



Appeal Decision

Inquiry held on 08 to 11 March 2005 and 16 to 17 May 2005

Site visits made on 11 March and 18 May 2005

by **R D Hiscox MA(Oxon) Dipir MMCS MRTPI**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing Temple
Quay House 2 The Square
Temple Quay Bristol BS1
6PN a 0117 372 5372 e-
mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

5 AUG 2005

Appeal Ref: APP/G3110/A/04/1152062

Jericho Canalside, Canal Street, Oxford

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bellway Homes Ltd./British Waterways against the decision of Oxford City Council.
- The application Ref 03/01266/FUL, dated 17 June 2003, was refused by notice dated 12 May 2004.
- The development proposed is the erection of 46 dwellings, restaurant and chandlery, and construction of new bridge and moorings.

Summary of Decision: The appeal is dismissed. _____

Procedural Matters

1. Although there were ten reasons for refusal when the Council determined this appeal application, further negotiations have resulted in five of these reasons no longer being contested by the Council at the inquiry. Regardless, I am mindful that other matters remain of concern to local residents and boat persons.
2. At the close of the inquiry a planning obligation under Section 106 of the Town and Country Planning Act 1990 was submitted on behalf of the appellants. In short this would provide for affordable housing to meet the requirements of the Council, for a community facilities contribution, and for the provision and maintenance of the public square and pedestrian routes.

Main Issues

3. The main issues between the appellants and the Council in this case are:
 - Whether nor not the proposal takes adequate account of a need for the provision of a new community centre;
 - The loss of the existing boatyard facilities;
 - The effect of the proposal upon the character and appearance of the area, with particular regard to the setting of St Barnabas Church and also with regard to the neighbouring character of Jericho.
 - The impact of the proposal upon the living conditions of some neighbouring residents by reason of possible overlooking or loss of outlook, and also possible mutual overlooking between units in the proposed scheme.

4. The other main concerns of interested persons are that there is still not enough affordable housing, with traffic and car parking considerations, and with the loss of heritage at the boatyard in addition to the practical side of the boatyard facilities.

Planning Policy

5. The development plan for this area includes the Oxfordshire Structure Plan, adopted 1998, together with the Oxford Local Plan, adopted in 1997. The replacement local plan, the second draft Oxford Local Plan, has been the subject of a public inquiry, and the Inspector's report has been submitted. The Council has made an initial response to the Inspector's report with a report to its Executive Board. Where, in accordance with the Inspector's report, there are no changes recommended to policies relevant to this appeal proposal, I take the view that those policies do now carry substantial weight.
6. The structure plan sets out a general strategy to provide a sustainable framework for development to meet housing and other requirements. Provision is to be made for a variety of dwellings with more efficient use of the housing stock encouraged. Provision is to be made for affordable housing where this will meet specific local needs. All development should be of a scale and type appropriate to the site and surroundings.
7. Policy H02 in the local plan identifies additional sites that may come forward and contribute to meeting housing requirements, including, at (f), the appeal site. The policy supports the principle of housing development on this appeal site, subject to the provision of a public footbridge and the replacement of essential waterway facilities. Appendix U to the plan gives development guidelines for the site, indicating the creation of public open space focussed on St Barnabas Church and a new bridge.
8. In the draft replacement local plan, Policy DS,12 indicates that planning permission will be granted at the appeal site for a mixed-use development that includes all of the following uses - residential, community centre, public open space/square, replacement riverside/canal uses, and a new bridge over the canal for pedestrians and cyclists. The Inspector's report following the local plan inquiry recommends no changes to this policy and the Council's report to its Executive Board accepts that recommendation. There is a strong likelihood of the policy being adopted in this form and it does therefore carry substantial weight.
9. Development guidelines for this site were adopted by the Council in October 2001, following a period of public consultation, and this supplementary planning guidance (SPG) is therefore a material consideration of some weight, but not the full weight of the adopted plan or that of the replacement plan. This SPG carries forward the provision of open space, the bridge and other improvements to public access, and bringing in the possibility of providing for a new community centre as part of the redevelopment of the site, with Council-owned land released and added to the site to enable this together with a financial contribution. These development guidelines also indicate that building heights should be mainly 2-storey, particularly around the public open space, but with a possibility of 3-storey height elsewhere where this would add interest to the urban design of the site.
10. In the local plan, Policy EN50 expects new housing development in existing residential areas to normally be in sympathy with the essential character of the area. On new sites, especially larger ones, designs should attempt to create a distinctive character with clear points of interest. Policy EN52 aims to resist proposals which would lead to overdevelopment of potential housing sites. Policy EN76 indicates that the scale of new

buildings and the materials and colours used should respect the character of their surroundings and have due regard to the setting of any listed building. Similar aims are carried forward in the replacement local plan, which sets out more detailed criteria for the protection of local character and the creation of a high quality environment.

11. Local plan Policy EN45 states that, for residential development, the need to provide a good standard of environment within and outside the dwelling will be a primary aim. Policy EN47 states that the Council will not normally grant permission for housing developments that provide inadequately for the privacy of the occupants of the proposed or neighbouring dwellings. Similar requirements are carried forward into Policies HS.26 and HS.27 in the replacement local plan.
12. Core Policy CP.2 in the replacement local plan sets out general requirements that include a high standard of design and respect for the character and appearance of the area. Policy CP.7A states that development will only be granted where development proposals make maximum and appropriate use of land, making best use of site capacity in a manner compatible with its setting and the surrounding area. Policy CP.8 requires proposals to demonstrate good urban design and be appropriate for the site and surrounding area.
13. Policy CS12 in the local plan seeks to secure suitable sites for additional community centres and the improvement of existing facilities as the need arises, with contributions sought from developers where the need arising from a proposal justifies it. In the replacement local plan, Policy SRI 4A identifies sites where planning permission will be granted for new community facilities, and this includes Canalside land, Jericho. The local plan Inspector recommends no modification in respect of an objection at the Canalside land being included in this policy. Policy DS.12 also includes a community centre as part of the development expected at the appeal site.
14. Policy SR.13 in the replacement local plan aims to protect existing water-based recreation facilities and support services for boat users, unless the facility is to be replaced in another equally accessible and suitable location. No modifications are proposed to this policy and this also therefore carries substantial weight.
15. Policy HO5 in the local plan sets out the need for a significant element of social housing on larger housing sites. In the replacement local plan Policies HS5 and HS6 set a threshold for affordable housing and a requirement for 50% of the proposed dwellings to be affordable housing. The local plan Inspector supports the thrust of the affordable housing policies in respect of the 50% requirement.

Reasons

The new community centre

16. The existing community centre in Jericho is housed in a late Victorian building on the corner of Canal Street and Cardigan Street. The building is owned by St Barnabas Church, but has been leased to Oxford City Council to be run as a community centre. The building is now considered, by both the Council and the Jericho Community Association (JCA), to be no longer suitable for a community centre, in terms of lack of a larger hall and limited number of rooms available, lack of compliance with the Disability and Discrimination Act (DDA), 2004, and lack of outdoor play space for a pre-school play scheme. The building is also inefficient, both in use of space and in demands on energy. The Council believes that

bringing the building up to DDA requirements would not be viable, and would be counter-productive in terms of lost space, and is not renewing the long lease, although it will continue to take the building on a short lease until a suitable replacement has been provided. Although it is suggested for the appellants that the possibility of using financial contribution monies to improve facilities in this existing building has not been fully explored, I saw at my visit to the centre that it is severely constrained in terms of internal layout and lack of external space, and I am persuaded by the argument that proper facilities can only be provided with a new building.

17. The possibility of providing for a new community centre as part of the redevelopment of the appeal site was introduced in the SPG development guidelines, which indicate that the Council has agreed that adjacent land that it owns in Dawson Place could be added to the appeal site to enlarge the available development site. In the replacement local plan, Policy SR.14A states that planning permission will be granted for new community facilities at Canalside Jericho, and Policy DS.12 confirms that permission will be granted for a mixed-use development at Canalside and that a community centre is one of the uses all of which must be included. The supporting text to Policy DS.12, at paragraph 14.2.15, indicates that one of the key objectives of redeveloping this site is the provision of a sustainably sized community centre. British Waterways Board (BWB) objected to Policy SR.14A, arguing that the site should not be required to provide for a new community centre. Bellway Homes objected to both policies, arguing, among other matters, that there is sufficient space on the Dawsons Place land alone for a new centre and that there is no shortage of facilities existing in the area. These objections were not accepted by the local plan Inspector and as a result these policies are going forward towards adoption without modification.
18. For the appellants, it is argued that Policy SR.14A is only permissive, and that the requirement of Policy DS.12 for the inclusion of a sustainably-sized community centre can be met by the use of the Dawsons Place land alone. It seems to me therefore that it is necessary to consider firstly, what is the reasonable requirement for a sustainably-sized community centre, and secondly, whether or not this can be accommodated on the Dawsons Place land alone.
19. The need for a new community centre has been recognised in the recent report by the local plan Inspector, and to my mind is implicitly acknowledged in the appellants' offer of a financial contribution towards the provision of a new centre. The JCA, partly in conjunction with the Council, has worked up a design brief to indicate what would be required from a proposed new centre. This is partly based upon a needs survey carried out in the area and partly on a comparative case study with the West Oxford Community Centre. There has also been consultation with BWB as owners of the site leading to a requirement to take account of the proposed new centre being mentioned in BWB's own design guide for the site, and in its marketing details, in which prospective purchasers and developers are advised to consult with JCA in formulating their proposals. The latest design brief prepared by JCA, dated August 2004, indicates that some 787 square metres of floorspace, with 498 of that on the ground floor, is needed to provide the necessary accommodation in the new centre, although it is accepted that a final design may be able to reduce this somewhat depending on how efficient use of space can be achieved.
20. For the appellants, there is criticism of this space requirement, suggesting that it goes beyond the reasonable requirements of the local community. For example, the size of the main hall, at some 18 by 10 metres and a height of 6 metres, would appear to be driven at

least in part by a desire to provide badminton facilities, whereas this does not feature anywhere in the needs survey. The proposed community cafe would be in duplication of the appellants' own proposals for a bistro in their scheme. All in all, it is argued for the appellants that an unnecessary amount of accommodation has been proposed, particularly as some of it is intended to be revenue generating rather than solely meeting local community needs. For the JCA, it is argued that the accommodation is all required, that careful attention has been given to multi-function spaces, and a centre of this size is necessary to be sustainable in the longer term, meeting the aim of less reliance on public subsidy.

21. The JCA points out that the size requirement indicated in the design brief is based on advice in a design guidance note for Village and Community Halls, issued by Sport England, as well as comparison with the functioning of the similar sized facility in West Oxford. For the appellants it is argued that comparison with West Oxford is flawed, as the available census data indicates that Jericho has a much higher percentage of population in the age range 18-26, and in particular 19-22, than does West Oxford, indicating a large student population, and students are well supplied with sport, recreation and community facilities through the University and Colleges. However, I understand that the Jericho ward includes Worcester College, and this would boost the proportion of student-aged residents. Although I am mindful that the Sport England guidance is apparently issued for organisations seeking Sport England grant funding, which is not the case in this instance, it nevertheless seems to me that it gives a reasonable indication as to best practice and what range of activities and space requirements may be expected for a new community centre.
22. As part of its work towards the new community centre project, the JCA has produced business plans, and these were presented to the public inquiry. The latest business plan demonstrates that the necessary funding is in place for building a new community centre, with contributions from the Council, from the developer at another site, from the Church Institute with the proceeds of the sale of the existing centre for residential development, and from a certain amount of other fundraising activities. This financial position with regard to capital funds is not disputed by the appellants, although there is some criticism of the on-going cash-flow situation in respect of the projected cost of the centre manager. It is put, therefore, by the Council, by the JCA and by others, that the money is in place and all that is needed is the land, which is not. It is argued that there is no other site in Jericho where the centre could be built, and certainly no suggestion has been brought forward by any party at the inquiry of any alternative. Further, it is argued that St Barnabas Church is the hub of the community, and that the community centre needs to be close to the church, as it would be in Dawsons Place and as it is in the existing building. Indeed, there was a suggestion by the Vicar that if the new centre were not closely related to the Church then the Church Institute may need to reconsider its financial contribution, which would prejudice the entire project. It seems to me that not only is the Dawsons Place site the only realistic opportunity of siting a new community centre in Jericho, it is ideally placed in terms of its relationship with the church.
23. Regardless, it is argued for the appellants that a reasonable or adequately sized community centre can be provided on the Council-owned land that offered, without need for any land to be taken from the appeal site. This parcel of land in Dawson Place comprises an open area fronting onto Canal Street and a courtyard of lock-up garages to the rear, with a boundary onto the appeal site to the rear of that. This land comprises a gross area of some 450 sq.m.. However, there are a number of constraints on the extent of the land that may be developed. There is a footway along Dawsons Place that is part of the adopted highway that takes up

some 31 sq.m., retaining the tree on the corner with Canal Street would take some 20 to 24 sq.m., and respecting the building line along Canal Street would take 27 sq.m.. There is a registered right of way to the rear of no. 10 Canal Street that covers the whole of the garage forecourt of 102 sq.m., and a possible permissive right of way to the rear of nos. 1, 3 and 5 Combe Road, although this only accounts for some 5 sq.m.. This leaves a net developable area of some 260 sq.m..

24. The latest JCA design brief indicates a need for some 500 sq.m. of ground floor space, with a further 289 sq.m. of upper floor space also allowing for a full height hall extending into the upper floor space. This does not take account of external space for disabled car parking, deliveries and essential playspace for the pre-school. There has been much discussion about the proposed height of the hall, but it is clear to me that a full sized hall of some 200 sq.m. cannot be restricted to a single storey, and this has not only to do with sport requirements but with acoustics for musical events and with a design requirement for a proper sense of space. As for the other ground floor space requirements, I have heard the comments made for the appellants and consider it possible that some space may be saved when more detailed design proposals are worked upon. However, what is clear is that whatever space may be saved, a centre of what I would consider to be a reasonable size would need a site area considerably larger than the 260 sq.m. developable area presently available in Dawsons Place.
25. I am also mindful of the criticisms for the appellants that the Council has not sought to negotiate over the rights of way in Dawsons Place, and it may be that something could be done to reduce the amount of space taken by them. Equally, that may not be the case. So, as things stand at the moment, the developable area remains restricted. It follows therefore that to allow this appeal scheme with no provision for land towards the requirements of a new community centre would result in a strong likelihood that a satisfactory-sized and sustainable community centre could not be provided. This would be completely at odds with the relevant policies in the replacement local plan that are proceeding towards and are now close to adoption.
26. I have noted an argument made that if this appeal is dismissed then development may not go ahead, and the community centre would get neither funds nor land. However, the viability evidence submitted by the Council indicates that development as proposed on the appeal site would remain viable with a land contribution for the community centre. Although alternative costings were submitted on behalf of the appellants, I have not been persuaded that the viability of the proposal would turn on this question of land contribution, particularly as the amount required may be more modest when more detailed design work is carried out and rights of way are investigated. Given that the needs of the community centre are now more clearly defined, and funding is in place, I see no reason why need for a land contribution would unduly inhibit development on the appeal site nor why a suitable and viable scheme accommodating the community centre requirement would not be forthcoming.
27. Finally, there is the argument that this requirement for a land contribution would not accord with the requirements of Circular 1/97, "Planning Obligations". This requires that the extent of what is sought or offered must be fairly and reasonably related in scale and kind to the proposed development and that developers should not be expected to pay for facilities that are needed solely in order to resolve existing deficiencies. It is pointed out for the appellants that there is held by the Council to be an existing need for the community

facilities, that the proposed additional 46 houses in this scheme are a very small percentage of the total households in Jericho, and so this appeal proposal is expected to make a disproportionate contribution towards the community centre. However, Circular 1/97 also states that it might on occasions be acceptable for an obligation to be sought where it would overcome an existing constraint which is materially exacerbated by the proposal. Although this proposal would represent only a small percentage increase in households in Jericho, I find it reasonable to conclude that it would clearly exacerbate the existing need for community facilities, and take it that this being material is the basis upon which the appellants have made the offer of a financial contribution rather than a land contribution.

Loss of boatyard facilities

28. The appeal site has a history of uses associated with the canal of over 160 years, as a wharf and as a boatyard. In more recent times, uses on the site have become subdivided. The northern part of the site is occupied by an operation the main business of which is to hire out boats for leisure use. The southern part of the site is an area where the main boat building, boat restoration and repair activities are now taking place. Boatyard uses on this part of the site would appear to have ceased in the early 1990s, and planning permission was granted for residential development on the southern part of the site. That permission was not implemented, and the current boat building, boat restoration and repair activities have been carried out on a series of temporary leasing arrangements.
29. This recent history for the site is consistent with the planning policy adopted over this period, where Policy HO2(f) would support in principle the inclusion of housing development on the site, subject to the replacement of essential waterway facilities. This appeal scheme includes the provision of a chandlery on the northern part of the site, in part of the area occupied by the boat hire operation. Although details of the proposed new chandlery building do not form part of this scheme, these details are proposed to be the subject of a condition requiring their subsequent submission, and it is intended that the chandlery would be operated by the present occupier of this part of the site on a new lease. One of the requirements of the lease would be to maintain essential canal facilities, and it is also proposed that a planning condition attached to any permission granted would make that requirement. It is argued for the appellants therefore that this proposal meets the requirement of Policy HO2(f) to replace essential waterway facilities, and similarly meets the requirements of replacement Policies SR.13 and DS.12.
30. Although the Council's Planning Officer has come to the view that the proposed planning condition would satisfy the requirements of both the adopted and emerging policies in respect of waterway facilities, this view is not shared or accepted by the relevant Council Committees. This matter is taken further by boat residents, who have given evidence to the inquiry partly as a represented action group, and partly as individuals. The argument for the boat residents is that, while the proposed chandlery facilities would provide for some of the requirements of canal boat users, these would only be basic facilities and there would not be the facility for major repairs to boats, and in this respect an essential facility would be lost.
31. The first main considerations in this issue are the extent to which the facilities at the site that would be lost from this site are essential, what alternative facilities are available and how suitable any alternative facilities are. I have heard from some boat owners that the existing boat hire operation does not always make services easily available to local boat owners at busy times when they are looking after their own hire fleet. However, if the

maintenance of services is part of a new lease arrangement, then this would ensure that services such as rubbish and waste disposal, maintenance and repair, water, oil, solid fuel and other boat related goods for sale would be kept available. However, what would not be kept available at the site would be the facility to carry out major repairs, and in particular to be able to lift a boat out of the water so that such repairs can take place. There are not permanent lifting facilities at the appeal site, but every few weeks a mobile crane can be called to the site to return boats upon which work has been finished to the water and to lift other boats out so that work can be done. A key requirement here is for there to be space for the crane and for lifted boats to stand and for work to be carried out on them. This is the essential facility that the boat residents consider would be lost.

32. For the appellants, it is argued that it is not necessary for facilities or space for lifting boats out of the water out in this location, partly because the frequency that this needs to take place is less than had been assessed by the Council, and partly as there are adequate alternative sites within a reasonable travel distance to which boats can be taken. Taking firstly the need for taking boats out of the water, it seems that the Council, when reaching its decision, may have been under the impression that boats needed to be lifted from the water annually for safety certificate requirements. It is now accepted that this is not the case. Nevertheless they do need to be lifted for routine maintenance, for major and some minor repairs and for safety inspections, insurance inspections and for inspection upon the sale of a boat. Evidence given for the boating community indicates that a prudent boat owner would carry out an inspection and routine maintenance every three years or so, and that the need for repairs or other inspections would vary according to the age of the boat, but could be more frequent with older boats. I am in no doubt, therefore, that facilities for boats to be lifted from the water and inspected, maintained or repaired are essential to the boating community.
33. For the appellant it is pointed out that there are dry dock facilities nearby in the City at Osney, and that major repair facilities are available further along at Salter Brothers. For the boating community, it is pointed out that going to these facilities would entail leaving the canal and going onto the river. Not only does this require a different licence to that for a canal boat, but navigation conditions can be very different to those on the canal, especially in winter, when the stream often runs too high for easy or safe navigation by a canal boat. There also have been suggestions that these facilities on the river are too busy and are not always available to canal boat owners, but the information given has to some extent been contradictory and there is no conclusive evidence in this matter. Nevertheless, I can appreciate that the need to come off the canal and go onto the river for lifting facilities may represent a serious difficulty for some, if not many, boat owners. Similar considerations would apply to repair facilities on the river outside the City, but nearby, for example at Eynsham.
34. Regardless, reference is made for the appellants to boat lifting and repair facilities further to the north from the appeal site along the canal, at Enslow, at Lower Heyford, at Aynho and further north again at Banbury. There are also possibilities for boats to be lifted from the canal by mobile crane and then be transported away to a location where work can be carried out. Various criticisms of these facilities have been made by and on behalf of the boating community, but again there is no clear or conclusive evidence as to matters such as availability or ability to deal with particular requirements or sizes of boats. However, what is clear is that all of these facilities are a considerable journey away from the main moorings for residential boats in Oxford, from towards one day travel by boat up to two days and

more, and are all beyond a stretch of the canal where it joins with the River Cherwell. For the appellants it is argued that these are not unreasonable distances, and that with a certain amount of planning ahead, facilities at these distances should be able to accommodate the inspection, maintenance and repair requirements of the boating community in Oxford.

35. I am mindful of the argument that I have heard from a number of members of the boating community, that the needs with regard to a boat used as a home are different than for leisure or recreation craft. The number of residential boats in Oxford has increased considerably in recent years, with some 40 to 60 new moorings permitted, depending on the lengths of the boats. I am told that there are 80 residential boats on the canal, and 120 residential craft moored in the Oxford area, a figure that the British Waterways Board (BWB) representative at the inquiry found surprising, but accepted. The argument for the boating community is that when the moving of a home from its usual location is involved, there is an unreasonable amount of disruption to daily life if that home has to be moved too far. Insofar as this argument is based on a premise that the boat could continue to be used as a home when it is out of the water and undergoing maintenance or repair, I find the argument unsatisfactory. BWB would not allow this on any of its premises for health and safety reasons, and from the oral evidence that I heard, I formed the impression that it is not normally allowed for similar reasons at other yards. The boat would not normally therefore be expected to continue to serve as living accommodation while out of the water and undergoing work.
36. However, in addition to having to move out of the home for any such period, and the serious cost and disruption entailed, I have to consider whether or not it is reasonable for boat owners to have to travel one or two days in each direction to reach these essential facilities. Further, it is evident that DIY repairs and maintenance are an important consideration in this residential boating community. If a boat has to be lifted out of the water a considerable distance from its normal location, and therefore the normal location of the daily life of its occupiers, this would entail travelling requirements to and from boat repairs or daily life. Overall, it seems to me that the loss of the existing boat lifting and repair facilities at this appeal site is a serious and legitimate source of concern to the local residential boating community.
37. This brings me back to the policy considerations that need to be taken into account. Policy HO2(f), soon to be superseded, requires the replacement of essential waterway facilities, but is not specific as to whether they need to be replaced at the site or may be replaced elsewhere. The site specific policy in the replacement local plan, DS.12, requires replacement riverside/canal uses, but is equally not specific as to whether they need to be replaced at the site or may be replaced elsewhere. On the other hand, Policy SR.13 in the replacement local plan is more specific, and states that the Council will protect support services for boat users unless the facility is to be replaced in another equally accessible and suitable location. It is my opinion that the proper policy basis for considering this proposal and the loss of the boat lifting and repair facilities is that, in terms of either existing Policy HO2(f) or replacement Policy DS.12, they should be replaced, and in terms of replacement Policy SR.13, if they are not to be protected at the appeal site, they need to be replaced in another equally accessible and suitable location.
38. So, the first consideration is whether or not some facility for the lifting of boats and inspection, maintenance or repair needs to be retained at the appeal site, and whether the absence of such facilities in this appeal proposal is a reason in itself for refusing planning permission for the appeal proposal. I am mindful in my consideration of this matter that

BWB, as owners of the site, do not wish to see boat repairs continue there and have served a notice to quit upon the proprietor of the existing business. The existing boat repair business at this site has been established with the benefit of a series of short-term leases where the proprietor has been a caretaker lessee and has paid a very significantly lesser rent than would be the open market rent for a longer term established situation. This has led to a situation where there has been able to be a very relaxed approach to the use of space and a sense that the space is a community facility for the boating community. The proprietor of the existing business believes that he could maintain the essential service that he currently delivers to the boating community, in terms of the number of boats that are lifted from the canal and worked upon, on a commercial lease with some 25% of the land that is presently used. In my view, it is clear that continued use of the site for the lifting of boats from the water and maintenance or repair work would have to be on a more commercial basis and so some of the sense that the space is a community facility for the boating community would inevitably be lost.

39. Another consideration with regard to a more intensive and commercial use of boat repair facilities is the proximity that the site has to adjoining residential properties. I have heard from some local residents that noise from the existing activities does not bother them. However, there was in 2000 a complaint about noise disturbance which led to a Council Environmental Health Officer visiting the site, and the use of an angle grinder was found to be causing unacceptable noise. On the basis of a voluntary code that no noisy operations would take place other than between 0900 and 1200 hours on weekdays only, there have been no further complaints. However, it is evident that boat repair and maintenance does entail some noisy activities and the proprietor of the existing business acknowledges that it may be necessary on a more commercial basis for these activities to be carried out for longer hours, possibly with some form of arrangement for enclosing some of the works. However, I have seen at my visits to the site and an explanation of the working methods used that major repairs and maintenance entail having sufficient space for a lifted boat to be placed so that work can take place on and around it. In other words, most of the work normally takes place outside. No further information has been supplied as to how any of the work could be enclosed or how noise could be contained, and from what I have seen of the existing activities I find it difficult to see how this could reasonably be done. Further considerations are that a more intensive commercial operation would presumably entail more deliveries, such as of steel, to the site, and may require more frequent visits by the mobile crane, which I understand does cause considerable disruption in the narrow streets of Jericho, but is accepted by residents at present. All in all, I am not persuaded that this is a particularly suitable location for a more intensive and commercial boat repair business.
40. Account must also be taken of the effect that retaining boat repair activities at the site would have upon other aspirations for this site set out in the Council's policies and the SPG development guidelines. At a practical level, it would frustrate proposals for public access and a walkway along the canal, and, unless the boat activities could be accommodated somehow in the middle of the site, may inhibit the provision of a new pedestrian and cycle bridge to link Jericho to the railway station. I realise that some people are critical of the need for or desirability of this bridge, but this has formed part of the Council's published aims for some years now. Another consideration is viability. Specialist evidence brought forward by the Council to this inquiry indicates that the proposed scheme can remain viable with the level of affordable housing proposed and agreed by the Council, with either a land contribution or financial contribution for the community centre, and with the additional

costs entailed in providing public space and the new bridge. However, with the loss of land entailed in retaining boat lifting and major repair facilities at the site, the viability of the proposal becomes 'marginal'. I appreciate that this evidence is based on a number of assumptions concerning the requirements for continued boat facilities and the viability of the current use. However, it is put for the appellants that, if anything, the viability of the various options is less than assessed, with matters such as increased decontamination costs. So, it seems very likely that with a requirement for retained boat lifting and major repair facilities, the proposal would not be viable. The result of this would be that the other aims of emerging Policy DS.12, the residential accommodation, both open market and affordable, the community centre, the open space and the new bridge, would not be met at this stage.

41. For these reasons, the unsuitability of the site for noisy activities and the potential frustration of other aims for this site in the adopted and emerging local plans, I have concluded that the absence of facilities for the lifting of boats and major repair and maintenance as part of these appeal proposals should not be a reason in itself for the withholding of planning permission. However, in terms of SR.13 in the replacement local plan, to which no modifications are recommended and so to which I attach substantial weight, if these facilities are not to be protected at the appeal site, they need to be replaced in another equally accessible and suitable location.
42. BWB believes that it has no legal or moral obligation to assist the existing business at the appeal site to relocate, although is doing so out of goodwill. During the inquiry in March, BWB brought forward three possible sites where the existing operator at the appeal site could set up replacement facilities. One of these sites is not in the ownership of BWB, and no evidence has been brought forward to show that the owner would be willing to sell or to sell at a reasonable or acceptable price. Evidence was presented to show that the proprietor of the existing business considered that another of the sites could be an ideal relocation site. However, there was some confusion as to which site he had looked at, and that site has now been found to have planning constraints, being in the Green Belt and having access difficulties, and is no longer promoted by BWB as a potential relocation site.
43. Planning investigations carried out by BWB for the remaining thkd site, which lies within an adjoining local planning authority, indicate that a relocation of the existing boat facilities would meet some policies but that other environmental and highways issues would have to be satisfied and discussed further. There is clearly no certainty therefore that planning permission would be granted for a relocation, and, to my mind, insufficient evidence at this stage of a reasonable likelihood. I am also mindful that the proprietor of the existing business only viewed this third site for the first time on the morning of the last day of the inquiry, and there is no evidence from him that this would be a suitable site for relocated boat repair facilities.
44. I am mindful that the replacement of the existing boat facilities in another equally accessible and convenient location may potentially be achieved by means other than a relocation of the existing business, although it is quite clear that the existing proprietor is anxious to retain his business and continue to serve the local boating community. However, be it by relocation of the existing business or replacement facilities by some other means, it is evident that firm arrangements for such replacement in another equally accessible and convenient location are not in place. This failure to meet the requirements of Policy SR.13

in the replacement local plan is therefore a sound reason for permission to be withheld for this appeal proposal.

45. I have noted the references made on behalf of the boating community to the Human Rights Act 1998, and the argument that to allow this appeal would be contrary to residential boat occupiers' rights under Article 8 - right to respect for private and family life, home and correspondence. However, it seems to me that what is at issue here is not a question of interference with that right, but a question of what is a reasonable provision, as required by adopted and emerging planning policy, to enable people who have chosen to make a canal boat their home to carry out the necessary servicing and repairs to that home.

Visual impact of the proposal

46. It is confirmed for the Council that no issue is taken with the location, configuration or extent of the public open space which is proposed, nor the linear disposition and horizontality of the terraces which provide enclosure to the open space and the canal. No criticism is made of the functionality of the development or the particular architecture the built forms express. It is accepted that the proposal would be integrated, permeable, safe, secure and sociable and that it would use the site in an efficient way.
47. The main matter at issue between the Council and the appellants is the effect of this proposal upon the setting of the Ecclesiastical Grade B listed building, St Barnabas Church. It is common ground that this church is a fine specimen in an Italianate Ravenna style with a tall campanile which was added in 1872 after the completion of the main church. There is no dispute that it is of considerable architectural interest and also of historic interest due to its associations with the Tractarians and the Oxford Movement. It follows from this that both parties agree the importance of the setting of the building and having special regard to the desirability of preserving that setting in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. Clearly, there is disagreement as to the effect of this proposal upon that setting.
48. For the Council, it is argued that the important aspect of the setting of the church and campanile is its superior scale and dominance compared to the subordinate scale of the mainly two-storey terraced Victorian housing in Jericho. In particular the campanile can be seen from various viewpoints in the local streets, and in this regard it fulfils its function of being seen and being heard. It is argued that the setting of the Church should not be defined too narrowly, and insofar as it is a landmark feature and an important visual element in certain viewpoints from and along local streets, these all form part of its setting. From the towpath on the opposite side of the canal, there are clear views of the campanile when approaching from the north beneath the existing footbridge, and also when approaching from the south the campanile stands out above the houses in St Barnabas Street. From opposite the appeal site itself, both the campanile and the main body of the church can be seen across much of the site. The main criticism of this appeal scheme for the Council is its height, scale and mass, which are considered to be harmful to the setting of the church, particularly in terms of loss of views across the canal from the towpath opposite.
49. The appeal proposal has been designed around a central square that would be between the accommodation on ground, 1 and 2ⁿ floors, but with the 2 floor accommodation within a pitched roof so as to seek to replicate the essential scale of two storey houses nearby. These terraces would then link with terraces that turn along the canal frontage to either side of the church and the canal. To either side of the square there would be terraces providing

square and a new winding hole to be provided in the canal at the front of the square. The terraces along the canal would provide accommodation on ground and 3 upper floors, but have been designed with an almost flat roof, so that they would be only 0.7 metres taller than the ridge of the adjoining terraces around the square. Allowing for a 0.6 metre raising of the whole scheme to take account of flood considerations, the heights of the pitched roof terraces would be some 11.1 metres and those of the canalside terraces some 11.8 metres.

50. For the appellants it is argued that the scale and form of this proposal meets the SPG design guidelines in presenting what appears as a 2-storey form adjacent to the church, then rising to 3 and 4 storey by the canal, although with the top storey set back so as to reduce its apparent height. It is acknowledged that the scale of the canalside buildings would obscure some of the views of the campanile along the towpath, but argued that even quite modest sized buildings here would have a similar effect, and so if the site is to be brought into full use, there would inevitably be some impact in this regard. Further, as seen across the site at present the church and the campanile are seen against a foreground of ramshackle and unsightly commercial buildings and activities. This proposal would clear away that existing clutter and open up a square, or piazza, that would provide clear and framed views of the whole of the west face of the church and campanile. Some doubt has been cast as to whether it would be possible to remove a stone wall along the western boundary of the church grounds, against which some buildings in the boatyard have been erected, but even if the wall were to remain, it is argued that there would be a great improvement to the setting of the church in respect of this aspect as seen behind the new square.
51. There has been much discussion as to the extent to which views of the campanile would be blocked from the towpath by whatever type or scale of development may take place on the site. For the Council, sections were submitted to show that with typical Jericho terraces on the site, views of the top of the campanile would be retained from viewpoints along the canal opposite. For the appellants, photomontages were submitted so show that only with single storey development on the footprint of this proposed scheme would there remain any view of the top of the campanile, and that with 2-storey development on this footprint the whole view would be lost. However, these photomontages are based on these buildings having very tall pitched roof structures. During the inquiry further sketch sections were submitted on behalf of the Council seeking to compare these single and 2-storey options, with a 45° pitched roof, with either the scheme that was previously permitted, or a single storey option on the footprint of that scheme. What these original and subsequent submissions illustrate for the Council is that it would be possible to build a lower-rise scheme and retain some views of the upper parts of the campanile where they would be lost with this proposal.
52. In my view, the opening up of a public square between the church and the canal and the removal of the existing clutter of makeshift buildings and commercial activities is a considerable benefit, not only to the setting of the church but to the character of the area as a whole. I appreciate that the value of this square is not accepted by all, and that some interested persons have questioned both its visual contribution and its functional contribution. However, this square is welcomed by the Council, and has formed part of its design guidelines for the area for some years, and welcomed by CABE (Commission for Architecture and the Built Environment), in accordance with whose comments the scheme has been amended during the course of its evolution. I appreciate that this open space could be created without the scale of buildings put forward in this proposal. However, it seems to me that in order to achieve a sense of place in this square, as well as opening up and

framing views of the church, it is necessary it is necessary to have buildings that create a presence - *enough stuff* as it was put by the appellants' architect. CABE commented that a height of 4 storeys may be achievable in places if the architecture was of sufficient quality and appropriate to the site. The Council has taken no issue with the general architectural form of the scheme.

53. So, what has to be balanced against this achievement of a sense of place and a much enhanced setting for the church on this side, is the loss of views of the campanile along two stretches of the towpath opposite where there are at present clear views of it above the boatyard activities and adjoining housing. From my own assessment, which broadly follows those given both for the Council and the appellants, from within the built-up area of Jericho to the east, there are places in the street scene where the church is seen above buildings, places where there is a full and clear view of the campanile, such as along Canal Street, and other places where, due to the juxtaposition of buildings, there is no view at all of the church. This reflects the fact that, as put for the appellants, the church was built on a parcel of land that happened to be available in an area that was already under development and without any particular control over, or thought for, urban design or the setting of the church. It seems to me, therefore with this appeal proposal, that the situation along the towpath would remain consistent with this pattern, in that while in places there would be no view of the church, there would be for a stretch of some 65 metres or so a much enhanced view where the full western elevation with both the campanile and the main body of the church would be seen in the context of the square. In my opinion this considerably , outweighs the lost views along the adjacent stretches of towpath and, overall, I consider that the setting of the St Barnabas Church would not only be preserved but enhanced and that its dominance and superiority over the domestic scale of the housing in Jericho would not be particularly diminished.
54. I am mindful that English Heritage objected to this proposal when consulted at a pre-application stage and objected when consulted at the application stage. I am also mindful that English heritage must be notified of any proposal, which in the opinion of the local planning authority, would affect the setting of a Grade I or II listed building, of which Ecclesiastical Grade B is an equivalent. Although its comments are advisory and not mandatory, I would normally expect the comments of English Heritage to be taken into some account when considering a proposal that may affect the setting of a listed building. However, in this particular instance I consider that English Heritage has taken too narrow a view. It refers to the proposal being an overdevelopment of the site and that the church would be hemmed in. However, at present the church has very limited space around it, having been built upon this available plot and with development close up to it on three sides. English Heritage's desire to see views remain open between the tower and the canal would seriously prejudice the ability to make full and efficient use of this site, and the consequent bringing forward of a number of benefits that have been identified, and does not take proper account of the benefit of providing a public open square to form a part of the setting of the church and views of it from the canal
55. There are others who take a wider concern than that of the Council and consider that the proposal would be out of keeping with the character of Jericho as a whole, and some who believe that this character merits designation as a conservation area. However, the area is not designated a conservation area at present. Jericho has a very distinctive character based on the grid-iron pattern of streets and long terraces of 2-storey houses, with an occasional 3-storey building perhaps making a statement at a street corner and some newer development,

again sometimes at 3 storeys. At the northern end of Canal Street there are modern flats at Whitworth Place built on 3 storeys and in a completely different style to the local vernacular, as is the 3 -storey student accommodation that can be seen at the southern end of Canal Street. In the same way as this appeal proposal would not be seen in the context of the setting of St Barnabas Church from much of Jericho, it similarly would not be seen as altering the essential character of the area. Insofar as it would be seen from closer viewpoints, again similar considerations apply as with the setting of the church. The proposal represents an opportunity to create a sense of place, and I am not persuaded that a contemporary approach and the use of a slightly larger scale at this canalside location would be harmful to the character of Jericho as a whole.

Residential amenity

56. The Council's 5th reason for refusal is concerned with possible overlooking from 1st floor windows towards residential properties in St Barnabas Street and Combe Road. The appellants subsequently devised a scheme so that these windows would become projecting bays and in those windows identified where overlooking would be a problem, the outward facing panes would be obscure glazed. This satisfied the Council's Officers, and it was recommended to the Strategic Development Control Committee that this reason for refusal no longer be pursued. However, members of the Committee remained concerned that there would still be overlooking from one unit to another in the scheme from these bay windows, and concluded that this 'clumsy'⁵ method only partially addresses the perceived problem. Members felt that angled window units would provide the best solution.
57. Since evidence was given to this effect in March, the appellants have devised another scheme to use angled windows. The windows would be in the form of an offset oriel, with a long face obscure-glazed and a shorter side face plain-glazed. This is acceptable in principle to the Council's Officers and it is agreed that the precise detailing of this arrangement and the question of which windows to which it should be applied can be dealt with by way of a condition attached to any permission granted. I am satisfied that this would be a reasonable solution to any possibility of overlooking from these rear 1st floor windows towards properties in St Barnabas Street and Combe Road.
58. The proximity of the development is a matter of particular concern to the occupier of no. 12A St Barnabas Street, which actually abuts the appeal site and has windows looking directly into it. The occupier is concerned that original scheme drawings did not show this property, and believes that little account has been taken of its proximity to the proposal. This dwelling is in an unusual situation, being at the bottom of one of the rear gardens in St Barnabas Street and apparently resulting from the conversion of an older building. The Council seems to be unclear about its origins as a dwelling. Reference is made to an almost 40 foot-high block twelve feet from the house. The proposed building would have a height of 11.8 metres, and would be some 8.5 to 9 metres from the side of the house. This would clearly significantly alter the outlook from this property. However, any development on the site would significantly alter that outlook, and it also remains that alterations to the unrestricted commercial nature of operations at the site could at any time significantly alter the outlook and living conditions in respect of possible noise disturbance. The occupier of the property does not find noise a problem at present, but I understand that he has lived at the property for 4 years, during which time the site has not been in use to its full commercial potential. Were the site to be brought into full commercial use, this could have a significant impact upon living conditions for the occupiers of no. 12A, and to my mind

that is a significant balancing consideration. Reference has also been made to loss of light, and that expert advice has been taken. However, no evidence has been placed before the inquiry in this matter. All in all, while I can appreciate that the occupiers of no. 12A would experience a considerable change resulting from this proposal, in view of the already unusual circumstances and juxtaposition with this adjoining commercial property, I do not consider that this is a matter that should inhibit the development of the site.

59. Finally, in respect of residential amenity, I am mindful that the part of the development would also be close beside the rear garden of St Barnabas Vicarage. There would be a rear wall to a 2-storey part of the scheme at a distance of just over 2 metres reducing to little more than one metre from the side wall to this garden. Taking account of flood requirements, it would rise to a height of some 6.8 metres, as compared to the eaves height of the vicarage shown on the drawings as some 6 metres. The roof would rise to a ridge height of just over 11 metres, but as this would be set back over 6 metres from the flank, this roof would have little if any additional impact in the vicarage garden. Nevertheless, the flank wall itself would be clearly seen rising quite close beside the existing garden wall, and would clearly represent a significant change in outlook. However, it would be situated to the north of this garden and so would not result in direct loss of sunlight. I am mindful that this flank would then turn to form the rear of the 4-storey canalside part of the scheme, rising to a height of some 11.8 metres. However, this would be some 17 metres from the rear of the vicarage, and I have come to the view that, while it would change the outlook, as it would for other properties along the street, it would not be unduly overbearing such that it would merit refusal of the proposal for that reason.

Other considerations

60. Taking firstly, the question of affordable housing, the Council has reached the view that a 35% provision is satisfactory in this particular case, notwithstanding that it is seeking 50% in new development in accordance with the replacement local plan, an approach supported by the local plan Inspector. Although the matter was not raised at the inquiry, a considerable number of people have questioned this in written representations, and believe that more affordable housing should be provided. The reason for the Council accepting 35% affordable housing for this proposal is that the scheme is expected to bear a number of other additional costs, including a contribution towards the community centre, provision of a public space, and provision of the new pedestrian and cycle bridge. Bearing in mind other costs associated with the site, the need to decontaminate the site and take flood compensation measures, it is accepted that if a higher contribution of affordable housing were to be required, this would prejudice the viability of a scheme on the site, and then none of the anticipated benefits from the re-use of the site would be forthcoming. I am satisfied that this is the case.
61. Turning next, to car parking and traffic concerns, I appreciate that car parking is a considerable problem for residents in Jericho. Few of the properties have off-street parking and so the demand for on-street parking is high. The available on-street parking is controlled by a residents' permit scheme. This proposal would provide 37 car parking spaces, 30 for the flats, 3 for the restaurant and 4 for the chandlery. It is proposed that the site would be removed from the Residents Parking Zone, and so future occupiers would not be able to apply for a parking permit and would not be able to park on nearby streets in Jericho. The restriction of off-street parking spaces in an accessible and central location such as this is in line with Government guidance, and this arrangement is satisfactory to the

Council. It seems to me that, with these arrangements in place, this proposal would not add to the existing pressures upon residents' parking spaces. As for traffic, clearly the restriction in car parking will also limit traffic movements to and from the site. It also has to home in mind that the existing uses generate some traffic, and that whatever uses are promoted for the site, there would be likely to be some traffic generation. The Highway Authority is satisfied with this position, and I see no reason to question that.

62. I now turn to the question of the heritage of the site and its place as part of the history of the canal and its linkage with boating activities. It seems that the site may be the first wharf to be established in Jericho, set up by a family of coal merchants, boat owners and boat builders in the early 19th Century. Evidence is submitted that the site remained in use as a wharf through to the 1920s and possibly beyond. In the post-World War n area, it is indicated that the Jericho wharves contributed to the salvation of a canal threatened by closure through providing a base for the embryonic leisure trade. It is also stated that there have been residential boaters in Oxford since at least the end of World War U, although there has been much expansion in the residential boat population in recent years.
63. What is not clear from the evidence before me, however, is the part that this particular site has played in the more recent evolution of the canal for leisure activities and residential purposes, and how boat building and repair activities came to be taking place at the site. Retrospective planning permission was granted in 1987 for a new structure housing a narrow boat dry dock, and that is the first record available to me of this boatyard activity. I also understand that in the late 1980s the site was being used for the storage of road damaged vehicles, and that enforcement action resulted. It is not clear if boatyard activities were taking place on the southern part of the site when permission was granted for residential development there hi 1994.
64. The proprietor of the current boat building and repair business moved onto the southern part of the site hi mid-1999, working at first under another lessee and then taking his own short-term leases from BWB. The dry dock is still in place, but the new housing structure for which retrospective planning permission was granted is not. The few buildings on the site do not have any especial boating or canal-related heritage. Although there is the remains of an early 20th Century forge in one building, other than its location its linkage to any particular canal heritage is limited. So, neither in terms of physical features on the site, nor in terms of any record of activities at the site, is there a great deal of evidence of a long history or heritage of boat building or repairs. I can appreciate the fondness that some people that I have heard from hold for what they see as the history and heritage of this site, but it seems to me to be perhaps more based in fiction than fact.
65. I am mindful finally of the concerns of one boat dweller that the new footbridge will bring more people along the towpath and so cause more disturbance for boat dwellers. Others have questioned its need at all. However, in including this bridge in the scheme, the appellants are providing something that has long been included in the Council's published design guidelines for the appeal site, seeking to improve pedestrian and cycle links between Jericho and the railway stasjon.

Conclusions


66. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Appeal Decision APP/G31107A/04/1152062

Formal Decision

Appeal Ref: APP/G3110/A/04/1152062

67. In exercise of the powers transferred to me, I dismiss the appeal.

A handwritten signature in black ink on a light grey background. The signature is highly stylized and appears to be 'R. D. H. S. O.' with a long horizontal line underneath.

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr M Druce	Of Counsel
He called	Instructed by Mr T Revell, Interim Legal and Democratic Services Business Manager
Mr M Hancock BSc(Hons)	
Chief Principal Planner	
DipTP MRTPI	
Mr S Northey BA(Hons)	Housing Development Manager - Neighbourhood
DipTP	Renewal Team
Councillor P Sargent	Councillor
Dr R Fordham MA	Fordham Research
Economics MA (Manitoba)	
PhD	
Mr C Butterworth Dipl Arch	Christopher Butterworth Associates
RIBAMAE	

FOR THE APPELLANT:

Mr R Phillips QC	Instructed by Bellway Homes
He called	
Mr B Green BSc(Hons)	Strategic Planning Manager, British Waterways
DipTP MRTPI	
Dr M Miller PhD BA	Chartered Architect and Town Planner
BArch(Hons) MUP March	
RIB A FRTPI	
Mr R D Coles RIB A	PRP Architects Limited
Mr N Boddington BSc	Boddingtons Chartered Planning Consultants Ltd.
MRTPI	

FOR THE JERICHO COMMUNITY ASSOCIATION:

Mr S Larkin MRICS MCIH	Stuart Larkin and Associates
Accompanied by	
Mr G Taylor	Chair, Jericho Community Association
Mr P Stalker	Committee Member, Jericho Community Association

FOR THE BOAT RESIDENTS:

Mr R Honey	Of Counsel Instructed by Mr S Norris Dip Arch RIB A, the Company of Architects Ltd., Woodside, Badger Lane, Hinksey Hill, Oxford OX1 5BE
He called	
Dr B Morgan	Boat owner
Dr S McGuigan BSc(Eng) CEng FIMechE FEED MJMarE	Marine surveyor
Mr M Davies	Local historian and boat owner

INTERESTED PERSONS:

Mr H Shukman	12A St Barnabas Street
Mr P Pullman	25 High Street Cumnor
Dr E Harris MP	Member of Parliament for the local constituency
Jenny Mann	Householder, Jericho
Mr S Norris	Architect, 8 Belsyre Court, Oxford
The Revd. Michael Wright	Vicar of St Barnabas Church
Dr S Goodlad	Proprietor, Alchemy Boats
Emma Chapman	Boat dweller
Mr M Stanley	The Oxfordshire Narrowboat Trust
Nichola Hilton	Boat community supporter
Patti Dale	Jericho resident
Mr Bastin	Boat community supporter
Mr A Arbib	Boat community supporter
Mr D Smith	Boat community supporter
Councillor Mr S Pressel	Local Councillor
Mr C Parrack	Boat community supporter

DOCUMENTS

Document	1	Lists of persons present at the inquiry
Document	2	Council's letters of notification of the inquiry
Document	3	Proof of evidence for Mr Hancock
Document	4	Appendices to evidence for the Council
Document	5	Proof of evidence for Councillor Sargent
Document	6	Proof of evidence for Dr Fordham
Document	7	Viability report by Fordham Research
Document	8	Proof of evidence for Mr Butterworth
Document	9	Appendices to evidence for Mr Butterworth
Document	10	Proof of evidence for Mr Green
Document	11	Appendices to evidence for Mr Green
Document	12	Proof of evidence and appendices for Dr Miller
Document	13	Proof of evidence and appendices for Mr Coles
Document	14	Proof of evidence and appendices for Mr Butterworth

Document	15	Written submissions and appendices for the Jericho Community Association
Document	16	Proofs and appendices for Dr Morgan, Dr McGuigan and Mr Davies
Document	17	Written statement and appendices from the Environment Agency
Document	18	Extracts from the Oxford Local Plan 1991-2001
Document	19	Extracts from the Second Draft Oxford Local Plan 2001-2016
Document	20	Bundle of supporting material from the application stage
Document	21	Bundle of papers and correspondence from application and pre-application negotiations
Document	22	Letter from Rt Hon Andrew Smith MP
Document	23	Representations from Mr H Shukman
Document	24	3 bundles of correspondence submitted by Dr Harris MP
Document	25	Petition submitted by boat residents
Document	26	Written submission on behalf of the River Thames Society
Document	27	Copy of Land Registry plan showing rights of way off Dawson Place
Document	28	Community Centre Business Plan, 2002
Document	29	Community Centre Business Plan, 2004
Document	30	Belhway financial appraisal
Document	31	Letter dated 08 December 2004 from Mr Hancock to Mr Boddington
Document	32	Letter dated 13 January 2005 from Mr Boddington to Mr Hancock
Document	33	Land Registry details for Council owned land at Dawson Place/Canal Street
Document	34	Written submission from Rosamund Weatherall and Paul Cullen
Document	35	Written submission from Councillor Dhall
Document	36	Written submission from Jenny Mann
Document	37	Written submission from Mr S Norris
Document	38	Submissions and attachments for the Revd. Michael Wright
Document	39	Submission by Mr A Bastin
Document	40	Copy of advertisement for Environment Agency dry dock facilities
Document	41	Submissions by Emma Chapman
Document	42	Written submission by Mr Stanley
Document	43	Written copy of statement by Dr Goodlad
Document	44	Castlemill Boatyard mooring agreement 2001-2003
Document	45	Castlemill Boatyard yard agreement 2004/5
Document	46	Copy of claim form for possession of property, BWB to Dr Goodlad
Document	47	Copy of letter dated 19 July 2001 from the Council to Dr Goodlad
Document	48	Copy of letter dated 27 November 2000 from BWB
Document	49	Copy of planning permission for retention of structure housing dry dock
Document	50	Written copy of statement by Patti Dale
Document	51	Copy of draft legal agreement
Document	52	Copy of suggested conditions March 2005
Document	53	Further bundle of replacement local plan policies
Document	54	Written statement by Emma Chapman
Document	55	Post-adjudgment up-date by BWB on relocation of Alchemy Boats
Document	56	E-mail from Cherwell DC to Mr Hancock
Document	57	Report to Council's Executive Board regarding replacement local plan
Document	58	Notes of statement by Councillor Mrs Pressell
Document	59	Jericho Community Centre Questionnaire
Document	60	Submission by Charles Parrack
Document	61	Further draft legal agreement
Document	62	March and May 2005 suggested conditions

Document 63 Legal case notes submitted on behalf of the appellants
Document 64 Certified copy of the legal agreement

PLANS

Plans A The application plans
Plans B Superseded plans
Plans Bundle of plans overdrawn and handed in at the inquiry
Plan Drawing 109 - consolidating overdrawn plan details
Plan Drawing illustrating prospective bay window detail
Plan Plan showing Ward boundary for Jericho
Plan Plan showing location of residential boat moorings
Plan OS extract showing location of boatyard facilities along the canal
Plan Plan showing JC A land requirement - as submitted to BWB August 2002

AUDIO-VISUAL SUBMISSION

DVD entitled "Castlemill Boatyard - a participatory video by the canal community of Jericho, Oxford"