

## **Inspectors' note concerning the Council's response to the Inspectors' Initial Questions and Comments (Set 1)**

### **Questions 1, 2, 3 and 4: Housing requirement, timescales and housing capacity**

We have no further questions at this stage. These matters will be discussed at the examination hearings and we will be seeking statements from hearing participants in due course.

### **Question 5: Affordable housing on smaller sites through financial contributions**

The issue concerns contributions from small housing sites towards the provision of affordable housing, as required by Policy H2(a)(ii). The Council seek to justify the policy on the basis of (a) the significant need for affordable housing in the city; (b) the limited supply of housing sites and (c) the greater reliance on smaller housing sites owing to the constrained built up area.

Consistency with national policy is one of the tests of the Plan's soundness. Paragraph 63 of the Framework states that provision of affordable housing should not be sought for residential developments that are not major developments, which are, by definition, developments with fewer than 10 homes. It does not set out any exceptions. In seeking contributions from sites of 4 to 9 homes towards the provision of affordable housing elsewhere in Oxford, Policy H2 is directly contrary to national policy.

We recognise the issues that exist in Oxford in relation to both market affordability and affordable housing need, as well as the constraints to site availability, but there is a bigger picture. We know that a substantial proportion of Oxford's overall housing need, including affordable housing, is to be met in neighbouring authorities. Therefore the proportion of affordable homes that would be delivered from contributions from sites of 4 to 9 homes within the city itself would be small compared with the overall level of affordable housing provided in the wider area to meet Oxford's needs. This suggests that the argument for the policy is less than compelling. We are also unclear whether and to what extent, in a constrained urban environment, the contributions would be capable of being used directly to deliver a meaningful number of new affordable homes as additions to the housing stock (as opposed, for example, to refurbishments).

On the evidence we have seen we do not consider that Policy H2(a)(ii) would be effective or justified as an exception to a very clear statement of national policy, and it should be deleted. If the Council accept this point now, it will not be necessary to spend time at the hearings discussing it. Should the Council wish to pursue the matter further, we would appreciate answers to the following questions, with appropriate calculations.

(a) What proportion of Oxford's overall assessed need for affordable housing during the plan period (or to 2031 if that is easier to calculate), including that expected to be delivered by neighbouring authorities, would be expected to be met through contributions from sites of 4 to 9 homes within the city?

(b) In detail, what is the mechanism for the direct delivery of affordable homes from these contributions?

(c) Given that the policy has been in operation for some time, please will the Council provide a time series of total receipts from contributions towards affordable housing from sites of 4 to 9 dwellings over the last 5 years (or whatever period it takes to provide meaningful data).

(d) Can the Council please provide a time series showing the number of additional affordable homes within the city, as additions to the housing stock, that are directly attributable to these contributions over the last 5 years (or whatever period it takes to provide meaningful data).

#### **Question 6: Positive planning**

This concerns the statements “Planning permission will only be granted for” and “Planning permission will not be granted for any other use” together with the drafting of a number of very prescriptive policies. We note the Council’s arguments, but the majority of other planning authorities do not word their local plans in this way and this has not resulted in any dilution of their policies. The appropriate approach is “Planning permission will be granted for..” or “The site is allocated for..”.

The reason this is important is because perfectly reasonable and sustainable alternative uses may come forward over time which would not jeopardise the plan’s objectives and the plan should not deliberately set out to prevent them at the outset. The plan is there to manage development rather than exercise inflexible control over it. The approach taken by the plan means that any proposal, however beneficial or sustainable, that did not meet the (often very prescriptive) terms of the policy, would automatically be contrary to the development plan. The significant risk to the Plan is that, to meet changing needs and to accommodate good, sustainable schemes, decisions will frequently need to be made that are contrary to the development plan, thus devaluing it. The Council cannot foresee all the changes that are likely to take place or the good opportunities that are likely to arise. We do not consider the Council’s suggested alternative “Planning permission will only be granted for” is appropriate, for exactly the same reasons.

National policy states that plans should be prepared positively, should be sufficiently flexible to adapt to rapid change, and should be flexible enough to accommodate needs not anticipated in the plan. The restrictive statements in these policies, together with the issues of policy over-prescription and inflexibility referred to in our first and second sets of questions, together amount to a significant issue of soundness for the Plan. We will therefore be recommending the deletion of this wording and ask the Council to re-write the relevant policies with positive and flexible wording.

#### **Question 7: Policies that make distinctions on the basis of the nature of the applicant**

*Policy E3: New academic floorspace for private colleges / language schools* is unnecessary because *Policy E1: Employment sites* already provides a strong framework for resisting the loss of employment floorspace and *Policy H5: Development involving loss of dwellings* is a strong policy for resisting the loss of dwellings. There is no need for a policy aimed specifically at the private college part of the academic and teaching sector, which as we have previously said seeks to discriminate on the basis of the applicant.

The issue of the discriminatory approach in *Policy H8: Provision of new student accommodation* towards different parts of the academic and teaching sector in relation to student accommodation is raised in question 2 of our second set of questions and the same point applies. Concerns about the further incursion of students into the housing market should be dealt with by a general policy applying to all academic institutions that permits academic development that would result in the growth of student numbers where a commensurate amount of student accommodation is provided.

We are particularly concerned that the Council’s approach in Policies E3 and H8 appears to be based on what the Council thinks the different academic and teaching organisations and their students might spend in Oxford, that private colleges “are not required to meet the needs of the city” and

that the ability of the two universities to gain exclusivity rights on the existing stock of private student accommodation is a factor behind policies E3 and H8. The NPPF makes clear that planning policies should help to create the conditions in which businesses can invest, expand and adapt; local business needs should be taken into account; and local planning authorities should take a proactive, positive and collaborative approach to development that will widen choice in education. The plan's approach does not adequately take this into account and appears not to have regard to the educational benefits to the students themselves of establishments other than the two universities. In any case the policy as we have said is ineffective because its objectives in respect of the protection of employment land and housing are addressed by other plan policies. We will therefore recommend that Policy E3 is deleted in its entirety; that the needs of educational establishments other than the two universities are addressed in Policy E2; and that Policy H8 is amended to remove the discriminatory approach in favour of the two universities and Ruskin College and is re-cast so that it that permits all academic development that would result in the growth of student accommodation where a commensurate amount of student accommodation is provided.

We welcome the Council's proposed change to Policy V7 In dropping the word "state" in reference to schools. However, the NPPF also says that local planning authorities should give great weight to the need to expand or alter schools and this should be reflected in the policy.

## **Conclusion**

Please will the Council now formulate appropriate new text and delete the indicated policies using strikethrough and coloured text, and send it to us for our further comment.

Jonathan Bore

Nick Fagan

19 July 2019