

Dear Sir/Madam,

RE: REPRESENTATIONS TO THE SUMMERTOWN AND ST MARGARET'S NEIGHBOURHOOD PLAN

Introduction

These representations have been prepared by Savills on behalf of the Governors of Summer Fields School ('The School'), in response to the consultation made under Regulation 16 of the Neighbourhood Planning Regulations 2012 on the Summertown and St Margaret's Neighbourhood Plan ('SSTMNP').

The School is an important local employer and landowner and welcomes the opportunity to comment on the Plan, given its potential to have a number of direct and indirect impacts upon the future operation of the School.

The SSTMNP has been prepared by the Summertown and St Margaret's Neighbourhood Forum ('the Forum'), and is currently the subject of a six week consultation until 11th July 2018. Thereafter, the Plan will be sent to an independent Examiner who will consider how it meets the "basic conditions" and other legal requirements as required by paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990.

Legal Requirements

It is our view that the SSTMNP complies with the necessary legal requirements, in that it:

- Has been submitted by a qualifying body;
- Sets out policies in relation to the development and use of land;
- States the period in which it is to have effect;
- Does not contain policies that relate to excluded development (e.g. county matters, Nationally Important Infrastructure Projects, etc); and
- Does not relate to more than one 'Neighbourhood Area'.

Basic Conditions

The basic conditions, as set out at Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and summarised in Paragraph ID41-065-20140306 of the national Planning Practice Guidance (PPG), are:

(a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

(b) Having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.

(c) Having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.

- (d) The making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- (e) The making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- (f) The making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- (g) Prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan)."

Representations

1) Policy RBS1: Parking in Summertown District Centre

The supporting text to this Policy notes that "the vibrancy of Summertown as a District Centre depends on the availability of nearby short-stay car parking for shoppers and business clients. The current provision of short-stay car parking should be maintained and may need to be increased slightly for the proposed new development, including the Health Centre, in Diamond Place".

This assessment results in the Policy requiring that:

"Any developments within the District Centre should maintain the same amount of publicly [sic] available short-stay visitor vehicle parking for shops and other businesses".

The School agrees that the provision of short-stay car parking is important to maintaining the vitality of the District Centre, and to creating a sustainable and vibrant community. However, the assessment that provision "may need to be increased slightly" (our emphasis) is vague and the SSTMNP would benefit from a more explicit support for additional provision as part of new development opportunities. Indeed, Policy RBS1 does not specifically require any additional provision of short-stay car parking (rather, it simply requires that the existing levels be maintained). As such we suggest the Policy is amended to read:

"Any developments within the District Centre should maintain the same, or greater, amount of publically available short-stay visitor vehicle parking for shops and other businesses" (our emphasis).

The addition of this text will ensure that the Plan contributes towards the achievement of sustainable development and therefore meets the requirements of basic condition (d).

2) Policy HOS2: Key worker and affordable housing

Policy HOS2 reiterates the City Council policy of providing 50% of dwellings as affordable on schemes of more than 10 dwellings (as set out in Policy CS24 of the Core Strategy). Policy HOS2 also seeks to provide housing for key workers (the definition of which, as stated in the preceding text, "will be agreed with the local

authority but is likely to focus on low paid public sector workers”). Summer Fields School wholeheartedly welcomes, in principle the inclusion of key worker housing within the definition of ‘affordable housing’. However, in the absence of a definition to consult on, it is impossible to express support or objection to this policy, or to assess it against the provisions of the ‘basic conditions’. The School is a private provider of education but meets the same challenges in finding and recruiting staff - at all levels - to the School. As such it is considered that the definition of ‘key workers’ should not distinguish between public and private institutions.

In other respects, the policy in general does not advance the existing City Council policy on affordable housing, and in fact omits certain key elements of Policy CS24 e.g. by neglecting to refer to the fact that provision is made subject to viability and determined on a site-by-site basis.

For the policy to be assessed as ‘appropriate’ under basic condition (a), it will be necessary to define the meaning of ‘key worker housing’ and insert reference to viability in the policy text.

3) HOS5 - Protecting Family Dwellings

It is not clear whether the inclusion of ‘secondary level students’ as students for the purposes of this policy includes those within the ages to whom education is provided at Summer Fields School. If it does so, the School is wary that inhibiting the provision of such accommodation could threaten the economic prosperity of the Area and therefore not contribute towards the delivery of sustainable development by the Plan as a whole. Should the School need to provide any additional accommodation (e.g. for Boarders) this could appropriately be done within the School’s grounds and would not represent a ‘potential C3 site’ according to the terms of the policy. We suggest that this element of the policy is deleted in order that the Plan meet the requirements of basic condition (d), or at the least the policy confirms the definition of ‘secondary level students’. We also suggest that the reference to ‘foreign’ students is omitted.

4) Policy HOS6 - Character Assessments

This policy requires new development to ‘respond to and enhance the distinctive local character where it is described in the Character Assessments’. Clearly it is impossible for land that is not identified within a Character Assessment to comply with this policy - as is the case for land within the ownership of the School. This would appear to be a significant omission given the potential for allocation of development sites within the School’s land by the Oxford City Council Emerging Local Plan. Further, this omission means it is difficult to see how future potential development sites would demonstrate their contribution towards the Vision (“We envisage future development which echoes the character of the area...”) and Objectives (“to identify and create a template for local developments in harmony with the assessment of the character of each sub area”) of the Plan.

At this stage it is not suggested that the omission results in the SSTMNP failing to meet any of the basic conditions, it is simply recognised that any potential

development(s) within the School's land cannot be assessed against this policy or therefore possibly comply with it.

5) Policy ENS6 - Sustainable Construction

This policy sets standards of construction for new development including, for residential development, to be of Level 4 of the Code for Sustainable Homes or Zero Carbon; and/or to generate at least 30% of each unit's energy on site.

Central Government has previously set out that Neighbourhood Plans should not include technical standards relating to the construction or performance of new dwellings. In the Written Ministerial Statement of 25 March 2015, the Rt Hon Eric Pickles states that (Savills emphasis in bold):

“From the date the Deregulation Bill is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings. This includes any policy requiring any level of the Code for Sustainable Homes to be achieved by new development; the government has now withdrawn the code, aside from the management of legacy cases....

The optional new technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance. Neighbourhood plans should not be used to apply the new national technical standards”.

As such the policy should be deleted, as it is not appropriate having regard to national policies and advice issued by the Secretary of State and therefore fails basic condition (a).

Further, Policy HSO7 contains requirements in relation to sustainable construction (criteria (e) - (i)) and in this way would appear to duplicate some of the requirements of Policy ENS5 (in as much as parts of the BREEAM / Code for Sustainable Homes criteria relate to construction standards).

Notwithstanding the above, the standards required by the policy are so high as to add significant costs to the construction of new development. These will inevitably be passed to the end occupiers, as beneficiaries of the improved energy efficiency measures, through higher sale values. The policy would therefore appear to be directly at odds with the objective of the Local Plan to improve affordability in the NPA. The supporting text to the policy notes that “The aim should be to match the best possible standards of energy efficient building that is viable” (our emphasis); however there is no mention of viability in the policy wording. This is an important omission: the policy (if included in the final SSTMNP) would need to recognise the impact that sustainable construction requirements have on viability and therefore on affordability.

In summary, the policy should be deleted as it is not appropriate. It therefore fails the test of basic condition (a).

We trust that these representations will be forwarded by the Council and considered by the independent Examiner at the appropriate stage. In the meantime if you have any queries please do not hesitate to contact me.