

Matter 2: Housing Capacity in Oxford

Whether the capacity-based housing requirement for Oxford of 10,884 (544 dwellings per annum over 20 years) set out in OCC1.B is realistic

1. The housing requirement is capacity based. In that regard it is not realistic.
2. The 10,884 dwelling housing requirement in Policy H1 that is informed by the HELAA (PSD.2) is too low. It is not possible for South Oxfordshire District Council to estimate what the capacity-based housing requirement for Oxford could be on the basis of the omissions to capacity. However, there are a number of recommendations for changes to the HELAA that South Oxfordshire District Council would reiterate as being relevant. These recommendations are set out from paragraph 22 to 33 below.
3. OCC1.B (updated) suggests that the equivalent capacity in the period 2011-2031, aligned with the Oxfordshire Housing and Growth Deal, is someway short of the assumed capacity of Oxford of 10,000 dwellings. 9,588 dwellings are provided for leaving a shortfall of 412 dwellings.
4. South Oxfordshire District Council is concerned that as a capacity based housing requirement using capacity identified in the HELAA (PSD.2), Policy H1 will operate inflexibly.
5. The capacity of the City has been volatile and subject to change throughout the local plans production and examination. This volatility gives little confidence to South Oxfordshire District Council that the capacity of the city is maximised. In this regard the capacity based housing requirement could be seen as unrealistic.

Whether the policies of the Plan adequately promote housing delivery, and whether the Plan provides an adequate basis for ensuring that the best use would be made of land within Oxford to maximise housing provision

6. The Policies in the Plan do not adequately promote housing delivery.
7. The Plan does not provide an adequate basis for ensuring that best use would be made of land within Oxford to maximise housing provision.
8. There are three reasons why South Oxfordshire District Council submits that the Oxford Local Plan does not adequately promote housing delivery or maximise housing provision:
 - Ensuring best use of land – The HELAA capacity is underestimated;
 - Green Belt – The Plan should optimise the density of development, especially in areas well served by public transport and consider the allocation of further Green Belt sites;
 - Tall buildings – developments should make optimal use of each site.

Ensuring best use of land

9. South Oxfordshire District Council's response to Oxford through its Local Plan production and in the Regulation 19 consultation on the Oxford City Publication Local Plan was clear that capacity must be maximised for housing in the city.

"We note that the Proposed Submission Draft now identifies a minimum capacity based housing target of 8,620 dwellings to be delivered in the plan period up to 2036. However, we note that the assumed capacity for Oxford City as agreed through the Oxfordshire Growth Board was 10,000 dwellings. It is not clear whether there exists a shortfall given the base year change. It appears that the overall level of supply has decreased and the City will need to demonstrate that no stone has been left unturned in its examination of potential capacity within its administrative area. Clarification would be welcomed."

10. As set out from paragraph 22 to 33 to the HELAA capacity of the City is underestimated, meaning that best use of available land within Oxford has not been promoted.

Green Belt

11. NPPF paragraph 137 is a particularly important consideration given the potential impacts for land within neighbouring Districts. South Oxfordshire District Council believe that the Local Plan is not compliant with paragraph 137 (points a and b) of the NPPF Paragraph 137 states:

"Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:

a) makes as much use as possible of suitable brownfield sites and underutilised land;

b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and

c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground."

12. Part a of NPPF paragraph 137 requires that as much use as possible of suitable sites and land is made, in Oxford this is done via the HELAA (PSD.2). The Council does not believe that the HELAA identifies all capacity.

13. Part b of NPPF paragraph 137 requires that density is optimised including on 'other locations well served by public transport'. No attempt has been made to

explore the NPPF requirement to significantly uplift standards at other locations well served by public transport. The Plan has explored areas for increased density and recommended that the City and neighbourhood centres have an increased density in Policy RE2. This has had little effect on promoting any noticeable uplift in capacity in the City.

14. There are many areas within the City capable of this potential uplift, but the Policy at RE2 (part b) makes the user refer to increased scale and density that is not evidenced within the HELAA or any other evidence based document. In this regards Policy RE2 is ineffective. Suggested modifications to Policy RE2 are provided beneath paragraph 21.
15. Whilst it is acknowledged that some aspects of optimising the density of development within the City has been explored, this has only been explored to the extent that city and district centres are appropriate. The approach in the HELAA (PSD.2) when estimating capacity is to only use the lowest density in the range, where there is an option for a range. This approach does not take account of the potential impact of such an approach on the need to release housing on Green Belt, some of which is proposed in South Oxfordshire and other areas in the County. The approach to calculating capacity in the HELAA and the Policy on density of development in RE2 does not maximise delivery of housing. Suggested modifications to Policy RE2 are provided beneath paragraph 21 and the HELAA should be re-cast to explore sites that are capable of achieving at least mid-point in the range of density.
16. Exceptional circumstances exist for the release of Green Belt. South Oxfordshire District Council acknowledge that some sites within the City are allocated that are currently within the Green Belt. The LUC Oxford Green Belt Study (GRS.1) has provided an analysis of harm on a range of sites, some of which were not allocated. The City Council has taken a decision to only release for development the sites with up to a moderate harm rating. In order to meet the needs of Oxford on sites adjacent to the city, South Oxfordshire District Council had to have no such restriction in order to provide sites to meet Oxford's unmet housing need (all moderate to high sites identified were proposed for development and eight out of nine high harm sites were proposed for development). However, in such circumstances, the decision to only allocate sites with up to moderate harm is challenged.
17. The current Green Belt sites within Oxford that should be considered for potential allocation include those with a moderate to high harm rating in the LUC Study (GRS.1):
 - Cherwell Valley Old Marston
 - Land at Old Marston
 - Brasenose land in 112b
 - Field at junction of Marsh land and Elsfeld Road
 - Showmans field
 - Land West of Meadow Lane

- Court Place Farm Allotments
- Land adjacent to Seacourt P&R

Tall buildings

18. Policy DH2 contains a generic area wide approach to control of tall buildings. This is evidenced following the production of the Oxford High Buildings Study (DES.1 and DES.2).
19. The Policy is not compliant with national policy. The NPPF at paragraph 123 states:

“Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site.”
20. The Policy advocates an effective dismissal of the potential for taller buildings on each site, but the Council suggests that a site by site approach may be able to optimise efficient use of appropriate sites.
21. Specific suggested modifications to policies are recommended as follows.

Policy H1 point b should remove reference to ‘*in appropriate locations*’.

Policy RE2 should be amended to add text in bold:

*“High-density development (for residential development this will indicatively be taken as a **minimum 100dph**) is expected in the city centre and district centres **and locations that are, or will be, well served by public transport.**”*

Whether the Housing and Employment Land Availability Assessment (HELAA) is a reliable indication of the capacity of the city for housing and whether greater clarity is required for the numbers to be provided on housing sites and mixed use sites

22. South Oxfordshire District Council do not believe that the HELAA is a reliable indication of the capacity of the city. Also greater clarity is needed on housing provision expected on housing and mixed use sites.
23. There are three reasons why the HELAA is not a reliable indication of capacity for housing:
 - Responding to previous scrutiny – There were recommendations made to increase capacity of the City that have not been followed through;
 - The application of a 10% buffer for non-delivery;
 - The approach to the consideration of development potential of green spaces.

Responding to previous scrutiny

24. South Oxfordshire District Council have challenged the potential capacity of Oxford to accommodate housing. Relevant evidence to consider includes:

- HOU.16 Unlocking Oxford's Development potential – Cundalls - November 2014 (South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council);
- GLD.7 Draft updated Advice Note on Oxford's Development Capacity – Fortismere Associates – August 2015 (Oxfordshire Growth Board);

25. The most recent HELAA update (PSD.2) does not adequately respond to this previous scrutiny made on the Oxford HELAA process. Whilst the word limit prohibits all specific recommendations that have not been considered being provided in this Statement, there are some key recommendations from GLD.7 that remain unresolved in the HELAA (PSD.2):

- The development potential section of the HELAA 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. Development outside of the City Centre, and Transport District Areas should aim for a target of 55dph and sites within or neighbouring constraints such as Green Belt or Conservations Areas may see their target densities decreased to 40dph;
- In previous HELAAs there have been existing Care Homes included in the assessment, which have now been excluded as the landowner, generally Oxfordshire County Council, has indicated that the existing use is to remain on site. Discussions should be held to see if there are any plans to expand the existing use to provide further capacity on these sites;
- Oxford has a large student population, approximately 24% of its population (Census 2011). The Universities, along with other educational facilities, have their own sports pitches for use for their students. It is a reasonable assumption that a large majority of students, although not all, will use their own University and College pitches for sport, rather than those that are deemed 'Secured Community Use'. Oxford University in particular has ample pitch provision far exceeding provisions for most universities, with many colleges having their own set of pitches for many sports, some of which could be shared in future if some rationalisation took place. This degree of duplication and a high land take for a relatively small number of users is not recognised in the Playing Pitch and Outdoor Sports Strategy. Therefore there could be an element of double counting students, by including them in the population calculations for 'Secured Community Use'

facilities, thus seeking to achieve standards and protect more sports pitches than may actually be required;

- Summer Fields School Playing Fields – This site was recommended for allocation. Policy SP5 proposes an allocation but this is only on the athletics track. The HELAA notes this area as relating to District Centre and potentially as high density development, however the capacity in the HELAA for this site is 107. Prior to the consideration of high density development the recommended potential capacity for this site was estimated as 120 dwellings;
- Scrap Yard, Jackdaw Lane – This site was recommended for allocation for an estimated 70 dwellings. The site is assessed in the HELAA but it is not allocated. The HELAA summarised by suggesting that the site owner wants to relocate, but that the site is unavailable. Potential for the use of Compulsory Purchase Powers on sites such as this has not been considered.
- Green Belt land east of Redbridge Park and Ride – This site was recommended for allocation. Policy SP30 allocates the site. However a 10% open space requirement on site applies. The capacity of the site is indicated in the HELAA as 162 dwellings, this is some 35 dwellings below the Cundalls recommendation. Also Policy SP30 states that high density is appropriate on this site, therefore the capacity should not be lower than the Cundalls recommendation.
- Cowley Marsh Depot and Playground – This is was recommended for allocation. Policy SP36 allocates part of this site. The depot is included and allocated. The adjacent land that is redundant playground since its relocation has not been allocated. The site capacity in the HELAA is 80 dwellings and this includes a 10% Public Open Space reduction which isn't unnecessary on this site given its location adjacent to the parks. This is someway short of the capacity recommended in the Cundalls report as 108 dwellings.

26. Whilst the word limit prohibits all specific recommendations that have not been considered being provided in this Statement, there are some key recommendations from HOU.16 that remain unresolved in the HELAA (PSD.2):

- There does not appear to be evidence to suggest that existing/approved development schemes are the correct basis on which to make density assumptions. 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;
- 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;

- Consider the potential to release open space, outdoor recreation and allotment provision by replacement provision in the Green Belt;

10% Buffer

27. Also see South Oxfordshire District Council's response to Matter 4. The HELAA is not a reliable indication of capacity because the application of the 10% buffer for non-delivery of identified potential capacity has taken place prematurely.
28. Whilst we appreciate that the City Council have attempted to provide a capacity-based housing requirement, this deduction of potential from capacity is not compliant with National Policy set out in the NPPF (paragraph 73) which makes it clear that the buffer operates by 'bringing forward additional sites from later in the plan period' rather than adding a buffer to deliverable supply. There is no reference to a buffer in the Planning Practice Guidance on Housing and Economic Land Availability Assessment. More sites must be expected to come forward over the period of the Plan.

Green Spaces

29. With regards to the HELAA being a reliable indication of the capacity of the City, there is a significant underestimate of capacity given the City Council's approach to consideration of green spaces for potential development. This will impact on Policy H1 and the capacity based housing requirement and on Policy G5 Outdoor Sports.
30. To resolve this, the capacity of the City should be increased in the HELAA by considering the potential for relocating functional green spaces such as golf courses to the edge of the built-up area of Oxford. This is an appropriate NPPF compliant use of land in the Green Belt. Consideration of the use of the City Council's Compulsory Purchase powers should be explored to enable this.
31. Also to resolve this the Local Plan must not rely upon interim or missing evidence base in the form of an up to date playing pitch strategy. The interim playing pitch strategy is not a valid playing pitch strategy, and it is published as a draft without any published background evidence. There is no clarity on what assumptions have been made regarding population in the interim playing pitch strategy because the analysis has not been published for the participants of this examination to view.
32. Policy G5 Outdoor Sports states:
"Consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study."

33. As written Policy G5 is not effective or justified because this study does not exist and the need for the pitches is not conclusive. This Strategy needs to be undertaken prior to this Policy being adopted.

Greater clarity on housing provision

34. South Oxfordshire District Council submits that Policies SP1 to SP7, SP12 to SP19 SP23 to SP60 and SP 62 to SP66 should all be modified so that that the number of units identified in relation to each site is stated to be a minimum figure.
35. As currently drafted, these policies do not provide a clear strategy for the delivery of housing as required by NPPF [23]; see also PPG paragraph 003 Reference ID: 3-003-20140306).