

Oxfordshire Growth Board
Draft Advice Note on Oxford's Development Capacity
August 2015 (updated December 2015)

Oxfordshire Growth Board

Draft updated Advice Note on Oxford's Development Capacity

Fortismere Associates

**August 2015 (updated
December 2015)**

Contents

Executive Summary

1.0 Introduction

2.0 Housing Need and Supply

3.0 Matters for consideration: High Level and Technical Matters

4.0 Individual Sites

5.0 Summary Conclusions and Recommendations

Executive Summary

Scope and Purpose of Report

Fortismere Associates (FA) have been appointed by the Oxfordshire Growth Board to act as a critical friend on its 'post SHMA Work Programme' and *"to review the Oxford City SHLAA, to satisfy partners that the assessment of the ability to meet the stated level of unmet housing need is correct in two respects: a) In the context of existing policies; and b) In the context of a consideration of reasonable adjustments to existing policy that Oxford City could consider, whilst maintaining consistency with the NPPF"*.

This draft report seeks to provide a basis upon which the Oxfordshire authorities can agree a working assumption for Oxford's housing capacity in order to facilitate cross-boundary testing of strategic options to help meet Oxford's unmet housing needs. The analysis and report are an independent and balanced view of Oxford's housing capacity based on the evidence available to FA. It makes a number of recommendations as to the measures that Oxford City Council could adopt in order to seek to increase its housing capacity and help secure its delivery. The report suggests a potential range of additional homes to be used as a working assumption for additional potential homes in Oxford in order to aid the cross-boundary Duty to Cooperate work required in Oxfordshire to help secure Oxford's unmet housing need. Clearly, the City Council will need to test through reference to the recommendations in this report whether further housing capacity can be identified in order to confirm the quantum of additional housing that can be accommodated.

Methodology

A number of technical documents concerning Oxford's capacity were reviewed in preparing this report. These documents are essentially Oxford City Council's proposed housing land supply assumptions and the challenge of these assumptions (through Cundall) by South Oxfordshire DC, Vale of White Horse DC and Cherwell DC. This included a review of key site specific information provided by Oxford City Council and three of the four district authorities. However the report does not consider every site in the Oxford SHLAA as this was not the purpose of the commission. Meetings were held with the respective local authority officers from the Oxfordshire authorities and the Programme Manager in June 2015 to provide an opportunity for officers to highlight relevant information on Oxford's development capacity and to discuss the outstanding key issues. The brief for this work was to take the SHMA as an agreed piece of work and not to question the methodology, assumptions or outputs from the SHMA. The draft was updated in October – December 2015 following the receipt of detailed comments and further discussions.

Key Findings

As there is currently no agreed housing need figure for local authorities or the Housing Market Area, and no agreed housing capacity figure for Oxford City it has not been possible to accurately calculate the unmet housing need. However we include the table below as a starting point to assess the planned housing supply in each authority against the mid-point in the SHMA in order to demonstrate the potential shortfall or surplus against the SHMA. This suggests there is an unmet need of 17,632 for Oxford City Council.

Planned Housing Supply (2011 – 2031)

Authority	Housing Supply Per Year	Housing Supply 2011-2031	Amount above or below SHMA 20 year midpoint
Cherwell (Inspectors Report)	1,140	22,840	+ 40
Oxford (SHLAA 2014 + Response to Cundall May 2015)	518	10,368	- 17,632
South Oxfordshire (Refined Options Consultation April 2015)	900	18,000*	+ 2,500
Vale of White Horse (Local Plan Submission May 2015)	1,028	20,560	0
West Oxfordshire (Local Plan Pre Submission March 2015)	525	10,500**	- 2,700
Oxfordshire	4,111	82,268	- 17,792

*Assumes 3,000 dwellings towards Oxford's unmet housing needs - the actual figure for South Oxfordshire's contribution will be derived through the Post SHMA process

**housing supply figure reflects more recent analysis from WODC showing the level of need in West Oxfordshire is lower than that indicated in the SHMA - this point will be tested at Examination..

High Level Matters

There was concern expressed by the rural districts that they would not agree a housing capacity figure until Oxford City had, in their opinion, more fully assessed development capacity within Oxford. There were a number of suggestions as to the mechanism (or combination of mechanisms) the City Council should use:

- a) Consider Reasonable Alternatives through the Strategic Options Assessment
- b) Update the Oxford SHLAA with 'policy off'
- c) Proactive/Innovative Approach to Development
- d) Review of the Oxford Development Plan

In principle we support consideration of these approaches to determining whether there is additional housing capacity in Oxford and this view is embedded throughout our conclusions and recommendations in this report. In relation to the case for a review of Oxford's Development Plan we have heard convincing reasons put forward by the rural authorities as to

why a Local Plan Review is necessary/desirable whilst Oxford City has also provided convincing reasons as to why such a Review is not currently needed. Clearly this is a matter for the Council to determine through the sovereignty of its Local Plan. We do suggest a number of mechanisms, in the absence of Local Plan Review, which although not policy per se, could provide additional guidance and tools to help deliver additional housing in the City.

However it is important to note Government's recent announcement to require local authorities to produce local plans by early 2017 or to face Central Government intervention¹.

Technical Matters

There were a number of technical matters relating to Oxford City's approach to determining development capacity that were identified through the review of documents and meetings with the local authorities which were assessed along with some key sites. The report considers each of these in turn and provides a number of recommendations as to measures Oxford City Council could employ to address the issues highlighted by the Cundall Report.

Conclusions

The report concludes that Oxford City Council's approach to assessing its housing supply is, for the most part, compliant with government policy and guidance (NPPF, PPG). However there are a number of matters that Oxford City Council needs to address in order to ensure that it has 'left no stone unturned' in seeking to meet as much of its development needs within the City as possible. The report recommends a number of actions which may result in Oxford City finding further housing capacity, reducing the reliance on neighbouring authorities to meet its unmet housing needs:

1. Any Green Belt housing supply assumptions should be qualified by the fact that a local plan review will need to take place first and that any housing capacity assumption will need to be validated through this process. Oxford City Council will need to ensure that it (and its neighbouring authorities) have contingencies in place in the event that sufficient Green Belt land in Oxford is not released. (We note that the current housing capacity figure already includes 330 dwellings in the Green Belt).
2. Prepare a Strategic Employment Land Availability Assessment alongside an updated SHLAA and as part of this consider if there are potential opportunities to redevelop employment sites for housing or provide a mix of uses including housing and employment which could help to modernise employment sites where appropriate. In relation to this:
 - a) The consultation database should be expanded to include wider stakeholders for future Call for Sites exercises.
 - b) Future Call for Sites should be clearer about what the authorities consider to be a constraint including how existing adopted and emerging policies will be treated in the assessment.
 - c) Encourage landowners to use its website for the submission of potential development sites on an ongoing basis.

¹ Prime Minister Press Release: Councils must deliver local plans for new homes by 2017 (12 October 2015)

- d) Provide an annual update to stakeholders on the housing supply position, using an expanded stakeholder list.
3. Consideration should be given to future housing and economic land availability assessments at the Housing Market Area level to ensure consistent methodology
4. Consider if there are potential sites that are a higher delivery risk but which have reasonable prospects of being delivered during the later years of the SHLAA which could be included in the housing capacity.
5. Further density analysis combined with viability analysis – should be undertaken by Oxford City for the purpose of identifying particular areas of the City where densities could be viably increased whilst still meeting other important objectives such as protecting heritage assets and having regard to the view cones of the City. Oxford's emerging High Quality Design SPD, could provide guidance on density increases and other design considerations. An analysis of the Design Review Panel process comparing scheme densities submitted by developers and recommendations from the panel might help to determine if there are particular areas of the City where higher densities can be achieved or on the other hand where higher densities tend to be more problematic.
6. Consider the potential to release open space, outdoor recreation and allotment provision by replacement provision in the Green Belt through the Strategic Options testing and Green Belt Study.
7. Preparation of a Housing Implementation Strategy (HIS) to demonstrate how it will manage the delivery of its housing supply and risk (including any contingency sites).
8. Establish a Housing Market Partnership (HMP) in order to engage the development industry, registered providers and other stakeholders on an ongoing basis.

It is recommended that Oxford City include a minimum working assumption for housing supply in the years 2026 – 2031. Currently there is only a windfall (180 dpa) assumption in these years equating to 900 dwellings. It would be reasonable for Oxford City to assume 400 dpa for this period (the annual dpa in Oxford's Core Strategy) which would equate to an additional supply of 1,100 dwellings for 2026 – 2031. If this were to be accepted as a working assumption, then Oxford's housing capacity should be assumed as **11,468 dwellings leaving an unmet need of 16,532 dwellings**. It should be stressed that a working assumption of 11,468 dwellings provision on the above basis is considered to be a minimum as it simply rolls forward annual housing targets from the adopted Oxford Core Strategy up to 2031. Until further evidence is available (e.g. green belt, density, employment etc) it is not possible to suggest a higher capacity figure which could reasonably be met in Oxford.

The report calculates a range of percentages above this base working assumption ranging from 10%-20% which reflect that it would seem reasonable for Oxford City to test whether there is further capacity for housing in Oxford including through further capacity evidence and through the Strategic Options process. It is this further testing that would which identify any actual percentage change in the capacity.

Potential Housing Capacity Increase by Percentages (2011 – 2031)

Current Oxford Capacity (SHLAA 2014 + Response to Cundall 2015)	Potential Increase of Oxford Housing Supply (1,100 in years 2026-2031 + additional %)	Resultant Housing Supply for Oxford (overall % increase)	Unmet Housing Need
10,368	1,100	11,468	16,532
10,368	1,100 + 1,147 (10%)	12,615 (22% increase)	15,385
10,368	1,100 + 1,720 (15%)	13,188 (27% increase)	14,812
10,368	1,100 + 2,294 (20%)	13,762 (33% increase)	14,238

1.0 Introduction

- 1.1 Fortismere Associates have been appointed by the Oxfordshire Growth Board to act as a critical friend on its 'post SHMA Work Programme'. An initial draft advice note was provided on 25 June 2015 in relation to the SHLAA. This note builds upon that note and seeks *"to review the Oxford City SHLAA, to satisfy partners that the assessment of the ability to meet the stated level of unmet housing need is correct"* and that this review should be in two parts: *"a) In the context of existing policies; b) In the context of a consideration of reasonable adjustments to existing policy that Oxford City could consider, whilst maintaining consistency with the NPPF"*.² Relevant extracts from the National Planning Policy Framework (NPPF) 2012 and Planning Practice Guidance are included in Appendices 1 and 2.
- 1.2 This report is based on the following key technical documents concerned with housing capacity in Oxford which were provided and reviewed:
- Oxford SHLAA (Dec 2014)
 - Unlocking Oxford's Development Potential (Cundall November 2014)
 - 'Unlocking Oxford's Development Potential' – Response of Oxford City Council (May 2015)
 - A brief review of Oxford City Council's Response to 'Unlocking Oxford's Development Potential' (Cundall June 2015)
 - Key Issues for Critical Friend Meeting (Oxford 17 June 2015)
 - Oxford Core Strategy (2011)
 - Balance of Dwellings SPD (January 2008)
 - High Quality Design in Oxford – Issues and Proposed Approach (February 2015)
- 1.3 These documents are essentially Oxford City Council's (OC) proposed housing land supply assumptions and the challenge of these assumptions (through Cundall) by South Oxfordshire DC, Vale of White Horse DC and Cherwell DC. It is understood that although West Oxfordshire DC has similar concerns the Council was not a commissioning authority for the Cundall work. Oxfordshire County Council and West Oxfordshire District Council were not involved in the Cundall report.
- 1.4 FA held meetings with the respective local authority officers and the Programme Manager as an opportunity for officers to provide relevant background on Oxford's

² Project Brief for Critical Friend – Post SHMA Strategic Work Programme

development capacity and to discuss the outstanding key issues pertaining to Oxford's development capacity. The following meetings were held:

- 10 June 2015 – South Oxfordshire, Oxfordshire County Council
- 18 June 2015 (AM) – Oxford City Council, Oxfordshire County Council
- 18 June 2015 (PM) – Cherwell DC, Oxfordshire County Council, South Oxfordshire DC, Vale of White Horse DC, West Oxfordshire DC
- 25 June 2015 – Oxford City Council
- 16 September 2015 – Oxford City Council (Meeting with Leader and Officers)
- 27 October 2015 – South Oxfordshire DC (Meeting with Leader)

1.5 This advice note has been updated to take into account the comments received on the draft note dated 13 August 2015 and the subsequent meetings.

2.0 Housing Need & Supply

2.1 In order to gain an understanding of the 'stated level of unmet housing need' a brief review of the Oxfordshire Strategic Housing Market Assessment (SHMA) (March 2014) was undertaken to gain an understanding of the housing figures the respective authorities were planning for in their adopted and emerging Local Plans. However the brief for this work was to take the SHMA as an agreed piece of work and not to question the methodology, assumptions or outputs from the SHMA.

2.2 The SHMA determines the range of housing need for Oxfordshire to be between 93,560 – 106,560 additional homes for the period 2011-2031 (between 4,678 – 5,328 homes per annum) – see Figure 1 which summarises the housing need figures in the SHMA. It was clarified by the local authorities that there is no collectively agreed housing need figure for individual authorities or for the Oxfordshire Housing Market Area and that it is for the individual local authority Local Plan process to determine this. **We note with caution given the date of the work that the SHMA does not take account of the 2012 DCLG Household Projections published in February 2015, the 2011 Census Travel to Work Area data (published in July 2014) and the ONS mid year estimates 2014 published on 25 June 2015.** We note in particular the Planning Practice Guidance issued on 27 February 2015 which states that local needs assessments should be informed by the latest available information³. Given the time lapse (the work on the SHMA was undertaken in 2013) it is recommended that a sense check is made to ensure there is no meaningful change as a result of this new data.

2.3 From the SHMA 2013 (published in March 2014) it is understood that:

³ PPG Paragraph: 016 Reference ID: 2a-016-20150227

- the low point of the range figure represents demographic trends plus where applicable provision for addressing the past shortfall in housing delivery against the South East Plan between 2006-11 (does not apply to West Oxfordshire);
- the midpoint of the range considers whether there is a need to adjust upwards the level of housing provision in order to support Committed Economic Growth. This is undertaken by comparing the low point and high point in the range; and
- the high point of the range considers the level of housing provision which might be required to meet affordable housing need in full; as well as the wider evidence of market signals. This is used to assess whether a further adjustment to the assessed housing need is necessary.

Figure 1: Oxford SHMA (2014) Assessed Housing Need Oxfordshire Local Authorities (2011 – 2031)

Authority	Housing Need Per Year (Net)	Midpoint of Range Per Year	Low Point x 20 years	Midpoint x 20 years	High Point x 20 years
Cherwell	1090 - 1190	1140	21,800	22,800	23,800
Oxford	1200 – 1600	1400	24,000	28,000	32,000
South Oxfordshire	725 - 825	775	14,500	15,500	16,500
Vale of White Horse	1028	1028	20,560	20,560	20,560
West Oxfordshire	635 - 685	660	12,700	13,200	13,700
Oxfordshire	4678 - 5328	5003	93,560	100,060	106,560

- 2.4 In an attempt to summarise the planned housing supply in Oxfordshire and each local authority, Figure 2 sets out the annual and twenty year plan housing supply as it is currently understood. As there is currently no agreed housing need figure for local authorities or the Housing Market Area, and no agreed housing capacity figure for Oxford City it has not been possible to accurately calculate the unmet housing need. However we include a column in Figure 2 which calculates the planned housing supply against the mid-point in the SHMA to demonstrate the potential shortfall or surplus against the SHMA mid point.
- 2.5 We consider that using the mid-range seems to be a reasonable approach particularly bearing in mind the acceptance by the Inspector in the recent Cherwell Inspector's report⁴ of the SHMA findings and taking into account market signals. Moreover the recent letter from the Inspector setting out preliminary findings for the Cornwall Local

⁴ Report to Cherwell Council, PINS (9 June 2015)

Plan Strategic Policies has made it clear that the assessment of affordable housing need is separate from the objective assessment of need arising from demographic projections. He advises that there is no need to add this element to the overall objectively assessed need.⁵ In effect this is a policy decision/response for the Oxfordshire authorities to determine whether there is a need for housing uplift to account for affordable housing need.

Figure 2: Planned Housing Supply (2011 – 2031)

Authority	Housing Supply Per Year	Housing Supply 2011-2031	Amount above or below SHMA 20 year midpoint
Cherwell (Inspectors Report)	1,140	22,840	+ 40
Oxford (SHLAA 2014 + Response to Cundall May 2015)	518	10,368	- 17,632
South Oxfordshire (Refined Options Consultation April 2015)	900	18,000*	+ 2,500
Vale of White Horse (Local Plan Submission May 2015)	1,028	20,560	0
West Oxfordshire (Local Plan Pre Submission March 2015)	525	10,500**	- 2,700
Oxfordshire	4,111	82,268	- 17,792

* Assumes 3,000 dwellings towards Oxford's unmet housing needs – the actual figure for South Oxfordshire's contribution will be derived through the Post SHMA process

**housing supply figure reflects more recent analysis from WODC showing the level of need in West Oxfordshire is lower than that indicated in the SHMA - this point will be tested at Examination.

3.0 Matters for Consideration

3.1 Assuming the SHMA figures from the 2014 study and using the mid-point required for housing supply over the period 2011 to 2031 Figure 2 above shows the potential quantum of housing required in the Oxfordshire Housing Market Area. If the Oxford City supply figure were to be accepted this suggests that the potential unmet need for Oxford City to be 17,632 over the period. This assumes the inclusion of two Green Belt sites which would need to come forward through a Green Belt Review as part of a Local Plan Review: 1) 150 dwellings at Frideside Farm; 2) 180 dwellings at the Green Belt land east of Redbridge Park and Ride. Housing capacity should be regarded as 'policy off' for these Green Belt sites given that current policy would restrict housing development on these sites.

⁵ Paragraph 3.17, Cornwall Local Plan Strategic Policies Preliminary Findings, PINS (5 June 2015)

- 3.2 As a result of the review of documents and meetings a number of key issues have emerged. Although inextricably linked we have attempted to group these matters into 'high level' and 'technical' as set out below.

High Level Matters

- 3.3 A housing capacity figure (and subsequently the unmet need figure) had yet to be agreed amongst the parties for the purposes of joint working. There is concern expressed by the rural districts that they would not agree a housing capacity figure until Oxford City had, in their opinion, more fully assessed development capacity within Oxford. There were a number of suggestions from the rural districts as to the mechanism (or combination of mechanisms) the City Council should use to determine if the City could accommodate further development within its existing boundaries before seeking unmet need outside its boundary. Indeed, it is important as evidenced by numerous Local Plan examinations that where a local authority has unmet housing needs that it assesses to the fullest extent its ability to accommodate development. For example the Inspector for the Brighton & Hove City Plan Part 1 concluded that given the significant shortfall in the provision of new housing, she "*would need to be satisfied that the Council had left no stone unturned in seeking to meet as much of this need as possible*".⁶ The mechanisms suggested by the rural authorities are as follows:

- a) **Consider Reasonable Alternatives through the Strategic Options Assessment:** The neighbouring authorities consider that the proposed Strategic Options Assessment, which is currently being jointly commissioned, could be used as a potential mechanism for considering reasonable alternatives for increasing development capacity within Oxford as well as identifying strategic options in the rural districts. This would mean that these reasonable alternatives should be considered alongside reasonable alternatives for neighbouring authorities so that issues and opportunities can be identified and assessed more comprehensively rather than in isolation.
- b) **Update the Oxford SHLAA with 'policy off':** The neighbouring authorities consider the Oxford SHLAA (2014) to be too restrictive by applying adopted Development Plan policies to the assessment of sites put forward following the call for sites and would like to see a SHLAA with particular adopted policies 'turned off' to determine development capacity yield. Examples of this include the protection of 'Key Employment Areas' and 'Open Spaces'.

⁶ Brighton & Hove City Council –City Plan: Part Inspector's Letter. See 'Overall Conclusions on Housing (13 December, 2013)

There were concerns raised that there are no sites identified in the Oxford SHLAA for period of 16+ years. It is understood that the consensus was that the neighbouring authorities wish to be more closely involved in preparing the methodology for an Oxford SHLAA Review although the rural authorities were not currently proposing to extend this principle across the housing market area. Oxford City Council having commissioned external consultants to undertake this work and having shared the methodology with its growth partners considers that the SHLAA methodology is sound and that with an NPPF compliant core strategy, it is appropriate to apply adopted policies that are consistent with the NPPF, in order to identify a realistic supply figure that is NPPF/PPG-compliant.

- c) Proactive/Innovative Approach to Development:** Oxford City Council's approach to the previous Call for Sites exercises was characterised by the neighbouring authorities as being selective and restricted to only a limited number of potential land owners, developers and consultants. They consider that the City Council should be more proactive and innovative in seeking to attract developers and land owners to bring sites forward and or increase densities to enable further housing capacity in the City. Oxford City Council consider that it has undertaken an appropriate Call for Sites as Oxford has a only a few strategic land owners and agents acting on their behalf and that there is a permanent Call for Sites on the Council's website for interested parties to submit sites at any time and those landowners/agents were also involved in reviewing the draft SHLAA, as well as most being in regular contact with the Oxford planners. We understand that the SHLAA is updated annually.
- d) Review of the Oxford Development Plan:** The neighbouring authorities consider that a review of Oxford's Development Plan is the most robust mechanism for determining whether there is further development capacity in the City as it would enable a review of all policies, including consideration of a plan-led release of Green Belt if warranted. It was suggest that such a review could for example result in a policy-led intensification of housing in particularly areas of the City which is not currently possible without a review. It was also felt that a plan review would be subject to needed scrutiny at local plan examination. Oxford City Council Officers consider the Development Plan to be up-to-date and NPPF compliant citing a number of dismissed appeals and the recent Northern Gateway AAP examination as evidence of this to being the case. If a Local Plan review were to take place this would not be a quick fix.

Technical Matters

3.4 There were a number of technical matters relating to Oxford City's approach to determining development capacity that we have identified through the review of documents and meetings with the local authorities. These are:

- 1) The call for sites process/reference to NPPF and local policies
- 2) Second assessment required
- 3) Number of consultees was too small
- 4) Timing of call for sites
- 5) Density assumptions
- 6) Green Belt
- 7) Employment Sites
- 8) Public open space, open air sports facilities, allotments and town greens
- 9) Student accommodation
- 10) Housing for older people
- 11) Viability assessment
- 12) Housing windfall assumptions
- 13) Flood risk
- 14) SHLAA inconsistencies

3.5 In considering these matters we principally utilise the Cundall report, Oxford City's response to Cundall and the Oxford SHLAA to provide a balanced summary of the key issues raised by Oxford City and the rural authorities and then draw conclusions and recommendations as to the potential way forward for the respective authorities. A key observation is that the local authorities have prepared separate SHLAAs whereas PPG⁷ advises that the appropriate area selected for SHLAAs is the housing market area. If the local authorities were to prepare a HMA-wide SHLAA in the future this may help avoid disagreement on the methodology and outputs of the SHLAA across the Oxfordshire HMA.

3.6 Matter 1: The Call for Sites Process/Reference to NPPF and Local Policies

3.6.1 **Cundall**⁸: The Call for Sites should not have referred to NPPF and Local Plan policies (i.e. should not have directed respondents to apply a 'policy filter') as this may have discouraged the submission of sites.

3.6.2 **Oxford City**⁹: Wording did not preclude or discourage submission of sites where there may be local policy constraints, rather it made clear that the NPPF is the key material

⁷ PPG Paragraph 007 Reference ID:3-00720140306

⁸ Paragraph 10, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁹ Paragraph 28, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

consideration, and requested that local policy constraints be identified for the assistance of officers assessing the sites. The PPG¹⁰ explains that "*Plan makers should also set out key information sought from respondents. This could include: [4th bullet] constraints to development.*"

- 3.6.3 **Conclusion:** The PPG¹¹ does explain that a Call for Sites should set out key information sought from respondents. It does not prescribe the information that should be sought but does explain that it "*could include*" amongst other factors "*constraints to development*" but is not prescriptive about whether this includes existing policy constraints.
- 3.6.4 The Call for Sites pro-forma (January 2014) states: "*Are you aware of any environmental issues or physical constraints that might make the site unsuitable for development? (The Local Plan policies map may assist in identifying some Planning Policy constraints)*". However, the pro-forma fields that follow do not include a field for local planning policy constraints it only includes fields for "*Environmental Constraints (e.g. SSSI, Floodplain)*", "*Physical Constraints (e.g. topography, TPOs)*" and "*NPPF Constraints*". Oxford City explained that the Call for Sites pro-forma states that the Local Plan policies map was referred in order to help identify constraints rather than seeking to restrict submissions where there were policy constraints. It is our view that the pro-forma could have been clearer as to the constraints that it was seeking consultees to identify.
- 3.6.5 **Recommendation:** Information included in any future Call for Sites should be clearer about what the authorities consider to be a constraint including how existing policies in up to date plans will be treated in the assessment.

3.7 Matter 2: Second Assessment Required

- 3.7.1 **Cundall**¹²: To comply with Planning Practice Guidance, a second assessment weighing up the need for housing against restrictive policies is required. "*Plan makers will need to revisit the assessment, for example changing the assumptions on the development potential on particular sites (including physical and policy constraints) including sites for possible new settlements.*" (PPG para 026 Reference ID: 3-026-20140306).
- 3.7.2 **Oxford City**¹³: The premise for undertaking the new SHLAA was to ask an independent consultancy to revisit previous assumptions and methodology, recognising the need to robustly assess the capacity of Oxford within the context of the NPPF and PPG and subject this to a Check and Challenge process. Similarly site capacities must take

¹⁰ PPG Paragraph 013 Reference ID: 3-013-20140306

¹¹ PPG Paragraph: 013 Reference ID: 3-013-20140306

¹² Paragraph 12-13, Unlocking Oxford's Development Potential, Cundall (November 2014)

¹³ Paragraphs 32-34, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

account of NPPF principles as reflected by local policy designations and the evidence supporting these designations. As a result of the independent input of URS (now AECOM) into the Oxford SHLAA, and subsequent Check and Challenge stages, the Oxford SHLAA published in December 2014 found an increase of 35% in housing capacity compared with the capacity (housing supply) estimate in the 2013 SHLAA of 7,587 dwellings. The SHLAA 2014 also identified two Green Belt sites that – subject to review in a Local Plan – could be suitable for release. This demonstrates that the City Council has been willing to change its assumptions on land suitability, to ensure that as much housing can be accommodated within Oxford's administrative boundaries as possible whilst adhering to NPPF principles on sustainable development.

- 3.7.3 **Conclusion:** This seems to be a key area of contention between Oxford City and the rural authorities whereby the rural authorities consider that Oxford City has not satisfactorily undertaken a review of its policies or changed its development assumptions to attempt to accommodate its housing needs. The PPG (Paragraph: 026 Reference ID: 3-026-20140306) does set out that authorities should (where the trajectory indicates there to be insufficient sites/broad locations to meet the objectively assessed need) revisit the assessment, for example changing the assumptions on the development potential on particular sites (including physical and policy constraints).
- 3.7.4 The PPG then states that if, following this review there are still insufficient sites, then it will be necessary to investigate how this shortfall should best be planned for - if there is clear evidence that the needs cannot be met locally, it will be necessary to consider how needs might be met in adjoining areas in accordance with the duty to cooperate. The PPG Housing and economic land availability assessment methodology – flow chart¹⁴ is provided in Appendix 2 of the report, which illustrates this process. Oxford City has revisited its SHLAA which has resulted in a 35% increase in supply which includes two Green Belt sites (Frideswide Farm and East of Redbridge Park and Ride) that are currently protected under policy with the proviso that these sites would need to be successfully reviewed through a Local Plan making process and Examination in order to be allocated for housing. The SHLAA assumes a combined capacity of 330 dwellings for these sites and they are included in the 11-15 year supply. Although the approach taken by Oxford City is most likely in line with the PPG, the rural authorities consider that Oxford should be doing more to increase its development capacity. Issues relating to employment sites, open/recreational space and density assumptions are dealt with in separate sections below.
- 3.7.5 In relation to the rural authorities' point that Oxford should be doing more, we note that the SHLAA assumes no housing supply in the 16+ year period apart from a windfall assumption of 180 dwellings per annum which equates to an assumed supply of 900 dwellings for years 2026-2031.

¹⁴ PPG Paragraph: 006 Reference ID: 3-006-20140306

3.7.6 **Recommendation:** It is appreciated that it is the Local Plan's job to determine the most suitable sites for the plan and that the adopted plan's end date is 2026. However for the purpose of this exercise (and given that the SHMA covers the period to 2031) it would seem reasonable for Oxford City to consider **a**) whether there are potential sites that are a higher delivery risk that have potential to come forward during the latter years of the SHLAA through public sector intervention (it is reasonable to assume that housing will be delivered during this period not just from windfalls) and **b**) provide an estimate for potential housing supply that could potentially be delivered during the 16+ years (we make suggestions about this later).

3.8 Matter 3: Number of consultees was too small

- 3.8.1 **Cundall**¹⁵: The total number of consultees for the Call for Sites seems to be relatively small with approximately 54 organisations compared with 200 who were consulted on the Sites and Housing DPD. The call for sites email sent on 28 August 2014 was sent to 15 institutions - , this should be repeated to the full list of landowners, agents and stakeholders
- 3.8.2 **Oxford City**¹⁶: The Sites and Housing Preferred Options Consultation was sent to organisations of various interests in the Plan: statutory consultees, residents' groups, and other local groups and organisations (such as wildlife, heritage and transport user groups), i.e. all who had expressed an interest in being consulted on Oxford's local plan. It would not have been appropriate to include everyone with an interest in wider local planning matters in the Call for Sites, as the relevant consultees are landowners, developers or the agents representing them. All such organisations and individuals known to the Council were included in the Call for Sites.
- 3.8.3 Experience shows that calls for sites in Oxford traditionally yield few new or unknown site suggestions, demonstrating the limited opportunities for further development in Oxford. For example, the University of Oxford and the Oxford colleges have been landowners for hundreds of years, and tend to 'hold on' to land on a long-term basis, rather than seeing these land holdings as short- or medium-term capital assets.
- 3.8.4 An additional Call for Sites exercise was carried out in direct response to a request made by some district authorities at the Check and Challenge Workshop on 22 August 2014, to specifically explore whether the Universities and large independent schools had any intention of developing any of their land for housing or student accommodation. It was not necessary to extend this to all known landowners, developers and agents, given this exercise had taken place only a few months before.
- 3.8.5 This additional Call for Sites resulted in 14 further sites being suggested, however some of these were below the threshold for inclusion in the assessment (a threshold of 10 had been agreed with the Oxfordshire authorities as being appropriate¹⁷) and others had

¹⁵ Paragraphs 15-19, Unlocking Oxford's Development Potential, Cundall (November 2014)

¹⁶ Paragraphs 35-39, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

¹⁷ See Paragraphs 87-89 Oxford SHLAA (December 2014)

already been included. Sites newly included have references 342-349, and those included have a combined development potential of 52 dwellings.

- 3.8.6 In response to a suggestion at the Check and Challenge workshop, the City Council added to its website details of how landowners could submit sites on an ongoing basis. This allows a permanent Call for Sites, but since this website went live in August 2014 there have been no further site submissions received.
- 3.8.7 **Conclusion:** The PPG (Paragraph: 013 Reference ID: 013-20140306) explains that a call for potential sites and broad locations should be aimed at a wide an audience as practicable so that those not normally involved in property development have the opportunity to contribute. Therefore it does seem that Oxford City could have invited a wider audience to participate in its Call for Sites exercise. However it appears that Oxford City has addressed the concerns raised by the rural authorities at the Check and Challenge workshop by carrying out an additional Call for Sites and by permanently adding details on the Council's website with instructions for submission at any time. It is understood that this process resulted in an additional 14 sites assessed with 8 of these sites (SHLAA Reference 342 – 349) being included in the SHLAA and 4 of these sites being 'accepted' resulting in an additional capacity of 52 dwellings. The justification given for rejecting the other 4 sites were for a number of reasons: these included protection as a key employment site; the site was too small to meet the 10 dwelling threshold; Green Belt designation combined with its location in a landscape setting; potential contamination and location within flood zone 3b.
- 3.8.8 **Recommendation:** Oxford City should expand the consultation database to include wider stakeholders for future Call for Sites exercises. We also recommend Oxford City establish a Housing Market Partnership in order to engage the development industry, registered providers and other stakeholders on an ongoing basis. Given the significant cross-boundary matters and shared HMA there would clearly be merit in expanding the HMP to the development industry with interests outside of Oxford as well.

3.9 Matter 4: Timing of Call for Sites

- 3.9.1 **Cundall**¹⁸: The timing of the Call for Sites was questionable (Jan-Feb 2014) as it was before the SHMA 2014 and evidence of OAN came to light.
- 3.9.2 **Oxford City**¹⁹: The fact that the call for sites slightly preceded the SHMA publication has little relevance. It is very widely known that there is a huge unmet need for housing in Oxford. The housing need for Oxford at this time was publically available in the form of

¹⁸ Paragraph 11, Unlocking Oxford's Development Potential, Cundall (November 2014)

¹⁹ Paragraph 30, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

the SHMA 2007 which showed 36,065 dwellings over a 10 year period²⁰ a figure very significantly higher than the SHMA 2014 upper range estimate of 32,000 dwellings over a 20 year period. As such the 2014 SHMA did not demonstrate a new, unexpected need that was not already known and evidenced, so there is no evidence to suggest that circumstances have changed that would lead landowners to take a different approach.

3.9.3 **Conclusion:** The PPG²¹ states that the SHLAA should identify all sites and broad locations regardless of the amount of development needed to provide an audit of available land. If the Call for Sites had been held after the 2014 SHMA findings it is difficult to understand how the outcome of the Call for Sites would have been any different on this basis alone. However, given the pressure on Oxford to increase its housing capacity, Oxford City should encourage landowners to submit potential development sites on an ongoing basis to ensure no sites are missed

3.9.4 **Recommendation:** Oxford City should encourage landowners to use its website for the submission of potential development sites on an ongoing basis. It should also provide an annual update to stakeholders on the housing supply position, using an expanded stakeholder list.

3.10 Matter 5: Density Assumptions

3.10.1 **Cundall²²:** The development potential section of the SHLAA needs substantially revisiting. For example the high density point for developments over 2 hectares in the City Centre is unfeasibly low at 80 dph. Oxford should be looking forward not back in terms of densities, learning from other cities as to how high density developments can be incorporated successfully (e.g. Cambridge).

3.10.2 Given the unmet need in Oxford, the use of previous schemes to calculate a mix of densities is unduly restrictive, considering that the City Council have been unsuccessful in meeting its housing need. The Cundall Report recommends a more flexible approach that could be applied on developments where appropriate, and cited some examples from Cambridge of high density developments in the city centre which are above 80 dwellings per hectare. By adopting a proactive approach rather than a restrictive approach, it would allow Oxford City Council to potentially achieve higher densities on city centre sites.

²⁰ The previous Oxford SHMA 2007 demonstrated a housing need for Oxford of between 19,995 and 52,195 dwellings. The median figure is 36,065. (Source: Oxfordshire Housing Market Assessment: Final Report (Tribal, Dec 2007)

²¹ PPG Paragraph: 009 Reference ID: 3-009-20140306

²² Paragraphs 57-62, Unlocking Oxford's Development Potential, Cundall (November 2014)

- 3.10.3 **Oxford City**²³: PPG guidance states that the development potential of each identified site should be guided by the existing or emerging plan policy including locally determined policies on density (Paragraph 017, Reference ID 3-017- 20140306). The PPG paragraph 017 goes on to state that where the plan policy is out of date or does not provide a sufficient basis to make a judgment, then relevant existing development schemes can be used as the basis for assessment, adjusted for any individual site characteristics and physical constraints.
- 3.10.4 The Oxfordshire SHMA is also material, and reinforces the need for mixed and balanced dwellings in Oxford. Table 65 of the SHMA shows the greatest need for market homes is for 3-bedroom properties, with a much smaller need for 1 bedroom market flats than for bigger dwellings. For affordable housing needs (SHMA Table 66), there is a fairly even spread of need for 1, 2 and 3-bedroom properties, although the largest need is also for 3-bedroom homes. Oxford City Council does not provide a policy on density in its adopted Local Plan Core Strategy, instead expecting a mix of dwelling sizes in accordance with their Balance of Dwellings SPD which was adopted in 2008. The SPD mix is broadly consistent with the SHMA 2014 recommended dwelling mix for Oxford.
- 3.10.5 Outside the City Centre the Oxford SHLAA provides a justified analysis on a site by site basis, with transparent justification where these differ from either the developer proposed capacity or the standard multiplier, based on local knowledge and context and assuming an appropriate mix of dwellings. Cundall refers to some recent schemes in Cambridge's inner city with densities ranging from 72 dph to 219 dph, as a 'reference point'. In terms of comparisons to Cambridge densities. The flat surrounding topography means that Cambridge has limited vantage points to enable views of the whole City skyline, with many of the best views afforded close-up from private buildings within the historic core. This very much contrasts with Oxford's skyline as a heritage asset within its setting, given the hills surrounding Oxford and the resultant need for protected view cones and a limit to building heights to maintain the views of the city from surrounding hills – a policy that has successfully served the City for 50 years in successive development plans.
- 3.10.6 It was explained by Oxford City officers at the 18 June 2015 meeting that the Oxford Design Review Panel has made comments/recommendations on development proposals which sometimes result in densities being revised.
- 3.10.7 **Conclusion:** This is an area where we consider Oxford City could undertake further work to determine whether there are additional opportunities to increase densities in order to create more housing capacity whilst still respecting the city's heritage assets and its setting/view cones. This is not to say that the approach Oxford City has taken is not compliant with the NPPF/PPG, but that given the level of unmet housing need it

²³ Paragraphs 79 -88, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

seems appropriate for Oxford to take further steps to update its evidence in respect of densities.

- 3.10.8 As the Cundall Report and Oxford City explain, existing development schemes have been used to determine densities Oxford City cites PPG paragraph 017 to justify its approach of using existing development schemes as the basis. However, there does not appear to be evidence to suggest that existing/approved development schemes are the correct basis on which to make density assumptions. We note that the viability assessment in the SHLAA does not sensitivity test density assumptions upwards; it only tests the capacity assumptions already in the SHLAA. We would recommend that further evidence is prepared to consider the potential for increasing densities in Oxford (see recommendation below and Appendix 3).
- 3.10.9 The SHLAA also tests 'typologies' rather than development sites with the SHLAA²⁴ setting out a range of density assumptions for schemes under and over 2 hectares classifying these into locations such as 'Transport District Areas', 'Transport Central Areas' and 'Suburban Sites'. A viability exercise which tests the typologies and SHLAA sites for density increases would be useful in order to ascertain the viability of increased densities in suitable areas across the city. Oxford City explain in their response to Cundall²⁵ that encouraging a much higher density of development in particular neighbourhoods, or across the City, would see the backlog of pressure on remaining medium-size and larger family homes increasing disproportionately and that it would be unlikely to reflect local market indicators. However, Oxford City's explanation assumes that larger family housing must be delivered at low densities. Given the growth pressures facing Oxford and the lack of land to fully accommodate, the Council will need to carefully consider whether this is realistic in the future. The comparisons Cundall makes with Cambridge densities are not particularly helpful as there are too many variables to consider when comparing potential densities across both cities or even within the city centres
- 3.10.10 Although Oxford City considers the findings of the SHMA in relation to dwelling requirement by number of bedrooms (Tables 65 and 66) to be broadly consistent with its Balance of Dwelling SPD, its consideration of this matter is not particularly clear in its response to Cundall. However the SPD was adopted in 2008 prior to the NPPF, adoption of the Core Strategy and the SHMA update. Oxford City officers consider that the SPD continues to be upheld at appeals and that it is still up-to-date.
- 3.10.11 Oxford City consulted on a High Quality Design SPD (Issues and Proposed Approach) in February – April 2015 and that the purpose of the SPD will be to support design and heritage policies in the Oxford Local Plan 2001-2016, Core Strategy 2026 and Sites and Housing Plan 2011-2026 and provide further guidance for the Oxford

²⁴ See Tables 4 and 5 of Oxford SHLAA (December 2014)

²⁵ Paragraph 82, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

Design Review Panel. It is understood that a draft SPD will be consulted on later in 2015.

3.10.12 In order to better understand density issues on proposed v permitted schemes it may be useful for Oxford City to provide examples/undertake analysis from the Design Review Panel process comparing scheme densities submitted by developers and recommendations from the panel and determine if there are particular areas of the City where higher densities can be achieved or on the other hand where higher densities tend to be more problematic.

3.10.13 **Recommendation:** Further density analysis (combined with viability analysis) should be undertaken by Oxford City with the purpose of identifying particular areas of the City where densities could be viably increased. For example neighbourhoods with good access to public transportation/transport nodes/transport corridors could perhaps be tested for density increases. Given that Oxford City is preparing its High Quality Design SPD, this could, in the absence of a Local Plan review, be a mechanism for providing the guidance needed regarding density increases and other design considerations such as heritage and view cones. Oxford City should provide examples/undertake analysis from the Design Review Panel process comparing scheme densities submitted by developers and recommendations from the panel and determine if there are particular areas of the City where higher densities can be achieved or on the other hand where higher densities tend to be more problematic. The Growth Board requested that a brief to illustrate the additional work it considered was required in relation to Oxford densities and viability. This draft brief is appended to this advice note(see Appendix 3).

3.11 Matter 6: Green Belt

3.11.1 **Cundall**²⁶: A formal Green Belt assessment should take place ahead of reviewing neighbouring authorities' "own Green Belt", to ensure that the entire Green Belt within the City boundary is still serving Green Belt purposes. The City Council's approach of first assessing potential sites for suitability, availability and achievability, and then assessing those sites that met the criteria against Green Belt policy, is the wrong way round.

3.11.2 **Oxford City**²⁷: As identified in Cundall, the City Council undertook an informal Green Belt assessment that was published in May 2014. Intended as a high-level strategic exercise to inform further work, the study considered the Green Belt both within and outside the City's administrative boundaries. The initial findings therefore relate to large land parcels.

²⁶ Paragraphs 51-53, Unlocking Oxford's Development Potential, Cundall (November 2014)

²⁷ Paragraphs 68-73, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

- 3.11.3 Cundall considers that there should be a further "formal" Green Belt assessment specifically in Oxford, to be prioritised over reviewing the Green Belt in neighbouring authorities that is claimed as "their own". The City Council's view is that the work undertaken to assess Green Belt sites for the Oxford SHLAA is proportionate for the purpose of demonstrating Oxford's housing capacity. However the Oxfordshire Growth Board has now commissioned an independent, formal study of the whole Oxford Green Belt, and this is correctly expected to take place on a 'boundary-blind' basis, ensuring a fair and consistent approach across administrative boundaries. The City Council considers that an independent, joint approach to a formal assessment through the study and a subsequent review of Green Belt boundaries is the most appropriate way forward. This approach was endorsed by the Cherwell Inspector and the Planning Inspectorate critical friend.
- 3.11.4 **Conclusion:** We understand that a joint study of the Green Belt has been agreed by the respective authorities and following this the most appropriate way to consider the Green Belt boundaries will be through the respective local plans. However, it is potentially problematic that the two Green Belt sites which have been included in the SHLAA and assumed at a capacity of 330 dwellings are, as we understand it, contingent on the Green Belt assessment and then a review of the Oxford Core Strategy. Although Oxford City has included these two sites in its housing capacity assumptions these are technically 'policy off' assumptions which is inconsistent with the approach taken in relation to assessing sites against other Core Strategy policies.
- 3.11.5 **Recommendation:** Ahead of any potential release of Green Belt land, Oxford City should qualify that the 330 Green Belt dwellings currently assumed in the SHLAA is subject to the Green Belt study and potential future release of Green Belt through the Local Plan process. The Council (and its neighbouring authorities) should plan for a contingency in the event that the Green Belt sites are not released as currently envisaged in the SHLAA.

3.12 Matter 7: Employment Sites

- 3.12.1 **Cundall²⁸:** There is an inconsistency: the draft SHLAA says that all Key Employment Sites are assessed, but they do not appear in Table 3. Government policy seeks more flexibility about use of employment sites for housing, and some protected Key Employment sites such as Blanchford & Co Builders Merchants would make highly sustainable housing sites. All Key Employment Sites should be added to Table 3. The pending Article 4 Direction to protect Oxford Key Employment Sites from prior approval residential development is inappropriate. Appeal decisions relating to Key Employment Sites (e.g. Green Street Bindery) are now superseded by publication of the SHMA 2014.
- 3.12.2 Paragraph 18 of the Draft 2014 SHLAA states that expanding the SHLAA to consider sites for employment land would have introduced significant delay and would not have been appropriate or fit for purpose. It would have been preferable for any economic land

²⁸ Paragraphs 32-41, Unlocking Oxford's Development Potential, Cundall (November 2014)

assessment to be undertaken alongside the SHLAA, not least to inform the final report, but the assessment of sites could provide further housing opportunities within the City's boundaries. A Call for Sites has been undertaken by Oxford City Council for potential employment land, which indicates work is progressing on the production of an Economic Land Availability Assessment. The findings of this assessment go hand in hand with the SHLAA, and therefore should be progressed at the same time.

- 3.12.3 **Oxford City**²⁹: Paragraphs 69 to 86 of the final SHLAA provide a comprehensive explanation of this matter. In summary, protected key employment sites are excluded from the assessment (except where they happen to be part of a site allocation e.g. in the Sites and Housing Plan or West End AAP), but non-protected key employment sites are included (where identified). There is a substantial amount of evidence pointing to the need to balance housing provision in Oxford with employment, given the importance of Oxford at the centre of Oxfordshire's Knowledge Spine, the main source of employment in the County; the need to maintain a range of potential job opportunities, and the weight attached in the NPPF to facilitating sustainable economic growth. The NPPF makes clear that planning policies should avoid the longer term protection of sites allocated for employment use where there is no clear prospect of a site being used for that purpose, and this has been echoed by the Planning Inspectorate when determining the Green Street Bindery appeal. Further evidence indicates low vacancy rates for employment premises in the City overall, and a need to prevent further loss of employment land. This was also confirmed by independent analysis (such as the Oxfordshire Innovation Engine) and in the City Deal Most individual premises have established businesses *in situ*.
- 3.12.4 It is not the case that there is an exclusive need for high-tech and office-based industries. Other types of small businesses, which often have local roots, provide local employment opportunities of a more traditional kind.
- 3.12.5 Cundall suggests that the publication of the SHMA is a material consideration that supersedes the decision of the Inspector for the Green Street Bindery appeal, to which the Inspector would have given significant weight. However, there is no evidence for this and the Inspector would have been aware that the unmet housing need in Oxford is substantial. The housing need for Oxford at this time was publicly available in the form of the SHMA 2007, which documented a housing need of some 36,065 dwellings over a 10 year period – a figure very significantly higher than the SHMA 2014 upper range estimate of 32,000 dwellings over a 20 year period. As such the 2014 SHMA did not demonstrate a new, unexpected need that was not already known and evidenced, so there is no evidence to suggest that circumstances have changed that would lead to a different Inspector's conclusion.

²⁹ Paragraphs 48-54, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

- 3.12.6 **Conclusion:** Oxford City brought in an Article 4 Direction (effective from 28 March 2015)³⁰ to prevent the further loss of 'key protected employment sites' (identified in the Core Strategy) from permitted development. Oxford's employment land is important to the City's role as a centre for a range of employment types and economic growth and this should be recognised in terms of the balance between housing and employment across the housing market area. This was endorsed in full in August 2015 by the Secretary of State, with no modifications.
- 3.12.7 Oxford's SHLAA assesses 'non protected' employment sites for potential as housing. Oxford City's response to Cundall explains that *"Using GIS and local knowledge, a filtering out of sites found to either not be commercial employment uses, already identified elsewhere in the SHLAA, or below the SHLAA threshold resulted in the identification of four individual non protected employment sites. These were included in the site assessments."*
- 3.12.8 However, 'key protected employment sites' have not been assessed (except where they happen to be part of a site allocation e.g. in the Sites and Housing Plan or West End AAP). Core Strategy Policy CS28 states that "planning permission will not be granted for development that results in the loss of key protected employment sites".
- 3.12.9 The SHLAA explains (see paragraph 21) that *"Expanding the SHLAA assessments to additionally consider potential future employment land provision would have introduced significant delay to the process. The City Council will seek to undertake an assessment of supply and demand for employment land, and land availability for employment sites, in due course."*
- 3.12.10 It is understood that the methodology for identifying 'non protected' employment sites in the SHLAA entailed first excluding all non-residential uses that were not employment uses (schools, shops, care homes etc. It is understood that there were very few sites that exceeded the 0.25 ha. size threshold and were not already either part of a Key Employment Site, or had already been assessed as a SHLAA site that had already been identified and assessed. The 19 'sites' that remained were clusters of units forming part of one of four larger sites – the DHL site, former Slade hospital, Pathways workshops and Motorworld, Botley Road (car dealerships & mechanics).
- 3.12.11 The Council's explanation in Paragraph 21 of the SHLAA whereby it states that the Council will undertake an assessment of supply and demand for employment land in due course does raise concern as to whether the potential for employment land release has been thoroughly considered by the Council. Oxford City's Strategic Employment Land Availability Assessment (SELAA) (April 2013) explains that the SELAA is an *"initial assessment"* and that it *"is only a desk-based assessment but the next review will include a 'call for sites' which will provide an opportunity to explore in greater detail the potential availability of some of the small and medium sites,*

³⁰ Modification of the Article 4 Direction, Secretary of State (27 March 2015)

particularly the protected employment sites, for modernisation or refurbishment. It is also likely to include a review of how the Oxford property market is performing to provide an appropriate context." (Paragraph 45) The SELAA also commits to the comprehensive SELAA being carried out the same time as the SHLAA (Paragraph 46).

- 3.12.12 **Recommendation:** Oxford City should undertake a comprehensive SELAA in line with the PPG Housing and economic land availability assessment methodology³¹ - see Appendix 2 of this note. This should be undertaken alongside (or combined with) an update of the SHLAA and recommend whether there are any opportunities to release employment sites for housing or accommodate more housing through for example mixed use redevelopment incorporating housing and employment uses.

3.13 Matter 8: Public open space, Open Air Sports Facilities, Allotments and Town Greens

- 3.13.1 **Cundall**³²: Sites falling within Policies SR.2, SR.5 and SR.8 (protected open space designations) have been rejected immediately, which is unacceptable given advice in PPG on reassessing sites through changing policy assumptions. Cundall asserts that the amount of Green Belt land, floodplain, SSSIs and Wildlife Corridors, means there is more than adequate open space within the City's boundaries to meet requirements and if priority was given to opening up land closed to public access, there would be less need to protect all the existing open space. It is also considered by Cundall that allotments could be land-swapped and moved to Green Belt locations instead, to allow housing development. The William Morris Close appeal (dismissed) is cited by Cundall and they highlight paragraph 13 of the decision to argue that Oxford City should consider open space for housing sites. Cundall also argues that Oxford City may be 'double counting' students when calculating the need for sports pitches as they explain that due the high student population and large amount of University owned private sports facilities, Oxford City should consider the potential for students using designated private University pitches rather than the shared community use facilities, whilst also looking into the potential shared use of University sports facilities in the future.

- 3.13.2 **Oxford City**³³: Paragraphs 49 to 66 of the final Oxford SHLAA address these matters in detail. The starting point is the NPPF guidance in paragraph 73, which highlights the importance of access to high quality open spaces in urban areas, and recommends an evidence-based approach to determine what open space, sport and recreational provision is required. Cundall suggests that the overall area of protected open space should take account of the large resident student population in Oxford (24% of total population) as there is considerable dedicated provision of college and university playing

³¹ PPG Paragraph: 006 Reference ID: 3-006-20140306

³² Paragraphs 42-50, Unlocking Oxford's Development Potential, Cundall (November 2014)

³³ Paragraphs 55-67, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

pitches. The City Council's view is that this argument is flawed because there is already an acknowledged overall shortage of open spaces and sports provision and that it cannot be assumed that students have access to private college sports facilities and should not be discriminated against on the basis of their student status.

- 3.13.3 **Conclusion - Open Space:** In terms of open space Cundall asserts that the rejection of sites falling within Policies SR.2, SR.5 and SR.8 (protected open space designations) is unacceptable given advice in PPG on reassessing sites through changing policy assumptions. Oxford's Green Space Study (Scott Wilson, 2007) found that there is an average of 5.75ha of unrestricted access green space per 1,000 population across Oxford with a wide variation across the City. A local survey of residents indicated that the amount of green space was about right. Core Strategy Policy C21 seeks to maintain a 5.75ha standard. It is understood that due to increased housing provision through the Sites and Housing Plan (in order for Oxford City to demonstrate a five year housing supply) that these allocations will reduce the amount of publicly accessible open space per 1,000 population from the 5.75ha standard to 5.6ha taking account of the rising population.
- 3.13.4 Given that Oxford's population is expected to increase in the future, the demand for quality open space will only become greater over time. We consider that Oxford City should explore, informed by the Green Belt and Spatial Options studies whether there are any suitable housing development opportunities on existing open space, outdoor sport / recreation whereby the open space / recreation provision can be improved or relocated as a result of introducing development. Such an analysis should be undertaken at a strategic level alongside other important strategic considerations such as Green Belt and Strategic Options. The NPPF (see Paragraph 81) encourages the utilising the Green Belt for outdoor sport and recreation: "Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation (NPPF Paragraph 81)".
- 3.13.5 Oxford City has now included assessments of these sites, in the SHLAA as a part of the 'Check and Challenge' process. We generally consider that the sites rejected in the SHLAA have good evidence to support the approach taken by Oxford City.
- 3.13.6 **Conclusion - Open air sports facilities:** See conclusion above regarding the need for this matter to be considered at the strategic level. These facilities are designated in the Local Plan as Policy SR.2 and the policy protects against the loss of open air sports facilities. The Playing Pitch and Outdoor Sport Strategy 2012-2026 concludes that there is a shortage of playing pitch provision in Oxford for community use and that all pitch provision in the city should be protected since there are limited opportunities to secure replacement playing pitch provision. In terms of Cundall's points regarding public access to privately owned pitches and potential 'double counting of students'; it is difficult to see how these private sites can be relied upon as a source of supply for public

access unless an agreement has been secured between the Council and private land owners for such access in perpetuity.

- 3.13.7 **Conclusion - Allotments:** Local Plan policy SR.8 provides protection against development of allotments however criteria allow for the development of allotments if alternative provision can be found. The SHLAA (Paragraph 64) considers that in the context of limited opportunities to re-provide the allotment space within the City then it is unlikely that the policy could be satisfied. It is also explained in the SHLAA that as of 2012 three quarters of allotment sites in Oxford had waiting lists illustrating the high demand for allotments in Oxford. Given that there is an evidenced strong demand for allotments and the important roles allotments can play particularly if higher densities are sought within the city (and their smaller garden sizes), it would seem short-sighted to release allotments unless there is a clear ability and commitment for their re-provision.
- 3.13.8 **Conclusion - Town Greens:** The SHLAA explains that Town Greens have not been included in the SHLAA unless they have been proposed through the call for sites or consultation. Town Greens have statutory protection against development by virtue of Section 12 of the Inclosure Act 1857 which makes it a criminal act to undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation. We note that Government Guidance (see Outdoor access and recreation – guidance³⁴) explains that town and village greens can be 'de-registered' by applying to the Secretary of State but that the applicant must offer to register new replacement land (should be suitable and at least as big as the previous green) as a green in its place and that the proposed exchange of land will be reviewed against the impact on public interest. Although it seems unlikely that such sites would yield a significant amount of net new land given that it must be replaced elsewhere it is difficult to say without data showing registered town green land.
- 3.13.9 **Recommendation:** Given the need for growth in Oxford and potential need for densities to increase to meet that need in the City it seems that open and recreation space, allotments and town greens will become even more valuable and important to Oxford residents and visitors in the future. However, any future consideration of potential release of open space, open air sports facilities needs to be done on a strategic basis and in the context of the Green Belt and Strategic Options study and a Local Plan review if this were the case.

3.14 Matter 9: Student Accommodation

- 3.14.1 **Cundall**³⁵: Oxford's approach to counting student accommodation (using a 5:1 housing equivalent ratio) is inappropriate as the basis of an analysis of Census 2011 statistics. Where there are alternative residential uses on a site, the full capacity for housing

³⁴ <https://www.gov.uk/manage-your-town-and-village-greens#de-registering-a-green>

³⁵ Paragraphs 63-70, Unlocking Oxford's Development Potential, Cundall (November 2014)

should be used, rather than reducing the capacity for housing as the site has potential for student accommodation.

- 3.14.2 There should be consideration of windfall numbers for the provision of student accommodation outside Oxford City's boundary, which could have an impact on releasing further units for market housing
- 3.14.3 **Oxford City**³⁶: The Oxford SHLAA counts sites proposed or allocated for student accommodation as housing potential, as recommended by PPG to reflect that market housing may be released by displacement of students into new purpose-built accommodation. As most developers' estimates for such sites' potential is expressed in terms of student rooms, the SHLAA has used a straightforward ratio of 5:1 in terms of student room to dwelling equivalents. As explained in paragraph 124 of the SHLAA, this ratio is derived from a local letting agent who estimated that the average number of students per shared student house in Oxford is 5.
- 3.14.4 Cundall uses Census 2011 data to arrive at an alternative ratio of 1:4 (that is to say, assumes that 4 new student rooms, rather than 5, will count as 1 dwelling equivalent). Using Census data is a rational alternative way of looking at things. However the Cundall calculation using this data is flawed, as it assumes that all the new occupiers of the student accommodation will have transferred only from 'households containing just students', and takes no account of the students resident in Oxford that do not live either in all-student households or in halls of residence.
- 3.14.5 In terms of sites with potential for alternative or mixed uses, the basis for assessing these sites' development potential is set out in paragraph 126 of the Oxford SHLAA. Where student accommodation was proposed as part of a mix of two or three uses, an assumed 50% or 33% reduction was applied to the net developable area for the site to represent the non-residential use. Where the policy suggested student accommodation or residential uses would be permitted on the site the average dwelling yield between the two uses was proposed as the final site capacity. This is considered to be a fair approach to assessing these sites, given there is not yet certainty over the balance of uses, and that it would be misleading to assume all of these sites will ultimately come forward as 100% C3 residential.
- 3.14.6 It is also erroneous to suggest that 'windfall' student accommodation developments outside of the City's administrative boundary (such as in Botley) should be considered as having an impact on Oxford's capacity. In effect, Cundall is arguing that residential developments taking place outside of Oxford's boundaries should also be counted as new residential development within Oxford, which is clearly double-counting in the context of the local authorities' respective housing trajectories.

³⁶ Paragraphs 89-94, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

3.14.7 **Conclusion:** Government Guidance does not provide detailed guidance on the 'correct' approach for calculating student accommodation. It is appreciated that Cundall suggests 2,179 student rooms in the SHLAA supply using the 4:1 ratio. By doing a rough estimate this equates to 545 dwellings as opposed to 436 dwellings using the Oxford SHLAA ratio of 5:1. If Oxford City were to adopt the Cundall approach, this would result in an additional 109 dwellings. We do not find fault with the Oxford SHLAA approach to calculating student accommodation supply and note that Cundall's preferred approach only results in a difference of 5%.

3.14.8 **Recommendation:** It would be useful for Oxford City to publish the research it has prepared with the local student letting agent, if not done so already, so there is clarity around how the ratio was arrived at. In addition, given that student accommodation is an important issue for Oxford, we recommend that Oxford City continue to monitor the delivery of student accommodation and collect further information from universities and local agents so that this information is kept up to date and so the ratio can be altered if evidence suggest a different ratio.

3.15 Matter 10: Housing for Older People

3.15.1 **Cundall**³⁷: Cundall considers that there is no consideration of counting housing for older people in the Oxford SHLAA and that it should include residential institutions in Use Class C2. Table 12 shows no row for completion of older people's housing in the C2 use class. For example, a development under planning reference 14/00983/FUL was an application for a care home that was refused permission earlier in the year. The pending redevelopment of Fairfield Residential Care Home is another example.

3.15.2 **Oxford City**³⁸: The City Council agrees that the PPG requires local authorities to count housing provided for older people against their housing requirement. The City has always counted self-contained older persons' accommodation, such as Extra Care Homes, against their housing requirement. Whilst there is no methodology given in the PPG as to how C2 older people's care homes should be counted, the City Council considers a sensible approach is to consider it in a similar way to student accommodation i.e. to calculate how many dwellings it releases in the housing market. In the case of C2 residential care homes, the ratio considered appropriate is 1:1, i.e. 1 room in a new care home development would release 1 dwelling elsewhere. Overall, it can be seen that the impact of C2 developments for older people on Oxford's housing requirement is negligible. Two sites have been included in the SHLAA in compliance with the PPG.

3.15.3 **Conclusion:** It is understood that this issue has now been resolved as Oxford City has now included the sites in its SHLAA.

³⁷ Paragraphs 71-73, Unlocking Oxford's Development Potential, Cundall (November 2014)

³⁸ Paragraph 95-99, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

3.16 Matter 11: Viability Assessment

- 3.16.1 **Cundall**³⁹: Updated viability assessments of at least the key sites for the 2014 SHLAA and to bring the evidence base “fully in line” as opposed to “broadly in line” with the relevant guidance. The SHMA figure for Oxford's Objectively Assessed Need should be subject to thorough assessment through an Oxford Local Plan examination, to determine if the figure is robust and accurate.
- 3.16.2 **Oxford City**⁴⁰: As part of the independent SHLAA work undertaken by URS (AECOM), HDH Planning and Development Ltd were appointed to review the Council's existing viability evidence and consider its adequacy in the context of the SHLAA process. The review of Oxford's evidence base concluded that the Council's Affordable Housing Viability Study and CIL evidence base is a sound source of evidence to inform the SHLAA process. The review acknowledged that, even assuming policy-compliant delivery of affordable housing on assessed sites, 86% of dwellings across all sites would be viable. The local plan includes a viability clause to allow for flexibility where schemes are not able to deliver the full affordable housing quota.
- 3.16.3 At the Check and Challenge workshop, it was clear that all attending parties (including the City Council) were content that no site should be ruled out of the SHLAA assessment on viability grounds given that ruling sites out on viability grounds would lower the capacity of the City to deliver housing within its boundaries. Cundall presents no specific evidence as to why this formerly agreed position would be wrong, and provides no reason why such criticisms are helpful to the joint working process. The City Council accordingly attaches little weight to these comments.
- 3.16.4 **Conclusion**: The approach taken by Oxford City is considered to be in line with the PPG (Paragraph: 006 Reference ID: 10-006-20140306) where it says that site typologies can be used to gauge viability for an area. The PAS viability handbook also explains that viability assessments can generalise about viability across an area rather than being as precise about specific sites⁴¹. The PPG also recommends ‘sample sites’ to support the evidence and detailed assessments for areas or sites upon which the plan relies..
- 3.16.5 **Recommendation**: Given the scale of unmet housing need, Oxford City should consider undertaking viability assessments of ‘sample sites’ representative of its housing supply and sensitivity test when considering the potential for densities in order to provide more detailed evidence on the potential viability of increasing densities whilst illustrating site characteristics that may lend themselves to higher or lower densities. See recommendations in the ‘Density Assumptions’ section.

³⁹ Paragraphs 54-56, Paragraphs 71-73, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁴⁰ Paragraphs 74-78, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁴¹ Page 85, PAS Viability Handbook (January 2011)

3.17 Matter 12: Housing Windfall Assumptions

- 3.17.1 **Cundall⁴²**: The Oxford SHLAA uses a 10 unit threshold for windfall sites, which whilst not strictly adhering to the PPG, is understood to be accepted by the neighbouring authorities. However Oxford City Council's previous SHLAAs had included sites of less than 10 units, which may create a discrepancy between windfall calculations, on the presumption that previous SHLAAs did not class sites of 6-9 units as windfall sites. The current windfall estimate of 180 dph is too low given the evidence of pre-recession windfall delivery, and a more realistic number should instead be used. The windfall estimate should be revised every year regardless of whether it hits the current estimate or not.
- 3.17.2 **Oxford City⁴³**: The acceptance of the threshold of up to 10 units for including sites as windfalls is noted and welcomed. The 10 unit threshold has previously been agreed as between the Oxfordshire local authorities as an appropriate threshold, to provide consistency of approach within the housing market area.
- 3.17.3 Cundall identifies sites in previous Oxford SHLAAs that are below the 10 threshold. The City Council has previously (before the 10 threshold was more formally agreed) included sites that are relatively close to the threshold so as not to ignore known sites that, when taken together represent a useful source of housing. However, the City Council accepts that by using past trends where the windfall threshold was in the region of 8 dwellings, this had the potential to underestimate the forward looking windfall trends when a threshold of 10 is taken. The City Council has therefore reviewed its windfall methodology and undertaken a reassessment of past windfall trends.
- 3.17.4 This reassessment of past windfall trends is more robust as it better aligns with the forward looking approach of a 10 dwelling threshold. The figures are set out in Table 1⁴⁴ in Oxford's response and shows that this reassessment has resulted in an insignificant difference to the annual figures compared to the Oxford SHLAA, and only a difference of two dwellings overall. Therefore no change to the forward looking estimate of 180 is felt to be necessary as a result.
- 3.17.5 Oxford's windfall allowance is optimistic and the City does not believe that an even higher reliance on windfalls would be defensible if tested at appeal or a Local Plan examination. The City Council agrees that the windfall estimate should be reviewed regularly, and has always done this on an annual basis. Paragraph 165 of the Oxford SHLAA states that "the windfall figures coming forward will be closely monitored and if they fall short of the estimates provided in this SHLAA, they will be revised in future SHLAAs." The City Council does not believe that it would be robust for the windfall estimate to be greater than 180 per year as this is already at the top end of the range.

⁴² Paragraphs 74-75, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁴³ Paragraphs 100-104, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁴⁴ Table 1, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

- 3.17.6 **Conclusion:** Cundall asserts that the Oxford SHLAA does not strictly adhere to the PPG as it uses a 10 dwelling threshold to determine windfall allowance. The PPG does indeed recommend a 5 dwelling threshold for undertaking site assessments but does not specifically say that a windfall allowance should adhere to a 5 dwelling threshold. There are instances where large previously unidentified sites become available and are considered windfall. The Oxfordshire authorities have agreed to use a threshold of 10 units for their respective SHLAA across the HMA to ensure consistency and given the scrutiny of the Oxford SHLAA it seems less likely that a large windfall site will unexpectedly come forward. In our view the analysis of housing windfall is very thorough and we note the high proportion of windfall sites which were delivered on residential garden land between 2007-2013. We consider Oxford's approach to and the housing windfall allowance of 180 dwellings per annum to be appropriate.
- 3.17.7 **Recommendation:** It will be important for Oxford City to continue to monitor its windfall rates annually and adjust if necessary as housing pressure in the City increases further. This report makes recommendations regarding an additional 1,100 dwellings for the 2026-2031 period which is in addition to the windfall allowance already assumed for this period.

3.18 Matter 13: Flood Risk

- 3.18.1 **Cundall**⁴⁵: Further clarification is required in the site assessment table about whether sites in Flood Zone 3b are acceptable for development, as some sites are included and others not. Sites partly within Flood Zone 3b could see their capacities increased; the use of flood compensation schemes is not uncommon, and should be reconsidered throughout the assessment.
- 3.18.2 The Oxford Flood Alleviation Scheme (Western Conveyance Channel) may in practice have the effect of releasing sites of strategic significance for housing; this should be acknowledged and revisited at an appropriate time.
- 3.18.3 **Oxford City**⁴⁶: The City Council considers that its approach to assessing the suitability of sites partly or wholly in Flood Zone 3a or 3b is fair and robust. As set out in paragraphs 30 to 32 of Oxford's response⁴⁷, there is an argument that Flood Zone 3a should be excluded on suitability grounds on the basis of potential cross-boundary working to find sites suitable for uses vulnerable to flooding. If a fully cross-boundary approach to assessing sites' suitability were adopted, the sequential test would result in sites in Flood Zone 1 and 2 outside of Oxford's administrative boundary coming forward

⁴⁵ Paragraphs 76-79, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁴⁶ Paragraphs 105-110, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁴⁷ Paragraphs 30-32, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

for development before sites in Flood Zone 3a/3b within Oxford. Nevertheless, in recognition of the huge housing need, Flood Zone 3a sites have been included in the assessment. Only sites that are fatally prejudiced by the existence of Flood Zone 3b land are excluded initially.

- 3.18.4 The final Oxford SHLAA considers sites falling partly within Flood Zone 3b only if there remains development potential that would bring a future development up to the 10 dwelling threshold. Where such a site is included, and taken through to the Stage 2 assessment, development potential is based only on the net developable area, i.e. excludes the flood zone area and any further land that is prejudiced by the area prone to flooding. As there is no evidence that flood compensation schemes would be feasible for any of these sites, it is not appropriate to assume this in the SHLAA.
- 3.18.5 As discussed during the Check and Challenge process, the City Council sought advice from the Environment Agency regarding whether the proposed Oxford Flood Alleviation Scheme would be likely to open up any strategic housing development land. An email received from the Environment Agency on 19 September 2014 supports this position:

"The 'Oxford Flood Alleviation scheme' is not intended to make any sites of strategic significance available for more vulnerable uses such as housing. The scheme is being designed to reduce fluvial flood risk to existing properties and infrastructure in the city and not to open up undeveloped areas of the city for future housing development."⁴⁸

- 3.18.6 **Conclusion:** Oxford City's approach of including sites in flood zones 1, 2, 3a, and excluding sites in 3b is considered appropriate. If evidence emerges indicating that flood compensation schemes would be feasible this should be recorded and considered in future SHLAAs. The Environment Agency letter dated 2 February 2015 provided by Oxford City in its response to Cundall (May 2015) is quite clear that the purpose of the Oxford Flood Alleviation scheme is designed to reduce fluvial flood risk to existing properties and infrastructure rather than to increase development capacity. The Environment Agency also explain that they think that it is unlikely that any significant areas of developable land in Flood Zone 3b will become available through the FAS and suggest that the sequential test should be carried out on an HMA-wide basis in order to minimise risk to residents within Oxford⁴⁹.
- 3.18.7 **Recommendation:** Future SHLAAs will of course need to take account of any changes to the flood zones and update the assessment accordingly.

⁴⁸ Environment Agency email to Oxford City (19 September 2014)

⁴⁹ This reflects the latest update from the Environment Agency, as set out in their note to Growth Board Executive on 21 Aug 2015. Suggest including reference for completeness.

3.19 Matter 14: SHLAA Inconsistencies

- 3.19.1 **Cundall**⁵⁰: There is a discrepancy between Table 8 of the draft SHLAA which shows a total capacity of 6,358 units, and Table 12 of the draft SHLAA which shows a total of 6,476 potential housing units from accepted sites. Clarification on this is requested, although it is acknowledged that further sites have been added since, and would expect a further draft SHLAA to be published in due course which may have updated figures.
- 3.19.2 **Oxford City**⁵¹: When the City Council circulated the draft SHLAA to the other Oxfordshire local authorities and other stakeholders, it made clear that, as a draft, it might contain minor errors and discrepancies, but that these would not significantly change the final outcome. It is acknowledged that there were some such errors, which have now been fully resolved and the final capacity figure has been checked and verified.
- 3.19.3 As acknowledged by Cundall, there have also been some further sites added into the assessment, and reassessment of the development potential of sites already included, as a result of consultation and the Check and Challenge process. This resulted in a change from the previous figure of 10,292 to a final figure of 10,212. It should be noted that the two figures are not significantly different, given that they relate to a 20 year period. Any further factual updates relating to the Cundall identified sites (of the type that would normally be picked up in the annual SHLAA review) are addressed in Tables 4⁵², 5a⁵³ and 5b⁵⁴ of Oxford City's response.
- 3.19.4 It would appear that the further work and checks on accuracy carried out by the City Council have resolved this concern.
- 3.19.5 **Conclusion**: The discrepancies identified by Cundall appear to have been resolved by Oxford City.

4.0 Individual Sites

- 4.1 Through the review of documents and meetings with the local authorities we have reviewed the approach in the SHLAA to a number of sites identified by Cundall.

⁵⁰ Paragraphs 80-81, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁵¹ Paragraphs 111-113, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁵² Table 4 Comparison of Cundall and Oxford SHLAA site assessments

⁵³ Table 5a Site Assessment – additional sites and where new information has become available

⁵⁴ Table 5b Capacity and development potential (only for sites assessed as suitable and available in Table 5a)

4.2 Site 1: Oxford Golf Club

- 4.2.1 **Cundall**⁵⁵: Cundall identifies two areas of the Golf Club land (east and west) that it considers should be counted towards Oxford's housing potential, and estimates the potential to be 1,338 units.
- 4.2.2 **Oxford City**⁵⁶: The option to allocate either, or both, the east and west areas was consulted on at Core Strategy Preferred Options stage in March 2007. However the evidence base that emerged following Preferred Options made clear that the likely impacts of development on the sites on the two adjoining SSSIs were 'showstoppers', i.e. there were constraints that were so significant as to preclude the sites from further consideration. For avoidance of doubt, two key studies⁵⁷ that led to this conclusion were commissioned by Oxford City Council as independent technical Studies (and not, as stated in Cundall, produced in support of objectors' interests). The evidence-based decision not to allocate the sites was confirmed by the Core Strategy Inspectors' Report, issued 21 December 2010, which stated in paragraph 4.4: *"The golf course has rightly been excluded from consideration because of the significant ecological and hydrological constraints identified ([Core Documents] 15/5 to 15/7) and its importance in recreational terms. It remains protected by saved Policies SR2 and NE20 of the Local Plan and Policy CS13 of this plan. No further action is needed in this respect."*
- 4.2.3 **Conclusion**: It is difficult to see how Oxford City could count this site towards Oxford's housing potential given the Lye Valley SSSI, the hydrologic constraints identified and evidenced by Oxford City, the sites recreational function as a golf course and the fact that the land owner/leaseholder have no intention to release or vacate the site in the foreseeable future. It is difficult to see how it could therefore be assessed as suitable, available or deliverable.
- 4.2.4 **Recommendation**: No change to the current SHLAA.

4.3 Site 2: Oxford Greyhound Station

- 4.3.1 **Cundall**⁵⁸: Cundall considers that the Oxford Greyhound Stadium should be included in the SHLAA as a suitable site, noting that the site was considered acceptable in assessments of previous years.

⁵⁵ Paragraphs 103-116, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁵⁶ Paragraphs 115-120, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁵⁷ Investigation of the possible hydrological effects on the Lye Valley Sites of Special Scientific Interest and the riparian zones of the Lye and Boundary Brooks as a result of development on Southfield Golf Course: A Pre-EIA Assessment (Dr C Lambeth, Oct 2007) and Investigation of the possible ecological effects on the Lye Valley Sites of Special Scientific Interest and the riparian zones of the Lye and Boundary Brooks as a result of development on Southfield Golf Course: A Pre-EIA Assessment (Dr J Webb, Oct 2007)

⁵⁸ Paragraphs 117-123, Unlocking Oxford's Development Potential, Cundall (November 2014)

- 4.3.2 **Oxford City**⁵⁹: The City Council's view is that the irresolvable constraints to developing the site that have been identified in the last two years mean the site is not suitable. In April 2014, the Greyhound site was designated a Conservation Area. A legal challenge to the designation of the Oxford Stadium as a Conservation Area was heard in the High Court in December 2014. However the challenge was dismissed in January 2015. Prior to this, the Stadium was the first site to be formally added to the Oxford Heritage Assets Register. The site also maintains an important focus for the communities that have developed around these sports. The site is currently in partial use for community and sporting activities. Karting Oxford and Dance Connections dance studio are both based at the Stadium, and rely on the facilities.
- 4.3.3 **Conclusion:** Cundall asserts that the Greyhound Stadium should be assessed as a 'suitable' site in the SHLAA which would increase the likelihood of it being classified as 'developable'. It is understood that the site was assessed as being 'suitable' in previous SHLAAs however due to the site being listed as a heritage asset and a conservation area the Council no longer considers it to be suitable. The NPPF does not preclude development within or adjacent to conservation areas or heritage assets for potential development. However Oxford City appear to have assessed it as being unsuitable for these reasons and its use as a community/leisure facility. The SHLAA notes that there is no evidence of constraints within or around the site. There is clearly a willing land owner that wishes to see the site redeveloped as well as developer interest so the site is rightly assessed as being 'available'. It is understood that the stadium is in need of investment and in order to fund its restoration and bring it back into viable use funding will need to be found. Although we would not want to prejudice where funding may be found, the Council may need to consider whether some enabling development is a potential source (which could perhaps include housing). As set out in the NPPF (paragraph 134) the Council would need to consider future proposals (assuming proposals come forward) in terms of whether the development proposal will lead to less than substantial harm to the significance of a designated heritage asset and this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (see Appendix 1 of this report).
- 4.3.4 **Recommendation:** Although Oxford City considers the site to be unsuitable for housing due to its location in a Conservation Area, as set out in the PPG, such a designation does not preclude housing development on a site. PPG requires that an assessment of 'substantial harm' to the heritage asset (and its significance) be assessed. We recommend that Oxford City assess the suitability of different options for this site including mixed-use which includes housing to enable improving the viability of the site whilst assessing the harm it would have on the Conservation Area.

⁵⁹ Paragraphs 121-126, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

4.4 Site 3 - Northern Gateway

- 4.4.1 **Cundall**⁶⁰: Cundall states that the SHMA 2014 presents an 'overwhelming case' to increase the level of housing proposed for the Northern Gateway site from 500 to 800 homes. Cundall also questions whether employment-led mixed-use development is appropriate, as it considers that employment development may further exacerbate the housing need identified in the area.
- 4.4.2 **Oxford City**⁶¹: The Northern Gateway AAP recognises the local and national aims to significantly boost housing supply. Hence the amount of housing has been increased from the Core Strategy allocation by 150% from 200 to 500 dwellings. This amount of housing maximises the opportunity for housing delivery but without compromising the overall balance of uses on the site, maintaining the employment-led focus.
- 4.4.3 **Conclusion**: The Northern Gateway AAP has been found sound and the Inspector was satisfied with the mix of uses in the plan and found that the Council's policy approach of 500 dwellings as a maximum would "*generally accord with the CS and be consistent with significantly boosting the supply of housing*"⁶². The plan was adopted by the Council on the 20 July 2015.
- 4.4.4 **Recommendation**: No change to the current development capacity assumptions unless future masterplanning/site specific analysis or planning application(s) result in a revised housing capacity on site.

4.5 Site 4 - Blanchford & Co

- 4.5.1 **Cundall**⁶³: Cundall states the view that the Key Employment Site status of this site should be disregarded, as it is in a highly populated area, and scores relatively low in the Oxford Employment Land Study. Cundall assess the site as having potential for 52 units.
- 4.5.2 **Oxford City**⁶⁴: The protection of the site for key employment uses is supported by the NPPF. Even if this was not the case, there is no evidence of site availability. There has been no indication from the current occupier that they would be prepared to vacate the site. The site provides a valuable element of employment diversity as a small business providing local employment opportunities of a different kind. It is also in a location accessible to local business and individual customers. The message in the NPPF is that

⁶⁰ Paragraphs 124-128, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁶¹ Paragraphs 127-131, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁶² Paragraph 43, Oxford City Council Northern Gateway Area Action Plan, Inspector's Report June 2015

⁶³ Paragraphs 129-133, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁶⁴ Paragraphs 132-135, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

local employment opportunities should be encouraged rather than lost. The view taken by Cundall indicates a misunderstanding of the policy basis underpinning key employment sites. The policy status reflects the importance of safeguarding a range of employment sites for potential future employment uses, recognising the role of Oxford at the heart of the Oxfordshire Knowledge Spine and as national economic asset.

4.5.3 **Conclusion:** As the approach of the SHLAA has applied existing policies including Key Employment Sites identified in the Core Strategy, there is no reason to conclude that the sites should be assessed as suitable and Inspector's reports endorse this. Oxford City explains that there is no evidence of the site being available; therefore it also currently fails the 'availability' test.

4.5.4 **Recommendation:** No change to the current SHLAA but, this site should be assessed as part of a strategic assessment of housing and employment land in line with the PPG.

4.6 **Site 5 - Donnington Road Recreation Ground and Former St Augustine's Playing Field**

4.6.1 **Cundall**⁶⁵: These two sites are recommended by Cundall for inclusion in the SHLAA as suitable housing sites, on the basis that the former is "only a kick-about area", and the latter is now redundant due to closure of the school with which it was associated.

4.6.2 **Oxford City**⁶⁶: The City Council considers that loss of this protected open space to development would be inconsistent with the NPPF which places great importance on protection of community open air sports facilities. The Playing Pitch and Outdoor Spaces Strategy indicates growing future demand for such facilities in the East Oxford area. The two sites therefore fail the test of 'suitability' in assessing potential SHLAA sites.

4.6.3 **Conclusion:** The approach is supported given the findings of the Playing Pitch and Outdoor Spaces Strategy – as suggested previously, any potential for development on recreation ground or re-provision of recreation space should be done on a strategic basis.

4.6.4 **Recommendation:** No change to the current SHLAA assessment however, as recommended earlier, these sites should be considered together with the other open and recreation spaces in and around Oxford as part of a strategic review.

⁶⁵ Paragraphs 134-138, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁶⁶ Paragraphs 136-141, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

4.7 Site 6: Green Belt sites at Mill Lane and Butts Lane

- 4.7.1 **Cundall⁶⁷**: Cundall argues that there are sites in the Green Belt in Oxford that have potential for residential development. The City Council has accepted already that Green Belt sites need to be considered, and has identified two Green Belt sites (Site 107 Land at St Frideswide Farm, and Site 113 Land East of Redbridge Park and Ride) that are both considered to meet SHLAA criteria (suitability, availability, achievability) and may (subject to review in a Local Plan) be less important in terms of contributing to the purposes and function of the Green Belt.
- 4.7.2 **Oxford City⁶⁸**: An independent Green Belt Study already forms part of the joint work being undertaken by the Oxfordshire Growth Board, which will include sites both within and outside Oxford's boundary. However most accept the tightness of Oxford's urban boundaries, the inherent constraints on much of Oxford's Green Belt such as national ecological designations and Flood Zone, and the acknowledged importance of the City's 'green wedges' contributing to the historic setting of the City. Given all these constraints, it is considered unlikely that this exercise will lead to any large-scale release of Green Belt land within the City boundaries.
- 4.7.3 **Conclusion**: It is understood that a Green Belt study has now been commissioned by the Oxfordshire Growth Board which will consider the Green Belt across administrative boundaries and its contribution to meeting the Green Belt purposes set out in paragraph 80 of the NPPF.
- 4.7.4 **Recommendation**: No change to current SHLAA.

4.8 Site 7: Barton Strategic Site

- 4.8.1 **Cundall⁶⁹**: Site only approved in outline, and Core Strategy allocated the site for between 800 and 1200 units. Given the OAN, the potential of this site to deliver the maximum level of housing, as allocated in the Core Strategy, should be considered. A further 315 units could be provided in the long term.
- 4.8.2 **Oxford City⁷⁰**: The Cundall analysis simply assumes the upper end of the range stated in the Core Strategy policy. It is widely known that the Barton AAP evolved from detailed technical work and masterplanning, which took account of the infrastructure requirements on the site. An outline planning application was approved in October 2013 for 885 dwellings on the basis of the adopted AAP, which in accordance with PPG paragraph 017 Ref ID 3-017-20140306 should inform the site potential. A Reserved

⁶⁷ Paragraphs 139-145, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁶⁸ Paragraphs 142-145, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁶⁹ Appendix C, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁷⁰ Table 3, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

Matters application was approved for certain elements in February 2015. It would not be robust to assume a higher density than what has been approved.

4.8.3 **Conclusion:** The approach is supported given the advanced stage of the planning application, however Oxford City should keep the site capacity under review given the range of housing in Core Strategy Policy CS7 which states that *"planning permission will be granted for 800- 1,200 dwellings and infrastructure and amenities to support the new community (including a new primary school)."*

4.8.4 Recommendation: No change to the current SHLAA however the site capacity of the Land at Barton should be kept under review should this capacity be altered including in the event that amendments are sought to the outline permission.

4.9 Site 8: Warehouses off Kiln Lane/Unicol

4.9.1 **Cundall**⁷¹: Low quality Key Employment Site in a residential area and should be considered in a policy off approach. Scored poorly in ELS Key Employment Suitability. 10% of the site could be used for open space. Other densities could be explored such as keeping a certain % of the site for employment. Located in a residential area and has a capacity of 75 dwellings.

4.9.2 **Oxford City**⁷²: This site is in fact a factory occupied by specialist local engineering and manufacturing firm Unicol. The company has a long history, having established in Oxford in the 1960s, and is an award winning leader in its field. The company provides an important contribution to Oxford's economy, and has no plans to relocate. The building was built with triple glazing, and the company has an excellent relationship with its neighbouring residents. The majority of staff live locally and many walk or cycle to work. The NPPF is clear that local employment opportunities should be supported. It is inappropriate for Cundall to suggest this site should be acquired.

4.9.3 **Conclusion:** The site is not available as it is currently occupied and in operation. Oxford City's approach is to protect such sites unless the sites meet the criteria set out in Core Strategy policy CS28 the first of which is that there needs to be *"overriding evidence is produced to show the premises are presently causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated"*. Based on Oxford's explanation regarding its relationship with its neighbouring residents it is difficult to why the site should be assessed as providing 75 dwellings towards Oxford's capacity.

4.9.4 **Recommendation:** No change to the current SHLAA but as recommended previously in this report, this site should be considered as part of a strategic assessment of housing and employment land in line with the PPG.

⁷¹ Appendix D, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁷² Table 3, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

4.10 Site 9: Bertie Place Recreation Ground

- 4.10.1 **Cundall**⁷³: Sites and Housing Plan allocated residential as an accepted use if educational use not feasible, therefore should not be excluded from consideration.
- 4.10.2 **Oxford City**⁷⁴: County Council are likely to have an operational need for the site for educational uses, and therefore unlikely to promote housing. Furthermore the County Council is proactively looking for new sites in Oxford for educational purposes. The site has been identified as meeting future educational needs of the new houses to be built in the West End. It is inappropriate to suggest therefore that the site complies with PPG criteria on availability.
- 4.10.3 **Conclusion**: As the SHLAA states, the site is allocated for a new primary school and replacement recreation ground and play area in the Sites and Housing Plan adopted in February 2013 and the County Council requires the site for a school so it is not currently available.
- 4.10.4 **Recommendation**: No change to the current SHLAA.

4.11 Site 10: Albion Place Magistrates Court

- 4.11.1 **Cundall**⁷⁵: Within a Conservation Area, High Building Area, Transport Central Area, City Centre Archaeological Area. Site is adjacent to Grade I, II* and II Listed Structures. Identified in West End AAP as a site with secondary uses for residential and had been formerly included in previous SHLAAs. Existing users would have to relocate which is similar to other accepted sites in Draft 2014 SHLAA, but potential for long term mixed use redevelopment.
- 4.11.2 **Oxford City**⁷⁶: The Albion Place part of this site was developed for 14 flats in Sept 2008 which is why the City Council's SHLAA did not include this element. The site was included in the West End Area Action Plan as an identified site, not an allocation. At the time of the AAP these sites appeared to have some element of potential at the time but would not have undergone particularly rigorous deliverability testing.
- 4.11.3 The remainder of the site is in active use as the Magistrates Court and there is no intention of the Court to relocate, and therefore no evidence of availability. Cundall acknowledges that there is potential for mixed use development in the long term only. Clearly it cannot be included on availability grounds. (A similar example is Fire Station,

⁷³ Appendix D, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁷⁴ Table 3, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

⁷⁵ Appendix D, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁷⁶ Table 3, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

Rowley Road (207) – again in active use with no landowner intention (County Council) to relocate.)

4.11.4 **Conclusion:** The site is assessed as being suitable but not available in the SHLAA – this approach is supported.

4.11.5 **Recommendation:** No change to the current SHLA.

4.12 Site 11: Jubilee Hall

4.12.1 **Cundall**⁷⁷: Site in poor condition and surplus to landowner's requirements. Should be considered as a potential site for the Affordable Homes Programme, and will be a windfall site if 10 unit thresholds are not achievable.

4.12.2 **Oxford City**⁷⁸: 0.12 hectares in an edge-of-city suburban setting. Whilst the site has housing potential, it falls squarely within the 'windfalls' category as it is only likely to have capacity for around 6 dwellings. It would be inappropriate to double-count very small sites such as this one, which have already been taken account of in the windfall estimate. (Other examples of sites counted by Cundall that fall under the site size threshold are Macclesfield House (218), land at Church Way (252) and The Rectory Centre (265)).

4.12.3 **Conclusion:** The Council's approach is supported as the local authorities have agreed a 10 dwelling threshold for inclusion in the SHLAA. In order to determine whether or not these sites have further housing capacity a wider study should be conducted which considers densities and viability across the City as recommended earlier in this report. Windfall is also dealt with earlier in this report.

4.12.4 **Recommendation:** No changes to the current SHLAA however as recommended in this report, a density and viability study should further consider the potential for increasing densities. Whether or not these sites identified by Cundall are capable of achieving higher densities should be determined through the suggested future study (and its methodology). If density assumptions are revised through further evidence sites such as these, which are marginally under the 10 dwelling threshold, may need to be revisited.

⁷⁷ Appendix D, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁷⁸ Table 3, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

4.13 Housing Amenity Land off Townsend Square and other similar residential amenity sites

- 4.13.1 **Cundall**⁷⁹: Noted that site scored poorly in Green Spaces Study. It is noted that Oxford City Council has built on housing amenity land before (Ref:06/01091/FUL). Could combine site with Donnington Community Centre, and could provide new centre on nearby amenity land.
- 4.13.2 **Oxford City**⁸⁰: Cundall has indiscriminately identified, via a desktop assessment, various small areas of residential amenity land, and asserted that there is potential for development.
- 4.13.3 Notwithstanding the Green Spaces Study, such spaces can perform an important amenity and civic purpose, and contribute positively to the character of an area (the David Walter Close site (364) is a particular example of this as easily seen from aerial photography and other resources such as Google Street View).
- 4.13.4 A single example of previous development on residential amenity land is given (Butterworth Place on the Blackbird Leys estate). This was quite a large amenity space to the rear of existing houses. It provided opportunity for a natural infill development, whilst maintaining reasonable distances from existing dwellings and allowing for space around it even after development. In the case of Townsend Square, there is no intention by the landowner (Oxford City Council) to develop on this area which acts as a communal garden for the flats surrounding it. Even a desktop assessment indicates that the site identified would be unlikely to accommodate 10 or more dwellings due to the separation distances required next to existing dwellings.
- 4.13.5 Other examples of residential amenity land sites that are inappropriately included for similar reasons are Sorrel Road (359), Jordan Hill Road (363), David Walter Close (364), Wood Farm Road and Nuffield Road (372) and Nether Durnford Close (374). None of these sites are likely to support 10 or more dwellings due to design constraints, in particular the distances required next to existing dwellings.
- 4.13.6 **Conclusion:** The Land off Townsend Square has been assessed as unsuitable as it does not meet the size threshold (10 dwellings) and the Council considers it serves as amenity / communal land to the existing residential development. The site is not available as the land owner (Oxford City) does not intend to develop the site. Oxford City explains that the other suggested sites are unlikely to support 10 or more dwellings due to design constraints and therefore are not included in the SHLAA. This approach is supported. If density assumptions are revised through further evidence sites such as these, which are marginally under the 10 dwelling threshold, may need to be revisited.

⁷⁹ Appendix D, Unlocking Oxford's Development Potential, Cundall (November 2014)

⁸⁰ Table 3, Unlocking Oxford's Development Potential Response of Oxford City Council (May 2015)

- 4.13.7 **Recommendation:** No changes to the current SHLAA. As recommended, a density and viability study should further consider the potential for increasing densities. Whether or not these sites identified by Cundall are capable of achieving higher densities should be determined through the suggested future study (and its methodology). If density assumptions are revised through further evidence sites such as these, which are marginally under the 10 dwelling threshold, may need to be revisited.
- 4.13.8 Following the analysis of the above sites suggested by Cundall, we have not found compelling evidence which suggests that the SHLAA should be altered on a 'site by site basis' without an updated evidence base which considers capacity at a strategic level as we recommend throughout this report.

5.0 Summary Conclusions and Recommendations

- 5.1 The key purpose of this report has been to review the Oxford City SHLAA, to "satisfy the partner local authorities that the assessment of the ability of Oxford to meet its stated level of unmet housing need is correct" and that this is required in two parts a) In the context of existing policies; b) In the context of a consideration of reasonable adjustments to existing policy that Oxford City could consider, whilst maintaining consistency with the NPPF. As we have set out in detail throughout this report we consider that Oxford City's approach to assessing its housing supply is, for the most part, compliant with government policy and guidance (NPPF, PPG). However there are a number of matters that Oxford City needs to address in order to ensure that it has 'left no stone unturned in seeking to meet as much of its development needs within the City as possible. For the purpose of this report, we have assumed the SHMA mid-point housing need figure of 28,000 dwellings is correct for Oxford and, the 2014 SHLAA supply figure of 10,368 dwellings (which includes 330 Green Belt dwellings). This results in an unmet need of 17,632 dwellings for Oxford. (We are of course conscious that these figures will be subject to variation as new evidence becomes available).
- 5.2 In Section 3 ('high level matters') of this report we summarised the four key mechanisms the rural authorities considered the City Council should use to determine if the City could accommodate further development within its existing boundaries before seeking unmet need outside its boundary:
- i. Consider Reasonable Alternatives through the Strategic Options Assessment:
 - ii. Update the Oxford SHLAA with 'policy off'
 - iii. Proactive/Innovative Approach to Development
 - iv. Review of the Oxford Development Plan
- 5.3 In principle we support consideration of these approaches to determining whether there is additional housing capacity in Oxford and this view is embedded throughout our conclusions and recommendations in this report. In relation to the case for a review of Oxford's Development Plan we have heard convincing reasons put forward by the rural

authorities as to why a Local Plan Review is necessary /desirable whilst Oxford City has also provided convincing reasons as to why such a Review is not currently needed. Clearly this is a matter for the Council to determine through the sovereignty of its Local Plan. We do suggest a number of mechanisms, in the absence of Local Plan Review, which although not policy per se, could provide additional guidance and tools to help deliver additional housing in the City.

- 5.4 It is important to note the recent launch of the Government's 'Productivity Plan' (July 2015) which followed the Queen's Speech (May 2015). These set out a commitment to a number of planning reforms including the introduction of a *"statutory register for brownfield land, to help achieve the target of getting Local Development Orders in place on 90% of suitable brownfield sites by 2020"*⁸¹. A further commitment was made to *"grant automatic permission in principle on brownfield sites identified on those registers, subject to the approval of a limited number of technical details. On brownfield sites, this will give England a 'zonal' system, like those seen in many other countries, reducing unnecessary delay and uncertainty for brownfield development"*⁸². The timetable and details for introducing these reforms is not yet known however the Productivity Plan explains that it "shall be delivered with urgency and pace"⁸³ and it is likely that these measures will be included in the Housing and Planning Bill 2015/16.
- 5.5 These forthcoming planning reforms should provide a further impetus to authorities, including Oxford City to adopt a proactive approach to making the most of urban capacity, brownfield land and surplus public sector land in seeking to meet objectively assessed needs,

Housing Supply/unmet housing need in Oxford City

- 5.6 There are potential risks with the inclusion of the two sites within the Green Belt (with combined capacity of 330 dwellings) in the SHLAA housing supply given that this is contingent on Green Belt release through a plan-led process including a successful local plan examination and adoption by the Council. There is the possibility of Green Belt applications being granted approval ahead of an adopted Oxford Local Plan Review but given the Government's current position on Green Belt it would seem that the preferred route is through a plan-led approach. Therefore any Green Belt housing supply assumptions should be qualified by the fact that a local plan review will need to take place first and that any housing capacity assumption will need to be validated through this process. Oxford City (and its neighbouring authorities) will need to ensure that they have contingencies in place in the event that sufficient Green Belt land in Oxford is not released.

⁸¹ Page 28, Queen's Speech Briefing Note, Prime Minister's Press Office (27 May 2015)

⁸² Paragraphs 9.15 – 9.16, 'Fixing the foundations: Creating a more prosperous nation', HM Treasury (July 2015)

⁸³ Foreword, 'Fixing the foundations: Creating a more prosperous nation', HM Treasury (July 2015)

- 5.7 For the purpose of Duty to Cooperate discussions with neighbouring authorities it seems appropriate for the Council to continue to consider ways in which housing capacity can be increased whilst balancing this with need for other uses such as open space, employment space and protecting the City's heritage assets/setting to deliver sustainable communities in accordance with the NPPF. This is particularly important for the purpose of working with its neighbouring authorities to ensure sustainable growth across the Housing Market Area.
- 5.8 It is recommended that Oxford City include a working assumption for housing supply in the years 2026 – 2031. Currently there is only a windfall (180 dpa) assumption in these years equating to 900 dwellings. It would be reasonable for Oxford to assume 400 dpa for this period (rolling forward the annual supply figures used for the period to 2026) which would equate to an additional supply of 1,100 dwellings for the period 2026 – 2031. However, we acknowledge that specific sites have not been identified for the 2026-2031 period. On the basis of this working assumption, Oxford's housing capacity should be assumed as **11,468 dwellings leaving an unmet need figure of 16,532 dwellings.**
- 5.9 It should be stressed that a working assumption of 11,468 dwellings on the above basis is considered to be a minimum as it simply rolls forward annual housing targets from the adopted Oxford Core Strategy up to 2031. Until further evidence is available (e.g. green belt, density, employment etc) it is not possible to suggest a higher capacity figure which could reasonably be met in Oxford. However, it is useful to consider by way of example, if a minimum capacity figure of 11,468 dwellings were to be accepted (which includes 330 dwellings in the Green Belt). Figure 3 below calculates what an additional supply/unmet housing need might look like if Oxford were to commit to an additional percentage of housing over the period 2011-2031. We have calculated a range of percentages from 10%-20% which reflect that it would seem reasonable for Oxford City to test whether there is further capacity for housing in Oxford (see below) including through the Strategic Options process. It is this further testing that would identify any actual percentage change in the capacity. We then calculate the overall increase of housing supply which results from the recommended 1,100 dwelling increase plus an additional increase of 10%, 15% and 20% between 2011-2031. The result of this is an overall potential increase of 22%, 27% and 33% respectively.

Figure 3: Potential Housing Capacity Increase by Percentages (2011 – 2031)

Current Oxford Capacity (SHLAA 2014 + Response to Cundall 2015)	Potential Increase of Oxford Housing Supply (1,100 in years 2026-2031 + additional %)	Resultant Housing Supply for Oxford (overall % increase)	Unmet Housing Need
10,368	1,100	11,468	16,532
10,368	1,100 + 1,147 (10%)	12,615 (22% increase)	15,385
10,368	1,100 + 1,720 (15%)	13,188 (27% increase)	14,812
10,368	1,100 + 2,294 (20%)	13,762 (33% increase)	14,238

Recommendations for Oxford City Council with regard to further assessment of housing capacity to make reasonable adjustments to existing policy whilst maintaining consistency with the NPPF

- 5.10 We recommend a number of actions which may result in Oxford City finding further housing capacity, reducing the reliance on neighbouring authorities to meet its unmet housing needs:
- a) Employment protection is plan-led and the plan together with the Article 4 Direction provides strong protection of the 'key protected employment sites'. Cundall has suggested a number of employment sites that they consider to be suitable for housing. Oxford City rejected 'key protected employment sites' and only accepted / assessed four 'non protected sites' due to the SHLAA site size threshold. It is understood that Oxford City plans to undertake a comprehensive Strategic Employment Land as part of its Local Plan Review. Therefore, this evidence will determine if there are potential opportunities to redevelop employment sites for housing or provide a mix of uses including housing and employment which could help to modernise employment sites where appropriate. If any sites were to become available for housing they should be assessed and included in the SHLAA,
 - b) Oxford City should consider if there are potential sites that are a higher delivery risk but which have reasonable prospects of being delivered during the later years of the SHLAA which could be included in the housing capacity.

- c) Further density analysis combined with viability analysis – should be undertaken by Oxford City for the purpose of identifying particular areas of the City where densities could be viably increased whilst still meeting other important objectives such as protecting heritage assets and having regard to the view cones of the City (see brief at Appendix 3)
 - d) Potential to release open space, outdoor recreation and allotment provision by replacement provision in the Green Belt should be considered through a Local Plan Review and the Strategic Options testing and Green Belt Study.
- 5.11 In the absence of a commitment by Oxford City at the time of this advice note to undertake a Local Plan Review, a potential mechanism for Oxford to demonstrate how it will manage the delivery of its housing supply and risk (including any contingency sites) is through the preparation of a Housing Implementation Strategy (HIS) as recommended in the NPPF (Paragraph 47). A HIS should also set out how an LPA will engage with key stakeholder (including land owners, developers and registered providers) to help manage the delivery of housing in the City. As we suggest below, a Housing Market Partnership is a potential mechanism for such engagement.
- 5.12 Given that Oxford City is preparing its High Quality Design SPD, this could, in the absence of a Local Plan review, be a mechanism for providing the guidance needed regarding density increases and other design considerations such as heritage and view cones. Oxford City should provide examples / undertake analysis from the Design Review Panel process comparing scheme densities submitted by developers and recommendations from the panel and determine if there are particular areas of the City where higher densities can be achieved or on the other hand where higher densities tend to be more problematic.

Recommendations for future SHLAA/Call for Sites

- 5.13 As recommended in the PPG⁸⁴ the local authorities were in future to prepare an HMA-wide SHLAA this may help avoid disagreement on the methodology and outputs of the SHLAA across the Oxfordshire HMA. It is recommended that future housing and economic land availability assessments are prepared at the Housing Market Area level.
- 5.14 Oxford City should consider expanding the consultation database to include wider stakeholders for future Call for Sites exercises. We also recommend establishing a Housing Market Partnership (HMP) in order to engage the development industry, registered providers and other stakeholders on an ongoing basis. Given the significant cross-boundary matters and shared HMA there would clearly be merit in expanding the HMP to the development industry with interests outside of Oxford as well.

⁸⁴ PPG Paragraph 007 Reference ID:3-00720140306

- 5.15 Future Call for Sites should be clearer about what the authorities consider to be a constraint including how existing adopted and emerging policies will be treated in the assessment.

- 5.16 Oxford City should encourage landowners to use its website for the submission of potential development sites on an ongoing basis. It should also provide an annual update to stakeholders on the housing supply position, using an expanded stakeholder list.

Appendix 1 - NPPF Text

Paragraph 47

6. Delivering a wide choice of high quality homes

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;

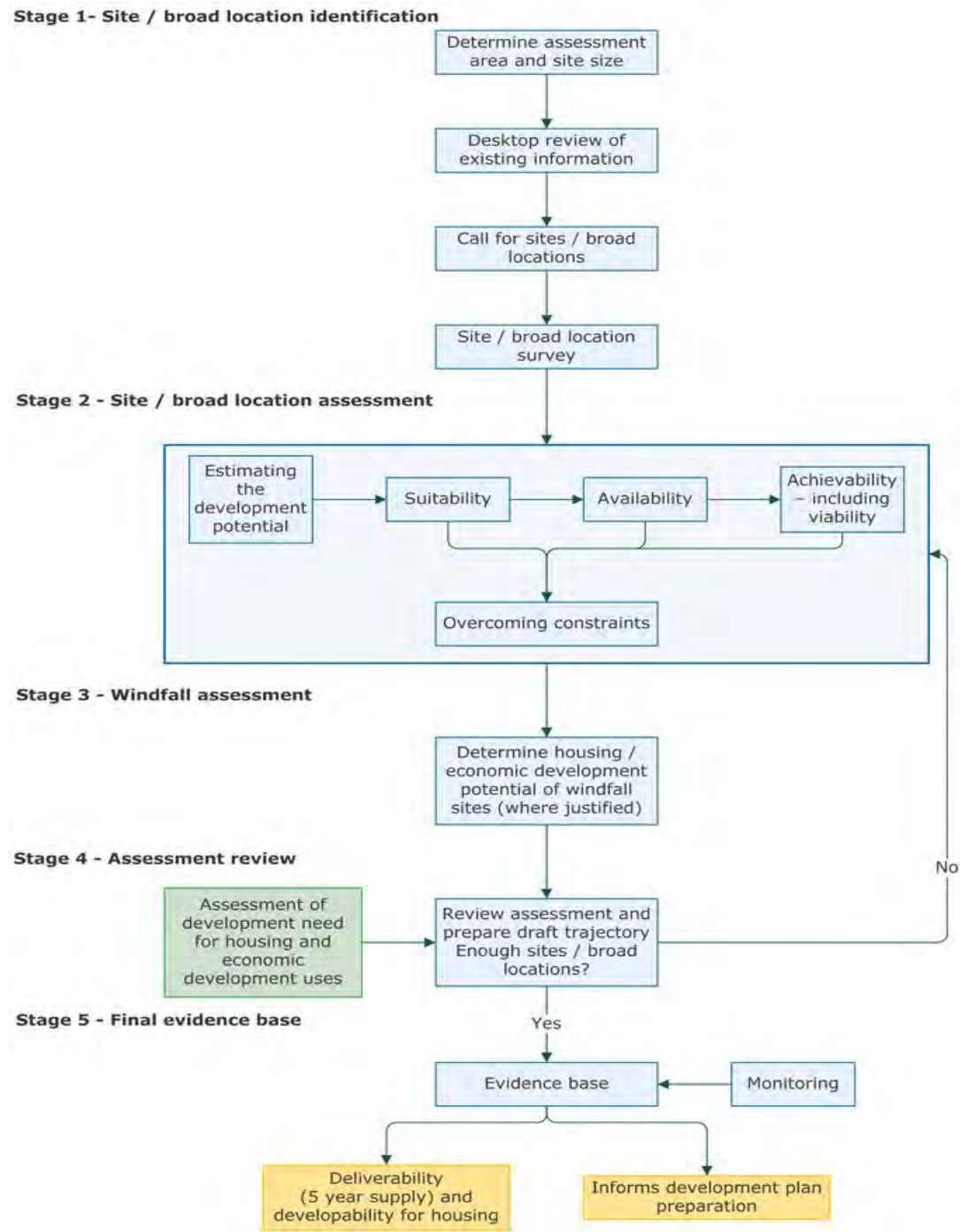
11 To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.

12 To be considered developable, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

Paragraph 134

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Appendix 2 – PPG Housing and economic land availability assessment methodology – flow chart (Paragraph: 006 Reference ID: 3-006-20140306)



Appendix 3 – Draft Oxford Density and Viability Brief

DRAFT Note to Inform the Oxfordshire Growth Board on a Density / Viability Brief for Oxford

Introduction

1. A key recommendation made in the Draft Advice Note on Oxford's Development Capacity prepared by Fortismere Associates in August 2015 was that further density analysis combined with viability analysis should be undertaken by Oxford City Council for the purpose of seeking to identify if there are areas of the City where densities could be viably increased whilst still meeting other important objectives such as protecting heritage assets and having regard to the view cones of the City.
2. The Oxfordshire Growth Board has, as a result of this recommendation, requested that Fortismere Associates prepare a brief that sets out the scope of work it considers to be required to assess the development capacity of the City by applying higher density assumptions accompanied by up-to-date viability intelligence.
3. The purpose of this note is to provide a succinct brief for the work that could be undertaken to determine whether higher densities could be sustainably achieved in the City and in turn the quantum of additional development capacity that could potentially result from this. It is considered that this work if undertaken would help to inform the Strategic Growth Options and Green Belt Study work also being prepared jointly with neighbouring authorities under the Oxfordshire Growth Board. It will be important to ensure these organisations, and other key stakeholders, are engaged throughout the process of this study.

Oxford City Strategic Housing Land Availability Assessment (SHLAA) and Housing Trajectory

4. Oxford City's SHLAA (December 2014) is the most recent SHLAA prepared by the Council which found that there is a potential housing capacity of 10,212 dwellings in Oxford to 2031. In Oxford's response (May 2015) to 'Unlocking Oxford's Development Potential' (Cundall November 2014) this potential housing capacity figure was increased slightly to 10,368 dwellings.
5. Sites likely to deliver less than 10 dwellings (approximately 0.25ha) were rejected from the outset in the SHLAA however are included in Appendix A of the SHLAA, except where sites have been specifically suggested through the call for sites or consultation.

6. Oxford City Council's existing development schemes have been used to determine appropriate densities in the SHLAA. However, further evidence is required to confirm whether existing/approved development schemes are the appropriate basis on which to make density assumptions. The viability assessment in the SHLAA does not 'sensitivity test' density assumptions upwards; rather it tests the capacity assumptions already in the SHLAA.
7. The SHLAA also tests 'typologies' rather than development sites with the SHLAA⁸⁵ setting out a range of density assumptions for schemes under and over 2 hectares classifying these into locations 'Transport District Areas', 'Transport Central Areas' and 'Suburban Sites' as follows:

Sites under 2 Hectares

Densities of twelve 'suburban' schemes (table 3 of SHLAA 2014)

Scheme types under 2 ha	Average dph	Count
Houses or mainly houses with significant minority flats	35	6
Flats or mainly flats with significant minority housing	87	4
More even split floor space for houses and flats	67	2

Density estimate ranges used to assess new residential capacity (table 4 of SHLAA 2014)

Scheme types under 2 ha	High	Med	Low
Transport area sites (Central & District)	87	Median (77)	67
Suburban Sites	67	Median (51)	35

Sites over 2 hectares

Densities used for sites over 2 hectares (table 5 of SHLAA 2014)

Scheme types over 2 ha	High	Med	Low
Suburban sites	65	Median (50)	55
Transport District Areas	75	Median (70)	65
Transport Central Areas	80	Median (75)	70

⁸⁵ See Tables 4 and 5 of Oxford SHLAA (December 2014)

Oxford City's Viability Evidence

8. Oxford City Council has a considerable amount of viability evidence, however the majority of it was prepared prior to 2013. There is no viability report on the SHLAA itself but an independent (HDH Planning and Development Ltd) review of the existing evidence base was undertaken (Appendix C of the SHLAA) to judge whether it is sufficient to be used to make an informed and robust judgements as to whether potential development sites, identified through the SHLAA process, are likely to be deliverable. The conclusion of HDH Planning was that the Affordable Housing Viability Study and the CIL addendum cover much of the development site types that are in the SHLAA,
9. Viability evidence supporting Oxford's adopted Local Plan documents, including the Sites and Housing Plan:
 - Affordable Housing Viability Study, King Sturge, June 2011.
 - Update note to Affordable Housing Viability Assessment (also referred to as: Residential Sensitivity Testing), Oxford City Council and Jones Lang LaSalle, September 2012.
 - Affordable Housing Viability Assessment (also referred to as: Additional Viability Testing - Smaller Sites), Jones Lang LaSalle, October 2012.
 - Affordable Housing Viability Study – Student Accommodation, CBRE, December 2011
10. Viability evidence supporting Oxford's Community Infrastructure Levy
 - Oxford's Community Infrastructure Levy Analysis (also referred to as: CIL Residential Addendum), Jones Lang LaSalle, July 2012.
 - Residential Community Infrastructure Levy Analysis – Addendum to Housing Viability Evidence Report (also referred to as Residential Update), Jones Lang LaSalle, January 2013.
 - Student Accommodation – Community Infrastructure Levy Analysis (also referred to as: CIL Student Addendum), CBRE, March 2012.
 - Updated Viability Evidence Report Community Infrastructure Levy Assessment (also referred to as: CIL Non-residential Assessment), Jones Lang LaSalle, January 2013).

Scope of Work required

11. We suggest that the following scope of work is required:

Establishing the Baseline

- Review existing evidence and policies relating to density, viability including SHLAA and its Viability Assessment (Appendix C), CIL viability, view constraints, and heritage constraints.
- Determine existing densities of areas of Oxford City.
- Review densities in SHLAA / overall density of planned development and its location and provide clear digital mapping of existing and planned densities.

Determining Accessibility

- Identify the accessibility of Oxford (for example neighbourhoods with good access to public transportation/transport nodes/transport corridors), taking account of:
 - o Existing accessibility
 - o Planned development and transportation projects which may influence accessibility in the future
 - o 'Transport District Areas', 'Transport Central Areas' and 'Suburban Sites' in the SHLAA

Assessing Viability

- Update the viability evidence with recent/current land valuation, construction costs.
- Viability test increased densities (at various scales) in a range of locations that are representative of Oxford City.
- The study should consider whether higher density development yields greater viability providing clear conclusions on this matter.

Recommended Strategy

- Recommended strategy for increased densities in suitable locations
 - o Desirable densities by locations
 - o Potential increase in housing yield in these locations
 - o Parking implications of higher density
 - o 'Opportunity Sites' for higher densities with accompanying visualisations of different scales of densities.

Member, Officer and Stakeholder Engagement

12. Two workshops/facilitated meetings and two presentations with Members and Officers at key stages in the process as identified in the timetable below. It will be important for the Oxfordshire Growth Board, neighbouring authorities and other stakeholders (including public sector land owners) to be engaged in the preparation of the study. The engagement process and format of these events will need to be agreed with the client at the Inception Meeting. Regular project team meetings to be held throughout the commission.

Timetable

13. Notwithstanding the procurement arrangements, it is potentially feasible for this study to be undertaken Oct 2015 – February 2016 with an indicative timetable proposed below:

Oxfordshire Growth Board
Draft Advice Note on Oxford's Development Capacity
August 2015 (updated December 2015)

- Inception Meeting & Data Exchange – end of October
- Preparation of Initial Technical Work - November
- Member and Officer Workshop – end of November
- Initial Findings Presented to Client – early December
- Feedback/Further Workshop (if required) – early January
- Final Report and Presentation– early February

Procurement Arrangements

14. Client to advise