanding, however there are some larger medium quality trees including a silver birch and false acacia tree that stand within the area of open space facing Canal Street and an ash tree at the Corner of St Barnabas Street within the Church car park area. There are also trees within the gardens of adjoining properties on Combe Road. Elsewhere within the site are small self-sets tree saplings which are of are low quality and value trees that should not constrain the use of the site.

10.103. The site contains two large mature trees facing Canal Street and one within St Barnabas Church car park on the corner of St Barnabas Street. Elsewhere the site is mainly hard standing with seedlings and self-sets. There are trees within adjacent properties on Coombe Road, Canal St and Worcester College Gardens (south of the site).

10.104. The two good quality trees on Canal Street within the open space for the community centre pre-school would be retained. The ash tree within the Church car park provides a high level of visual amenity and is of reasonable quality. It would be lost in order to create the new access into the square. Information submitted demonstrates that the ash tree could not reasonably be retained without being compromised at its roots. It would also be in too close proximity to the new dwelling that adjoins the Vicarage. In addition there is a high risk the ash tree would be affected by ash die back disease in future. Removal of this tree was also agreed under the previous approval. Whilst this tree provides a high degree of public amenity on balance it is considered that its loss is acceptable in this case and the development provides the opportunity to secure an alternative tree specimen appropriate for this location that would last longer into the future and adequately mitigate the loss. A large standard tree specimen could be secured through the landscape condition.

10.105. Other trees and self-sets will be lost to the development. These are lower value and the impact on amenity in the area would not be significant. Whilst a tree canopy assessment has not been submitted it is clear that due to the nature of the proposed development (provision of residential, boatyard, community centre, public piazza, new basin) within this constrained site on the edge of the Canal, it is not possible to provide the level of new tree planting that would mitigate the loss of tree canopy cover over time as required by G.7. Three new trees are proposed within the public Piazza and a replacement for the ash tree lost. As such there would be a net loss of tree canopy cover overall. The loss of the ash tree canopy cover could be satisfactorily mitigated by a suitable tree specimen, secured by the condition, and therefore the loss of this individual canopy would be mitigated. On balance it is considered that due to the constraints of the site and requirement of the site allocation policy and public benefits of the development overall outweighs the loss of trees and canopy cover in this case, as such the development accords with G7 of the OLP.

10.106. The new piazza trees are located close to the Canal edge and therefore they would need to be contained to prevent future damage to the Canal wall. Details of the tree pits to contain the tree roots could be secured by the landscape condition.

Blue infrastructure

10.107. The Oxford Canal is an important part of the blue infrastructure network in the City, as set out above. It has historical significance and provides recreational facilities and visitor moorings. This is the closest location to the City Centre for visitor moorings and therefore they are an importance provision. The boatyard and the basin in front and operation of the boatyard has the subject of much discussion with the Applicant and CRT. As set out in the CRT comments navigational safety for boats in the canal, retention of visitor moorings and those for their existing tenant, and provision of mooring for the new boatyard are key considerations. In addition are considerations relating to construction and impact on the canal and its banks. The canal and Mill stream the other side also provide important habitat and foraging for wildlife, including otters and bats (see section g. below). The tree lined towpath is an important setting of the CA and the canal.

10.108. The amended application to remove the bridge and winding hole removed the CRT's serious concerns about the unacceptable impact of the development on navigational safety and loss of existing visitor moorings and potential damage to boats moored. The mooring plan with restrictive barrier submitted would provide a safe and protected space in front of the boatyard for boats waiting to be worked on or picked up and is considered acceptable. In this way there would be no harm to navigational safety of boats moving along the canal. This basin area would be managed by the boatyard operator and secured with by condition requiring a Boatyard Management Plan. The removal of the bridge from the application has removed the harm that would have resulted on the Canal, towpath and conservation areas as a result of necessary tree removals along the towpath and Mill Stream.

10.109. Subject to conditions, it is therefore considered that the development would accord with G2 of the OLP.

g. Biodiversity

10.110. G8. Policy G2 seeks to protect biodiversity and geo-diversity and development that would results in a net loss of sites and species of ecological value or cause harm to sites of national or international importance will not be permitted. Compensation and mitigation measures should be provided to off-set any loss and major developments of brownfield sites should demonstrate a 5% net gain in biodiversity. Only brownfield sites that have become vegetated require submission of a biodiversity net gain (BNG) metric calculator, which is not the case here.

10.111. The Oxford Canal and Mill Stream are identified as an ecological and amenity asset for Jericho and the City. They form 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 and forms a wildlife corridor to the countryside. This stretch of the canal is at the southern end of the Oxford Canal City Wildlife Site (CWS), noted for its water vole and bird interest.

10.112. The Local Planning Authority in exercising any of their functions, has a legal duty to have regard to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), which identifies 4 main offences for development affecting European Protected Species (EPS):

1. Deliberate capture or killing or injuring of an EPS
2. Deliberate taking or destroying of EPS eggs
3. Deliberate disturbance of a EPS including in particular any disturbance which is likely
 - a) to impair their ability –
 - i) to survive, to breed or reproduce, or to rear or nurture their young, or
 - ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate; or
 - b) to affect significantly the local distribution or abundance of the species to which they belong.
4. Damage or destruction of an EPS breeding site or resting place.

- 10.113. An Ecological Assessment, Ecological Impact Assessment, Supplementary Bat Survey Report, three Ecological Technical Notes (Dec 2020, Jan 2022 and Feb 22), Lighting Scheme and Assessment and a Lighting Scheme and Assessment Addenda have been submitted. Bat roost activity surveys have been conducted and of the existing buildings on site three individual pipistrelle roosts were found in one (building B10), another building (9B4) was considered low suitability and the other negligible suitability. These bat surveys are now out of date however. St Barnabas Church also has potential for individual bat roost in the south east and north west elevation where there are slightly lifted tiles.
- 10.114. The Environment Agency (EA) are satisfied that the importance of the Canal as a wildlife corridor has been recognised. They suggest conditions requiring further details of lighting (construction and operation) to ensure that the canal corridor would not be significantly illuminated by the proposal, in order to reduce disturbance on wildlife using the corridor (e.g. bats, otters, water voles) or pollution via a Construction Environmental Management Plan.
- 10.115. Notwithstanding the comments of the EA, given the importance of the Oxford Canal for ecology and in particular as a route for foraging bats, Officers considered that further assessment and information was required prior to determination, including the lighting assessment and strategy.
- 10.116. Officers consider that the Applicant has identified and assessed impacts on European Protected Species, however further updates are needed to establish whether their assessment remains appropriate. The presence of individual pipistrelle bat roosts on site has been established, however the bat surveys are now a long time out of date. Updated surveys are therefore required prior to issue of any decision, in order to meet the duty to have regard to the Conservation of Habitats and Species Regulations 2017. The next bat activity season starts in May this year. On the basis that the existence of Protected Species has been identified and appropriately assessed to date and that the worst case scenario would be roost numbers have increased and therefore greater mitigation measures needed, it is considered that in this case these further surveys could be done and submitted to the Council together with appropriate mitigation measures prior to issuing any decision. Officers therefore recommend that Planning Committee approve the application subject to receiving updated bat surveys and mitigation measures and delegate to Officers to issue the decision with appropriately worded conditions and as such the Local Planning Authority's would have given due regard to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).
- 10.117. Officers are satisfied that the Lighting Assessment and Strategy and addenda with appropriately identifies the potential impact of lighting over the Canal and that no significant impacts would arise on bats using the Oxford Canal. A series of mitigation measures are proposed includes, but is not limited to, timeclocks on external lighting, automated blinds on lighting within the community centre, downlights within the residential dwellings. The external lighting will comprise LED lighting of suitable colour/kelvin measurements. With these measures in place the modelling indicates maximum lightspill over the

canal of 1.17 lux at a height of 2m, with lower measurements at lower heights. These levels would be limited to small areas immediately adjacent to the proposed development, with the majority of the canal at levels of 0.3lux or lower. Lux levels over the Canal should be at 0.6lux or lower and therefore this would be acceptable and the measures could be secured by condition.

10.118. As noted above the Church has the potential for bat roosts and therefore bats could fly over the new piazza to the Church. An amended final lighting strategy is required to ensure no impacts would arise on any bats present in the Church and to avoid impacts on any mitigation/compensation installed for roosting bats. During the update bat roost surveys of buildings B10 and B4, additional data should be collected on the extent to which bats utilise that route between the Church and Oxford Canal as a flight path and additional mitigation proposed where required in the finalised lighting strategy.

10.119. The site contains a lot of hardstanding with self-seeds and weeds, therefore has very little interest habitat wise. As it has not become 'vegetated' and a BNG metric is not required. Given the nature of the site currently it is considered that biodiversity net gain could be achieved through ecological enhancement measures which could be secured by condition. As such the development would accord with G2 of the OLP.

10.120. A number of ecological conditions would be required to ensure protected species and habitats are protected including a construction environmental management plan for biodiversity, a Landscape and Ecological Management Plan, and submission of a detailed scheme of ecological enhancements, revised lighting strategy, Survey validity (one year), Protected species licence – bats. Subject to receiving the updated bat surveys and conditions listed, the development would accord with G2 of the OLP and due regard would be given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

h. Sustainable Design and Construction

10.121. Policy RE1 states that planning permission will only be granted where it can be demonstrated that sustainable design and construction principles have been incorporated. In respect of carbon emissions the policy requires for all new dwellings and non-residential over 1000msq at least a 40% reduction carbon emissions from a 2013 Building Regulations (or future equivalent legislation) compliant base case. This reduction could be secured through on-site renewable energy and other low carbon technologies and/ or energy efficiency measures. For the latter it must meet BREEAM excellent standard (or recognised equivalent assessment methodology) in addition to carbon reduction. Proposals for new residential developments are to meet the higher water efficiency standards within the 2013 Building Regulations (or equivalent future legislation) Part G2 water consumption target of 110 litres per person per day. Proposals for non-residential development are to meet the minimum standard of four credits under the BREEAM assessment.

10.122. An Energy and Sustainability Strategy has been submitted that proposes a 'fabric first' approach in accordance with the energy hierarchy to

ensure energy demand and associated CO2 emissions are minimised from the outset. It demonstrates that the development would achieve 40% carbon reduction over a Building Regs baseline. Low carbon heating (either heat pumps or hydrogen boilers) is proposed for all buildings to ensure they benefit from the ongoing decarbonisation of the UK electricity grid and are not 'locked in' to higher carbon fossil fuel supplies and with associated benefits to local air quality. This is estimated to deliver a 66% CO2 saving, which exceeds the policy requirement. Details of the finalised heat pumps or boilers could be secured by condition.

10.123. The Strategy also demonstrates that the whole of the Community Centre and Boatyard building (construction to shell) would achieve a 'very good' BREEAM rating, which falls short of the BREEAM excellent set out in Policy RE1. This is due to the timescale of the application submission, the stage in architectural design (Stage 2) and the fact the building would be to shell only. Given the nature of the phasing and construction of the building, the 'very good' rating is considered acceptable in this case.

10.124. Subject to conditions, the development would accord with RE1 of the OLP.

i. Flood Risk and Drainage

10.125. The site lies within flood Zone 3a and 3b. Policy RE3 relates to flood risk management and directs new developments to flood Zone 1 and developments over 1ha in these areas should be accompanied by a Site Specific Flood Risk Assessment (FRA). Policy RE4 requires developments to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites. Development should not have an adverse impact on groundwater flow.

10.126. A Flood Risk Assessment (FRA) was submitted with the application, together with additional addendum information and amended plans, which demonstrated increased flood compensation within the boatyard, storage analysis and omission of the winding hole and bridge. Following consideration of all the submitted additional information the Environment Agency (EA) do not object to the development subject to conditions requiring implementation in accordance with the FRA and mitigation measures details.

10.127. In relation to drainage, a Drainage Strategy and additional clarification information has been submitted. The County as Lead Local Flood Authority (LLFA) has raised no objection to the proposed drainage strategy which accords with sustainable drainable (SuDS) principles. They require further detailed design of the Drainage Strategy and SuDS, an associated SuDS Management and Maintenance Plan, and evidence of implementation of the SuDS prior to occupation/ first use. This can be secured by conditions.

10.128. The JCBY has raised concern that the design of the boatyard docks to provide flood storage water compensation would lead to regular flooding and detrimental impact on the operation of the boatyard. The flood water compensation has been necessary to mitigate the creation of the new basin in

front of the boatyard and overcome EA's early objection, amongst other things, that there was insufficient flood water compensation provided. The Applicant has responded to comments raised. The principle of the boatyard being located within the flood plain was deemed acceptable under the previously approved scheme and this scheme also utilised the boatyard and volume of the dry docks as part mitigation within the approved FRA. The boatyard in the current application is positioned in the same location as before and hence the same principles have been applied, on the basis that enabling any other development on the site becomes impossible if the volume of the boatyard is not included within the flood plain.

10.129. Under the approved scheme there was a difference in level of 0.46m between the boatyard floor level at 57.43m datum and Community Centre floor level at 57.89m. In this case, the boatyard floor level is placed at 57.5m and the Community Centre at 58.02m. A difference in level of 0.52m. This is to account of updated EA modelling and incorporates further flood risk mitigation generated by climate change. The floor levels have therefore had to rise. The 6cm increase in the level difference between the boatyard and Community Centre is considered relatively negligible in terms of physical difference. Officers concur with this approach and that the relatively small change in levels are required to meet the EA's requirements and climate change.

10.130. The flood mitigation strategy is fundamentally designed to safeguard vulnerable uses (residential) in the 1 in 100 year plus climate change flood level of 57.72m datum. The mechanical likelihood of flood occurrence is mainly due to the potential of Castle Mill Stream overtopping the adjacent towpath with the subsequent impact that the canal is inundated. In the 1 in 20 year flood probability, along the site's canal edge, the flood water level is anticipated to range between 57.39m and 57.58m, effectively not overtopping the towpath and causing the Canal to flood. The FRA result show that in the 1 in 20yr and 1 in 100yr flood events the Mill Stream does not over top the Canal and this only occurs when climate change is factored in. This would only occur in extreme (and infrequent events), although it is not possible to predict with accuracy when this might occur. Records show that out of nine flood events which have been recorded in Oxford since 1947, none have affected the site nor the surrounding residential area.

10.131. On the basis of the information submitted Officers are satisfied that operation of the boatyard would not be unduly compromised by flooding, bearing in mind that the flood mitigation measures are necessary in order for the development to be acceptable, and this has also been previously approved in this case.

10.132. In conclusion, subject to conditions, the development would accord with Policies RE3 and RE4 of the OLP.

j. Archaeology

10.133. Policy DH4 states development proposals that affect archaeological features and deposits will be supported where they are designed to enhance or to better reveal the significance of the asset and will help secure a sustainable

future for it. Proposals which would or may affect archaeological remains or features which are designated as heritage assets will be considered against the policy approach in policy DH3 set out above.

10.134. Archaeological remains or features which are equivalent in terms of their significance to a scheduled monument are given the same policy protection as designated heritage assets and considered against policy DH3. Proposals that will lead to harm to the significance of non-designed archaeological remains or features will be resisted unless a clear and convincing justification through public benefit can be demonstrated to outweigh that harm, having regard to the significance of the remains or feature and the extent of harm. Where harm to an archaeological asset has been convincingly justified and is unavoidable, mitigation should be agreed with Oxford City Council and should be proportionate to the significance of the asset and impact.

10.135. The submitted Heritage Impact Assessment (JMHS 2014) and Addendum (JMHS 2020) note that archaeological interest of this site is limited and relates to 1) the interest of the 19th -20th century standing structures to be demolished (the entrance gate-peirs, the south-west boundary wall of St Barnabas' Church and the brick structures of late 19th and early 20th century date belonging to the canal wharf and the boatyard), 2) the 19th century Jericho Community Centre building (to be renovated) and 3) the potential for the works for the proposed canal boat winding area to reveal palaeo-environmental evidence related to the evolution of the River Thames. The canal coal wharf and subsequent boat repair yard have been a distinctive feature of the local Jericho community for a significant length of time and the site also features in the popular imagination through the works of local writer Philip Pullman. The current scheme will remove the visual traces of the historic boat yard (whilst retaining the link with canal traditions by introducing a winding area of boats and community repair shop area) and I would therefore request that an information board be required to highlight the industrial and communal history of the site.

10.136. In this case, bearing in mind the scale and character of the proposed development, any consent granted for this application should be subject to conditions to secure archaeological recording, historic building recording and the provision of a public information board detailing the history of the canal wharf and boat yard. Subject to these conditions, the development accords with DH4 of the OLP.

k. Land Quality

10.137. Policy RE9 requires a land quality assessment report where proposals would be affected by contamination or where contamination may present a risk to the surrounding environment. The report should assess the nature and extent of contamination and the possible impacts it may have on the development and its future users, biodiversity, the natural and built environment; and set mitigation measures to allow the development to go ahead safely and without adverse effect. A Geotechnical Baseline Study report was submitted with the application. It recommends that further ground investigation works are required at the site to update the conceptual site model and investigate areas of the site where the

proposed end-use may have changed since the original investigation works in 2007.

10.138. The EA raised no objection but also identified that further work is required in relation to ground water and contamination and further groundwater sampling to determine the groundwater flow direction (currently assumed) and a phased risk assessment is required to secure the further phases of ground investigation, contamination risk assessment and provide an appropriate remediation strategy for the site. They also require a risk assessment in relation to any finalised drainage systems that propose infiltration into the ground. In addition to the EA comments, it is considered that a Watching Brief throughout the course of the development to identify and deal with any unexpected contamination is necessary and could be secured by condition.

10.139. Subject therefore to conditions the development accords with RE9 of the OLP.

I. Air Quality

10.140. Improving local air quality, mitigating the impact of development on air quality and reducing exposure to poor air quality across Oxford is key to safeguarding public health and the environment. The whole of the city was declared an Air Quality Management Area (AQMA) in September 2010. OLP Policy RE6 ensures that the impact of new development on air quality is mitigated and exposure to poor air quality is minimised or reduced for existing and new occupants and situation.

10.141. An Air Quality Assessment (AQA) was submitted with the application. It demonstrates that stating that local air quality levels of the area are below the current EU/UK limit values for NO₂ and therefore the proposal would not result in the exposure of new receptors (residents) to areas that exceed the Air Quality legal limits. Taking into account the potential for intensification of use, the overall increase in traffic movements has been predicted at fewer than 30 vehicles per 24hr. It is considered that the development would have an insignificant effect on potential emissions from traffic increase. EV Charging Points would be provided for all 18 residential parking spaces allowing a choice of electric or hybrid vehicles. These could be secured by condition. The development proposes use of hydrogen boilers and the details of which to ensure ultra-low NO_x emissions could be secured by condition. In relation to construction there would be a medium risk of dust impacts. However, with the application of the relevant mitigation measures proposed, it is concluded that the residual effect would be negligible. These could be secured by condition requiring a Construction Environmental Management Plan (CEMP). In conclusion therefore, subject to conditions, there would be no negative air quality impacts over current and future receptors as a result of the new development and as such it accords with RE6 of the OLP.

m. Noise

10.142. Policy RE8 of the OLP states that planning permission will only be granted for development proposals which manage noise to safeguard or improve

amenity, health, and quality of life. Planning permission will not be granted for development that will generate unacceptable noise and vibration impacts. Planning permission will not be granted for development sensitive to noise in locations which experience high levels of noise, unless it can be demonstrated, through a noise assessment, that appropriate attenuation measures will be provided to ensure an acceptable level of amenity for end users and to prevent harm to the continued operation of existing uses. Conditions will be used to secure such mitigation measures and operational commitments.

10.143. A Noise Impact Assessment (NIA) was submitted with the application in relation to the proposed development and activities in the docks and community centre on noise sensitive receptors (residential) for existing and future occupiers. The site is surrounded mainly by residential and noise is experienced from the railway lines to the west and boats on the Canal.

10.144. It is considered that the plant noise levels in the NIA have been adequately predicted at the identified receptors taking into consideration distance losses, surface acoustic reflections and, where applicable, screening provided by the building. Based on the results of the NIA, noise limits for the new plant have been adequately calculated. These calculations show that with specified mitigation measures, the noise emission levels of the proposal would be acceptable during the operation and should not have an adverse impact on the nearest sensitive receivers.

10.145. It would be the responsibility of boatyard's operator to set out how noisy activities would be 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 considered appropriate to limit the time when noisy work can be undertaken to mitigate harm on neighbouring residential amenity. This could be done by conditions requiring a Boatyard Management Plan, including how noise from operational procedures will be mitigated in practice, and restrictive hours for activity and noisy activity.

10.146. Subject to conditions relating to details of air conditioning, mechanical ventilation or associated plant, restriction on noise in relation to neighbouring residential properties, restrictive hours of any audible construction/demolition works outside the site, and details of a management plan for the boatyard, the development would accord with policies RE7 and RE8 of the OLP.

n. Planning Obligations

10.147. It is considered that the following matters should be secured through a section 106 legal agreement. The draft Heads of terms are set out below:

City:

- a contribution of £655,000 towards a replacement bridge at Mount Place to mitigate lack of onsite provision;
- a contribution of £7000 towards signage boards at Port Meadows to comply with the Habitat Regulations and to mitigate the impact of the development;

- Affordable Housing Review Mechanism to secure a proportion of any future surplus profit of the scheme towards affordable housing in the City.
- Provision and construction of the community centre/ boatyard phase 1 to shell;
- Canal works (bank and basin and boatyard docks) in conjunction with CRT;
- Public Realm maintenance use and management strategy for all public realm including public open space (piazza), areas in front of the boatyard/community centre and residential;
- Triggers for construction/ phasing of the development; occupation of residential units and construction of the public open space, works to canal, boatyard/ community centre Phase 1 to shell has been completed;

10.148. The County Council request the contribution below secured via a unilateral undertaking:

- A contribution of £1,446 towards monitoring of the Framework Travel Plan

11. CONCLUSION

11.1. It is considered that the proposed development makes best and most efficient use of the land, within the constraints of the site, with taking into account all material considerations and the requirements set out the site allocation Policy SP33. A financial contribution towards a replacement bridge would satisfactorily mitigate on site provision. The development would achieve a high quality designed re-development of this neglected site and bring a historically important area of the canalside back to life. Considerable weight and importance to the desirability of preserving or enhancing designated heritage assets and their settings, including the listed building and conservation area. Any harm is outweighed in the case by material considerations of the development and public benefits of the development including housing, public piazza, access to the canal, community centre and boatyard. The development would accord with Policies DH1, DH3 of the OLP, the NPPF and Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11.2. The viability to provide affordable housing on site or a contribution towards off-site provision has been robustly assessed and a lack of provision justified in this case in accordance with Policy H4. A review mechanism would secure a contribution towards affordable housing in the City should the development generate surplus profit.

11.3. 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 the Vicarage. In these instances there would be an adverse impact on their existing residential amenities. However, it is considered on balance that the material considerations of this site including public benefits and site constraints would out-weigh adverse impacts on adjoining residential amenity in this case.

- 11.4. An appropriate level of car parking and cycle parking would be provided and there would be no harm to the highway network as a result of traffic generation. Whilst there would be some tree loss and a loss of public amenity in one instance, the constraints of the site and other material considerations means that it would not be possible to provide a net gain in canopy cover. Overall a net gain in biodiversity could be achieved through suitable tree and shrub planting and other enhancement measures secured by condition. There are protected bat species on site and subject to receiving updated bat surveys and details of any appropriate mitigation measures needed. A financial contribution towards mitigation signage at Port Meadows would mitigate additional use of the generated by the development. Officers are of the view that the development would accord with G2 of the OLP and due regard would be given to the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended). Whilst the site is in Flood Zone 3a and 3b the development would provide suitable compensation and mitigation measures, and these together with sustainable drainage details could be secured by condition.
- 11.5. The development would be of sustainable design and construction principles meeting the 40% carbon reduction requirement. There would be no adverse land contamination, air quality or noise impact. Subject to appropriately worded conditions and s106 legal agreement, the development would accord with all policies in the local plan and NPPF.
- 11.6. It is recommended that the Committee resolve to grant planning permission for the development proposed subject conditions and to the satisfactory completion (under authority delegated to the Head of Planning Services) of a unilateral undertaking and legal agreement under section 106 of the Town and Country Planning Act 1990 and a unilateral undertaking and delegate to Officers to issue the decision notice subject to receiving updated bat surveys and details of any consequential mitigation measures necessary.

12. CONDITIONS

Time

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

Approved Plans

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2001-2016.

Materials

3. Prior to the commencement of each phase of the development excluding

demolition and enabling works a schedule of materials together with samples and sample panels of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority before the start of work on the site above ground and only the approved materials shall be used unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure high quality development and in the interests of the visual appearance within the Jericho Conservation Area in accordance with policies DH1 and DH3 of the Oxford Local Plan 2016-2036.

Transport

Construction Environmental Management Plan (CEMP)

4. Notwithstanding the submitted Construction Environmental Management Plan (CEMP), no development shall take place until a revised CEMP is submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following matters:-
 - the routing of construction and demolition vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
 - access arrangements and times of movement of construction and demolition vehicles (to minimise the impact on the surrounding highway network),
 - times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours of 07:30-09:30 or 16:00-18:00;
 - hours of working;
 - travel initiatives for site related worker vehicles;
 - signage for construction traffic, pedestrians and other users of the site;
 - piling methods (if employed) and controls on vibration;
 - earthworks;
 - hoardings and security fencing to the site;
 - Measures to protect the water environment during the course of demolition, site clearance, and building works;
 - noise limits;
 - control of emissions;
 - Dust mitigation measures including the IAQM's specific dust mitigation measures identified for a Medium Risk site as set out in The Document: "Guidance on the assessment of dust from demolition and construction" – Version 1.1 (pages 24-27).
 - waste management and disposal, and material re use;
 - wheel cleaning / wash facilities to prevent prevention of mud / debris being deposited on public highway;
 - contact details of the Project Manager and / or Site Supervisor;
 - layout plan of the site;
 - materials storage including any hazardous material storage and removal.
 - Engagement with local residents and neighbours

The approved Construction Environmental Management Plan shall be implemented accordingly throughout the demolition and construction period.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with the results of the dust assessment and policies RE1, RE6, RE7, M1 and M2 of the Oxford Local Plan 2016-2036.

5. Before the development permitted is brought into use the areas for parking and manoeuvring of vehicles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes only and within the public realm parking shall be for sole use by St Barnabas Church unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policies M1, RE3 and RE 7 of the Oxford Local Plan 2036.

6. Within 12 months of the commencement of development a Servicing Deliveries Plan for the Community Centre and Boatyard shall be submitted to and approved in writing by the local planning authority, and shall be implemented prior to the relevant buildings being first occupied/ uses commenced. Details shall include number and type of vehicles, access arrangements and management strategy. There shall be no servicing or deliveries prior to 07.00hrs on weekends or during network peak and school peak hours of 07:30-09:30 or 16:00-18:00s (7days a week). Amendments to the approved Plan may be agreed in writing from time to time by the local planning authority. The Community Centre and Boatyard shall be occupied and operated in accordance with the approved Plan.

Reason: In the interests of the visual appearance of the public realm to the development, in accordance with policies M1, RE3 and RE 7 of the Oxford Local Plan 2036.

7. Notwithstanding the submitted Framework Travel Plan for the residential units, an updated finalised Travel Plan shall be submitted to and approved in writing by the local planning authority prior to first occupation of the residential units hereby approved. Each Residential unit shall be provided with a copy of the approved Travel Plan prior to first occupation and subsequent copies, as thereafter approved.

Reason: In order to reduce car travel and promote sustainable modes of transport in accordance with M1 and M5 of the Oxford Local Plan 2036.

Undercroft parking

8. Notwithstanding the provisions of the Town and Country Planning Act 1990, the undercroft parking for the detached dwelling shall be retained as a car parking spaces at all times and shall not be converted into storage space or living accommodation without the prior approval in writing of the Local Planning Authority.

Reason: To avoid doubt and to ensure adequate car parking on plot and reduce on street parking pressure in future and to consider the impact on

flood risk in the area in accordance with policies M5 and RE 3 of the Oxford Local Plan 2036.

Parking Public Realm

9. There shall be no parking of vehicles within the public realms including piazza or areas in front of the boatyard or community centre or residential properties as identified on the approved plans except for emergency services vehicles and other circumstances as agreed within the submitted and approved Public Realm Use and Management Strategy under condition 9 or Servicing and Deliveries as approved under condition 6 or for other exceptional circumstance as may be first agreed in writing by the Local Planning Authority.

Reason: To ensure the space is for pedestrians and cyclists only and in the interests of public and residential amenities in accordance with policies M1, RE3 and RE 7 of the Oxford Local Plan 2036.

10. Within 12 months of the commencement of development a Use and Management Strategy for the Public Realm shall be submitted to and approved in writing by the local planning authority, and shall be implemented prior to the space first being made available for public use. The Strategy shall include details of
 - Management strategy for the maintenance and repair of the public realm including but not limited to hardsurfacing, street furniture and trees, waste management and disposal;
 - Details of the management company or operator and relevant contact details;
 - Details of public events (e.g. markets/ theatre plays or Church events (e.g. christenings/ weddings/ funerals) with likely hours of operation and management strategy for gaining access and temporary parking of vehicles;
 - Management and monitoring of parked of vehicles to ensure there is no incidental unapproved temporary or permanent parking;

Amendments to the approved details may be agreed in writing from time to time by the local planning authority. The development shall be carried out and managed in accordance with the approved Strategy at all times thereafter.

Reason: In the interests of the visual appearance of the public realm to the development, in accordance with policies M1, DH1 and RE 7 of the Oxford Local Plan 2036.

Trees, Landscaping and Public Realm:

Landscape Plan – including planting plans and schedule, and tree pits

11. Notwithstanding the submitted landscape plan, an updated landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The plan shall show in detail all proposed tree and shrub planting for biodiversity including planting schedules (both public areas and residential), tree pits, and all hard surfacing including the Public Open Space and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

Landscape Plan – implementation

12. The landscaping proposals approved under condition above shall be carried out and completed for the residential units no later than the first planting season after completion of the residential units and for the public open space no later than first planting season after completion of the public open space hereby approved unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Landscape Proposals: Reinstatement

13. Any existing retained trees, or new trees or plants planted in accordance with the details of the approved landscape proposals that fail to establish, are removed, die or become seriously damaged or defective within a period of five years after first occupation or first use of the development hereby approved shall be replaced. They shall be replaced with others of a species, size and number as originally approved during the first available planting season unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Tree (Hard Landscaping – tree roots)

14. Prior to the start of any work on site including site clearance, details of the design of all new hard surfaces and a method statement for their construction shall be submitted to and approved in writing by the Local Planning Authority. Details shall take into account the need to avoid any excavation within the rooting area of any retained tree and where appropriate the Local Planning Authority will expect "no-dig" techniques to be used, which might require hard surfaces to be constructed on top of existing soil levels using treated timber edging and pegs to retain the built up material.

Reason: To avoid damage to the roots of retained trees in accordance with policies G7 and G8 of the Oxford Local Plan 2016-2036.

Trees (Underground Services – tree roots)

15. Prior to the start of any work on site, details of the location of all underground services and soakaways shall be submitted to and approved in writing by the Local Planning Authority (LPA). The location of underground services and soakaways shall take account of the need to avoid excavation within the Root Protection Areas (RPA) of retained trees as defined in the British Standard 5837:2012- 'Trees in relation to design, demolition and construction- Recommendations'. Works shall only be carried in accordance with the approved details.

Reason: To avoid damage to the roots of retained trees in accordance with policies G7 and G8 of the Oxford Local Plan 2016-2036.

Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS)

16. No development, including demolition or enabling works, shall take place until a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the Local Planning Authority. The TPP & AMS shall include such details as are appropriate to the circumstances for the protection of retained trees during development, and shall be in accordance with the current BS. 5837: "Trees in Relation to Design, Demolition and Construction – Recommendations" unless otherwise agreed in writing by the Local Planning Authority. The TPP & AMS shall detail any physical protective measures such as barrier fencing and/or ground protection materials, and any access pruning or other tree surgery proposals. Methods of any workings or other forms of ingress into the Root Protection Areas (RPAs) or Construction Exclusion Zones (CEZs) of retained trees shall be set out and described. Such details shall take account of the need to avoid damage to the branches, stems and roots of retained trees, through impacts, excavations, ground skimming, vehicle compaction and chemical spillages including lime and cement. The development shall be carried out in strict accordance with of the approved TPP&AMS unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To protect retained trees during construction in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

Arboricultural Monitoring Programme (Amp)

17. Development, including demolition and enabling works, shall not begin until details of an Arboricultural Monitoring Programme (AMP) have been submitted to and approved in writing by the Local Planning Authority. The AMP shall include a schedule of a monitoring and reporting programme of all on-site supervision and checks of compliance with the details of the Tree Protection Plan and/or Arboricultural Method Statement, as approved by the Local Planning Authority. The AMP shall include details of an appropriate Arboricultural Clerk of Works (ACoW) who shall conduct such monitoring and supervision, and a written and photographic record shall be submitted to the LPA at scheduled intervals in accordance with the approved AMP.

Reason: In the interests of visual amenity in accordance with policies G7, G8 and DH1 of the Oxford Local Plan 2016-2036.

18. Within 12 months of the commencement of development the specification and location of street furniture, railings (or other boundary treatment) to the Canal, waste bins and bollards shall be submitted to and approved in writing by the local planning authority, and shall be implemented prior to the space first being made available for public use. Amendments to the approved details may be agreed in writing from time to time by the local planning authority. The development shall be carried out in accordance with the approved details and

thereafter retained.

Reason: In the interests of the visual appearance of the public realm to the development, in accordance with policies CP1, CP8, CP9 and CP11 of the adopted Oxford Local Plan 2001 to 2016.

Sustainable Design & Construction

Energy Statement

19. The development shall be undertaken in accordance with the principles and details within the Energy Statement Revision 2 by Tetra Tech unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure compliance with policy RE1 of the Oxford Local Plan 2016-2036.

Photovoltaics

20. Notwithstanding the approved Energy Statement, prior to commencement of development excluding site clearance and enabling works, further details of the Photovoltaics including size, number, location, design specification shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the approved details shall thereafter be retained.

Reason: To ensure compliance with policy RE1 of the Oxford Local Plan 2016-2036.

Air Quality

21. Prior to the commencement of development, details of the Electric Vehicle charging infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of EV charging for all 16 residential parking that are expected to be generated by the development. The electric vehicle infrastructure shall be formed, and laid out in accordance with these details before the development is first occupied and shall remain in place thereafter.

Reason: To contribute to improving local air quality in accordance with policies M4 and RE6 of the new Oxford Local Plan 2016- 2036.

22. Prior to the occupation of the development, evidence that proves that all emission hydrogen boilers to be installed on-site will be ultra-low NOx (and meet a minimum standard of <40mg/kWh for NOx) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to occupation of each of the residential properties hereby approved.

Reason: To contribute to improving local air quality in accordance with policy RE6 of the new Oxford Local Plan 2016- 2036.

Flood Risk & Drainage

23. The development shall be carried out in accordance with the submitted flood

risk assessment (FRA) (Jericho Wharf Restoration Company Ltd, Jericho Canalside, Oxford, Flood Risk Assessment, BWB, Version P02, September 2019 as amended by the following documents:

- Drawing 150905-STL-01.30 rev P47 Boatyard Flood Mitigation;
- Drawing 150905-STL-ALL-ZZ-DR-A-ZZ-WIP_01.11 rev P45 Ground floor GA showing omission of bridge and winding hole;
- Drawing 150905-BWB-22-XX-DR-YE-0008_S2-P04 Floodplain Storage Analysis;

and the following mitigation measures these detail:

- Increased floodplain storage volumes are provided in accordance with the level breakdown presented in the table on Drawing 150905-BWB-22-XX-DR-YE0008_S2-P04, Floodplain Storage Analysis, such that an additional 750m³ of floodplain storage is provided over the predevelopment condition;
- Flood openings are provided in the boatyard dock building and workshop as detailed on Drawing 150905-STL-01.30 rev P47 Boatyard Flood Mitigation.

These mitigation measures shall be fully implemented before the development comes into use. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided in line with 160 and 163 of the NPPF and in accordance with Policy RE3 of the Oxford Local Plan 2036.

24. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: Infiltration drainage has the potential to mobilise contaminants into controlled waters.

Ecology

Construction Environmental Management Plan (for Biodiversity)

25. No development shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of “biodiversity protection zones” in respect of protected and notable species and habitats;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on

- biodiversity during construction (may be provided as a set of method statements) and biosecurity protocols;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) Contingency/emergence measures for accidents and unexpected events, along with remedial measures;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of a qualified ecological clerk of works (ECoW) or similarly competent person if required, and times and activities during construction when they need to be present to oversee works; and
 - h) Use of protective fences, exclusion barriers and warning signs;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Survey Validity

26. Protected species surveys shall be considered valid for no longer than one year. Should work not commence within a year of surveys, updated surveys must be undertaken and the results provided to the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Protected Species – Bats

27. No development shall take place (including demolition, ground works and vegetation clearance) until a European Protected Species Mitigation Licence has been granted by Natural England. Details of any required mitigation in respect of bats shall be agreed with the Local Planning Authority and with Natural England. A copy of the licence shall be provided to the Local Planning Authority.

Reason: To protect bats in accordance with the requirements of the Conservation of Species and Habitats Regulations 2017 (as amended).

Ecological Enhancements

28. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure an overall net gain in biodiversity will be

achieved. The scheme will include specifications and locations of landscape planting of known benefit to wildlife, including nectar resources for invertebrates. Details shall be provided of artificial roost features, including bird and bat boxes. Other features, such as hedgehog domes and invertebrate houses shall be included. Any new fencing will include gaps suitable for the safe passage of hedgehogs.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Landscape and Ecological Management Plan (LEMP)

29. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation.

The content of the LEMP shall include the following:

- i) Description and evaluation of features to be managed, both on and off-site;
- j) Ecological trends and constraints on site that might influence management;
- k) Details of treatment of site boundaries and/or buffers around water bodies
- l) Aims and objectives of management;
- m) Appropriate management options for achieving aims and objectives;
- n) Prescriptions for management actions;
- o) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- p) Details of the body or organization responsible for implementation of the plan; and
- q) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. Long-term management shall be for a minimum of 30 years.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: The prevention of harm to species and habitats within and outside the site in accordance with Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Otters

30. No more than six months prior to the commencement of any works, an otter walkover shall be undertaken. Should any new otter activity be recorded within the site, full surveys and a mitigation strategy will be produced and submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the mitigation measures within the mitigation strategy as approved. If necessary, a licence shall be obtained from Natural England for works to proceed lawfully.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Lighting Design Strategy for Biodiversity

31. Prior to occupation, an updated lighting design strategy for biodiversity shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- r) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - s) Show how and where internal and external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017 (as amended), Wildlife and Countryside Act 1981 (as amended) and Policy G2: Protection of biodiversity and geo-diversity of the adopted Oxford Local Plan 2036.

Contamination

32. Prior to each phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), no development shall take place until a phased risk assessment carried out by a competent person in accordance with relevant British Standards and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR11) (or equivalent British Standards and Model Procedures if replaced) that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

Phase 1- A preliminary risk assessment which has been submitted identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site;

Phase 2- shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals, including off-site;

Phase 3 requires that a remediation strategy, validation plan, and/or monitoring plan be submitted to and approved by the local planning authority to ensure the site will be suitable for its proposed use. The validation plan shall provide details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: Previous activities at this site may have resulted in contamination. Potential sources of contamination have been noted on this site. In particular unbunded above ground fuel tanks have been described. From a controlled water perspective this site is located in a reasonably sensitive location. This is site is located on a secondary aquifer, adjacent to the Oxford Canal. A number of surface water features are noted in the vicinity of the site. Groundwater is noted at shallow depth beneath the site.

33. No occupation of each phase of development shall take place until a full validation report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use and does not pose a threat to controlled waters in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016-2036.

34. A watching brief should be undertaken throughout the course of the development to identify any unexpected contamination. Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on that part of the site affected shall be suspended and a risk assessment carried out by a competent person and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

Reason: To ensure that any soil and water contamination is identified and adequately addressed to ensure the site is suitable for the proposed use in accordance with the requirements of policy RE9 of the Oxford Local Plan 2016-2036.

Archaeology

35. No development including site clearance enabling works shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work including historic building recording and in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority. The archaeological investigation should take the form of
- 2) a post-scrub and tree clearance photographic survey of the standing wharf structures (internal and external), the gate piers, the south-west boundary wall of the church and western front of the church (as recommended by the JMHS addendum) and
 - 3) a photographic survey of the Jericho Community Centre, to be formatted to Level II standard (Historic England 2016 Understanding Historic Buildings) and a targeted watching brief during the excavation of the new canal boat winding area (in the area of the former dry dock) with provision in the programme for targeted sampling of any identified significant paleoenvironmental deposits.

All works shall be carried out and completed in accordance with the approved written scheme of investigation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including paleo-environmental remains and standing 19th and 20th century buildings (Local Plan Policy DH4).

36. Prior to the first occupation of any of the new buildings on site, the applicant, or their agents or successors in title, shall secure the installation of a designed public information board detailing the industrial and community history of the wharf in accordance with a method statement for design and location of the information board which has been submitted by the applicant and approved by

the planning authority. All works shall be carried out and completed in accordance with the approved method statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Because the development may have a damaging effect on known or suspected elements of the historic environment of the people of Oxford and their visitors, including standing 19th and 20th century buildings (Local Plan Policy DH4).

Noise

37. In respect of any proposed air conditioning, mechanical ventilation or associated plant, the applicant shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'

Reason: To protect the amenity of adjacent dwellings in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

38. Prior to use, machinery, plant or equipment at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

39. The design and structure of the development shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

40. Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

41. At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

No waste materials should be burnt on site of the development hereby approved.

All waste materials and rubbish associated with demolition and/or construction should be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

Residential

Boundary Treatment

42. Notwithstanding the submitted plans, a further details of the proposed boundary treatment for the residential dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Only the approved details shall be implemented prior to occupation of the dwellings and thereafter retained.

Reason: To give further consideration to these details and privacy for occupiers in accordance with Policies DH1, DH14 and RE7 of the Oxford Local Plan 2036.

Bin and Cycle store (Houses only)

43. The individual houses shall not be occupied until the bin store and cycle parking have been provided in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the cycle parking areas and bin storage.

Reason: To promote the use of cycles thereby reducing congestion on adjacent roads and to protect the amenity of adjacent dwellings in accordance with policies DH7, M3 and H14 of the Oxford Local Plan 2036.

Permitted Development

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no structure including additions to the dwelling house as defined in Classes A, B, C, D, E of Part 1 of Schedule 2 of the Order shall be erected or undertaken without the prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority considers that even minor changes in the design or enlargement of the development should be subject of further consideration to safeguard the appearance of the area in accordance with policy DH1 of the Oxford Local Plan 2036.

45. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) the window(s) in the positions described below shall be glazed in obscure glass, be non-opening below 1.7 metres above finished floor levels in the room(s) they serve and thereafter retained.

- i) The first floor community centre window in the north side elevation adjacent to No.10 Canal Street.
 - ii) The first floor oriel windows in the east rear elevation of the terrace of 13 houses.
- b. For clarity, in respect of ii) above the small panes of glass facing south in the oriel windows may be clear glass.
- c. Reason: To safeguard the amenities of the adjoining occupiers in accordance with policies CP1, CP10 and HS19 of the Adopted Oxford Local Plan 2001-2016.

Lighting and CCTV

46. Prior to commencement of development, details of CCTV and lighting including details of new CCTV and lighting fixtures on the exterior of the buildings and within the public realm including public open space and footpaths, lighting luminance levels and colour temperatures, shall be submitted to, and approved in writing by, the Local Planning Authority before the relevant parts are installed and the works shall be carried out in accordance with the approved details only. The luminance shall take account of the impact on biodiversity.

Reason: To ensure a sympathetic appearance for the new work and in the interest of residential amenity, and in the interest of protected species in accordance with policies DH1, RE7 and G2 of the Adopted Oxford Local Plan 2036.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Letter dated 28th January from Canal and River Trust

14. HUMAN RIGHTS ACT 1998

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the

interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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