

Statement of Case: Gomm Developments (Oxford) Ltd

Oxford Local Plan 2036: Submission Plan

MATTER 4

The impact on Housing Delivery and in particular the effects of

Car free and reduced parking requirements: Paragraphs 7.25 to 7.27 and Policy M3

November 2019

1. Objections

- 1.1. One part of the original representations to the Council related to the Council's affordable homes policies and supporting paragraphs. The Inspectors have commented in respect of this and have requested changes to the draft Plan in a manner consistent with the NPPF. No further comments are offered on those matters.
- 1.2. The second representation made to the Council related to its proposed approach to car parking. These are set out in the objections in **Appendix 1** to this Statement which relate, in particular, to **Paragraphs 7.25 to 7.27 and Policy M3** of the Submission Plan. It is noted that the Inspectors have commented in respect of the Council's parking policies in respect of commercial developments, and that issues have been raised in relation to car parking policies which relate to new residential development.
- 1.3. The impact of the Council's approach to car parking and its impact on housing delivery will form the basis of discussion at the Examination.
- 1.4. The Council notes that "windfall" sites will form a considerable part of the expected housing delivery (about 12% of the expected housing provision if the Council is right on the deliverability of larger sites). This will include small sites which will be affected by the Council's proposed approach to car parking.
- 1.5. The Council's Background Paper Assessing and Meeting Housing Need suggests as follows:
 60. *Oxford has a large number of Controlled Parking Zones (CPZs) within the city, as well as plentiful walking and cycling routes and excellent public transport. This allows for a high number of successful car free housing opportunities to arise within Oxford. As a result land can be used more efficiently, as higher density development can be delivered on sites where parking would otherwise be present. Consequently, where a development is car-free, the only parking spaces available will be for visitors, disabled people, car clubs, and businesses and services reliant upon parking (where this is integral to their nature, operational and/or servicing requirements e.g. emergency services).*
 61. *Appendix 7.3 of the Oxford Local plan 2036 sets out the adopted parking standards for residential developments that do not lie within a CPZ and are over 400m from a regular bus service (15 minutes) and over 800m from a convenience store.*
 62. *Residential development that lies within a CPZ and is located within a 400m walk of frequent public transport services and 800m walk of a local supermarket or equivalent will only be granted planning permission if it is car-free. In implementing this policy, the council are ensuring that any available land is developed most efficiently.*

1.6. The Council provides no evidence to support these comments. The impact of its car parking approach would have adverse consequences for the delivery of “windfall” sites. Those developments in Oxford (save for student housing) which are car-free have been put forward by the prospective developers and have not been forced upon them by policy dictat. There is no detailed research which the Council provides in respect of those developments in terms of size, occupation, car ownership levels amongst residents, or other impacts.

2. Paragraphs 7.25 to 7.27 and Policy M3 and their impact on housing delivery

2.1. The policy seeks, inter alia, to restrict car parking for any form of residential development in Controlled Parking Zones in Oxford, in particular seeking only to permit car-free development in certain circumstances. The Inspectors have sought answers to several queries in respect of the policy and its supporting paragraphs, to which the City Council has responded in document OCC2. The Inspectors have noted that the changes proposed are “acceptable” modifications though these are yet to be fully tested.

2.2. The policy continues to seek to restrict all residential development in controlled parking zones to being car-free, subject to a number of criteria being met. A part of the change to the policy indicates that

“In the case of the redevelopment of an existing or previously cleared site, there should be no net increase in parking on the site from the previous level and the Council will seek a reduction where there is good accessibility to a range of facilities”.

2.3. It is unclear whether this part of the policy is intended to relate solely to non-residential developments or to all forms of development, as clearly there is no difference in effect in relation to residential or non-residential development. There is no reason why this element of the policy should not relate to residential development and it should be made clear that this is the case. This will assist in ensuring that new housing replacing existing houses can be developed in a more viable manner (see below) and enhance potential delivery.

2.4. Document OCC2 sets out the Council’s reasoning for the policy but it is full of ideas and is backed by little evidence. Similarly, the Council’s comments in the Background Paper do not provide evidence which confirms that the effects it describes would occur and would not affect delivery of the windfall 12% of overall housing provision. The majority of the sites with which the objectors are involved relate to either redevelopments of existing sites in existing suburban areas, or minor infill developments. They are not those which are identified in the HEELA but are windfall sites, of which the Council is expecting some 60 dwellings per annum or 1,020 over the Plan period.

- 2.5. The Council indicates that part of the justification for the policy is that car parking leads to an inefficient use of land. Whilst this may be the case in some circumstances (though the Council do not produce evidence), most small site developments in suburban areas are required to follow the existing built forms of development where most of the buildings will be set back from the highway edge at a consistent distance. This would not change as a consequence of the Council's Local Plan policies or the National Design Guide, hence there would be no inefficiency in the development carried out: the space between highway and any new home would be available for car parking in a manner which reflects the existing adjoining development. Such parking would not lead to any demonstrable increase in car usage for, as the Council's own evidence shows, there has been no increase in car usage for Oxford residents despite the increases in new housing which have occurred in the City since 2001.
- 2.6. The policy takes no account of the impact on the viability of the development of small sites in the urban area where the lack of car parking would adversely impact on values rendering the redevelopment of many small sites non-viable. For example, on a site where one house exists with car parking and is proposed to be replaced by two homes, the lack of parking to serve the new homes would impact adversely to the extent that it would unlikely be viable and would not proceed.
- 2.7. An existing house with its car parking has an existing value which would not be affected by the Council's policy relating to a prospective redevelopment. It is not the same as an undeveloped site where its value may be affected by the Council's policies. The Council's policy on car parking would impact on any scheme for the redevelopment of the site and would diminish the value of the replacement development, where account is also required of the required CIL payments, changes to any Traffic Regulation Order, and the increasing build costs as materials and labour prices continue to rise. The Council has not provided evidence on this issue but have sought to pursue a policy which would impact on the deliverability of small sites.
- 2.8. Such an adverse impact would affect the number of small sites coming forward in a way which is inconsistent with the NPPF, which makes clear at paragraph 68 that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area" and that Councils should "d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes". The Council's approach would have the opposite effect.

2.9. The NPPF provides no support for overall car-free development of the nature sought by the Council. The NPPF promotes an approach to ensure that *“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”* It makes clear that *“Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework)”*.

2.10. There are over some 61,000 existing households in Oxford. In addition, the Plan envisages 7,600 new dwellings from HEELA sites and 1,020 from windfalls. The windfalls would add no more than some 1.5 to 1.6% of households to Oxford. According to the OCSI report (Local Insight profile for ‘Oxford’ area: Oxford City Council and District Data Service Report created 25 February 2019) 33% of households in Oxford do not have access to a vehicle.

2.11. The Council’s Background Paper *Movement and Transportation* shows that for those households within Oxford *“Commutes made mainly by bicycle, on foot and by bus within the city have all increased whilst car commuting has stayed at a similar level to 2001”*. Figure 1 of the document shows that car use by Oxford residents had reduced significantly between 2001 and 2011.

2.12. Clearly the Council’s policies should be aimed at non-resident modes of travel as it is the increase, particularly in commuters using cars, which causes those environmental issues to which the Council refers in OCC2 as part justification for its policy M3. There is **no evidence** to show that it occurs as a result of the development of small sites in the urban area or in Controlled Parking Zones. **These zones have been mostly designated to prevent commuter car parking and not to impact on residents, be they existing or new, and have not been designed to form the basis of a separate policy regime.** As an aside, using them in this way may adversely impact on the Council’s aspiration to increase CPZs in Oxford raising the prospect of increased objections to their establishment.

2.13. In relation to parking controls, the Council does not indicate how the policy would achieve *“managing the impact for existing residents”* or why there should be a policy which discriminates against new residents of small sites being developed. As the original objection notes, the policy seeks by implication to prevent car ownership rather than use as in addition to car-free development, the Highway Authority would be unlikely to issue parking

permits for new residents. It would conflict with the rights of new residents to own a car and is unlikely to be successful as “The effect may lead to greater traffic movements in the City as those who wish to own a car but have been denied off street parking and on street parking permits move around from one on-street parking spot to another or take up public parking which should be otherwise available (for example to shoppers)” (see Appendix 1). The Council’s response to the Inspectors is unconvincing and is not based upon a detailed appreciation of the CPZs or the parking controls within them.

2.14. For example, the CPZs include areas where anyone can park, for example for 2 hours within certain time limits or without restriction overnight. There is no effective restriction on the use of public car parks and the Council does not indicate how it or the County Council would seek to control them, indicating that distance would be a deterrent (which it clearly would not be for properties which would be within the distances set out in the policy). The policy is likely to be ineffective as well as not being justified by the evidence but being justified only by aspiration. It is not thought-through.

2.15. The Council has not provided clear and compelling evidence to support the need to control **all** new residential developments in the way suggested by Policy M3. Car usage by Oxford residents has fallen since 2001 and there is no evidence to show that for all sites, including small site developments, there would be any adverse impacts on the local road networks (indeed the effect of insisting on car-free development may increase movements as those without access to a space hunt for car parking locally). Density in respect of many developments is unlikely to be increased as a result of a car-free approach where the character of an area or the scale of the development or the need to provide adequate amenity standards and distances between buildings renders that unachievable. This is likely to be the case with most small to medium scale developments.

2.16. Overall, the Council’s approach is unlikely to produce the benefits which it alleges would occur but would more particularly adversely affect the delivery of homes, particularly on the smaller windfall sites.

3. **Conclusion**

3.1. The Council’s policy M3 is not justified by the evidence, would not be effective and would not be consistent with Government Policy. It would adversely affect the delivery of homes on the smaller windfall sites and call into question whether the delivery expected would be achieved.

3.2. The policy should be deleted and/or revised to make clear that redevelopments or the re-use of cleared sites for residential purposes would not be affected by the requirement for

car-free development. The reference to “reduction” included in the proposed modified policy is in any event imprecise and unclear: what would be the basis for such a reduction to be sought and how would a prospective developer know what is likely to be sought? How would this impact on delivery?

- 3.3. The car-free policy should be replaced by one which allows car-free developments to be permitted **should a developer propose it** (in which case the developer would have taken into account the impact on viability) and the circumstances not lead to adverse traffic or parking issues locally. It should not be an imposition and there should be no more than an encouragement from the Council to permit such schemes in appropriate circumstances.
- 3.4. Otherwise, car and cycle parking would be required in accordance with the normal car parking standards. This would not lead to increases in traffic or adverse environmental effects as the Council’s Paper on Movement and Transportation shows that it is not resident parking or traffic which has increased but has decreased overall. An amended policy would ensure that the expected delivery of housing on windfall sites would be achieved and that small site development would not be adversely affected contrary to the NPPF.

APPENDIX 1



**Oxford Local Plan
2036
Proposed Submission Draft
COMMENT FORM**

Part A

You only need to fill Part A in once

Your name:

Organisation (if applicable):

Address:

Email:

Date:

Data protection:

Please note that your response will be made available for inspection by the public in paper form at the Council's offices, or other locations as appropriate for the purpose of facilitating public access.

Your personal details will be properly safeguarded and processed in accordance with the requirements of the General Data Protection Regulation (GDPR) 2018. Your information will be used for The Oxford Local Plan 2036 Proposed Submission Consultation only, and we will only store your data until the Oxford Local Plan 2036 is accepted. Information you give in this form could be shared with the Independent Examiner at the examination stage of the Local Plan process.

We cannot accept anonymous comments.

- If you are happy for us to state your name and the first line of your address and postcode when publishing your response(s), please tick this box.
- X If you would rather all personal details except your name and a non-specific address (e.g. Oxford) to be obscured, please tick this box.

Do you wish to speak at the examination hearings?
(Please note that the Inspector will decide who to invite to speak)

Yes No

Comments on the Draft Submission Local Plan 2016 to 2036 on behalf of Gomm Developments (Oxford) Ltd

1. Paragraphs 3.13 to 3.17 and Policy H2.

The provisions of these paragraphs do not conform to the Government's policies set out in the revised National Planning Policy Framework (RNPPF). The policy (H2) which follows, also falls foul of the clear policy statement set out in the RNPPF in relation to tenure of affordable housing and when it may be appropriate for affordable housing to be sought.

In particular, paragraphs 63 and 64 of the RNPPF seek to encourage the development of small sites and not to discourage them. Paragraph 63 is clear in that no affordable housing contributions should be sought from developments which are not major developments in urban areas such as Oxford (i.e. it could only be sought for developments involving more than 10 dwellings, where justified). The paragraph states:

63. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount²⁸.

As noted, it also makes clear that account should be taken of existing buildings, any affordable contribution being reduced accordingly.

The Council's proposed policy seeks to apply different thresholds. As will be noted from the RNPPF, it does not permit special pleadings from LPAs in relation to affordable housing contributions. Whilst there are policies in the RNPPF which allow for very special or exceptional circumstances to be taken into account, these do not apply to the affordable housing policy which is clearly stated. Consequently, the Council's policy H2 which seeks to require affordable housing contributions from developments of 4 to 9 units or on site provision for 10 or more dwellings is inconsistent with Government policy. In addition the policy should make clear that it applies only to net additions to the housing stock: the policy seeks to require that everything within an application area (the red line referred to in H2(a)ii) should be taken into account which is unreasonable, unjustified, and inconsistent with Government policy.

The explanation of Policy H2 in Appendix 3 also requires change where it relates to those issues referred to above. In addition, it contains particularly imprecise commentary when dealing with viability and values, such that if this has been carried forward in the Background Paper on Viability the conclusions within that Paper cannot be relied upon. Given the introductory paragraphs to the Paper, it appears that it has been prepared against a desired background (in support of the present Local Plan) and inadequately researches the impact of the present Local Plan's affordable housing policy in, for example, not leading to more small sites being brought forward.

Lastly, the policy refers to site capacity and makes reference to Appendix 3 in that respect. The Appendix does not provide any further illumination of what is intended to be taken into account: does it include the nature and character of the area, highway constraints, saleability etc. all of which will impact on capacity?

2. Car free and reduce parking developments: Paragraphs 7.25 to 7.27 and Policy M3

The paragraphs and Policy have an inadequate evidential basis to support them, are not justified, and seek to discriminate unreasonably about car parking for new housing development compared to that existing. The policy seeks to impose an implied restriction on car ownership for new residents compared to those in existing dwellings in areas where the policy would anticipate car-free housing should be provided.

It is clear that the purpose of the policy is to seek to restrict car usage in Oxford. Such restrictions should be achieved through the implementation of highway and other traffic measures in the City and should not seek to restrict human rights or to discriminate in respect of car ownership.

There is no evidence that the consequences of car-free developments in all of the areas proposed, particularly in CPZs, have been properly considered. The effect may lead to greater traffic movements in the City as those who wish to own a car but have been denied off street parking and on street parking permits move around from one on-street parking spot to another or take up public parking which should be otherwise available (for example to shoppers).

The policy should be reconsidered such that new housing units should be permitted to provide on site car parking of at least one space per unit, save where the units has 4 or more bedrooms when up to two spaces per unit is able to be provided on site.

Appendix 7.3 appears to imply that ALL flat developments are intended to be car-free, which is not consistent with the policy. It also seeks car club parking of 0.2 spaces per flat, with no clarity as to what would be the position with small developments which would generate less than one space in that respect.

Overall the proposed policy is inconsistent with the approach set out in the RNPPF and inadequate justification exists to support the approach to parking taken.