

OCC.3B: Oxford City Council updated modifications following IC.3

November 2019

This document follows the correspondence from the Inspectors contained within IC.3. This latest correspondence from the Inspectors set out further recommendations and guidance on how policies should be further modified following the suggestions put forward by the City Council in OCC.3.

The Inspectors set out IC.3 that further modification was needed to Policy H8, G5 and V9 in addition to the modifications proposed by the City Council.

1. Policy H8

- 1.1 The Inspectors, in IC.3, suggest that H8 Criterion (a) should say ‘...one academic year or more, subject to the provisions of (e) below’. It is agreed that this change will aid the effectiveness of the Policy. In IC.3 the Inspectors also say that it is unreasonable to expect the developer to continue in perpetuity to enforce against students bringing their cars into the city and parking somewhere else, given that they will not necessarily be the owner of student housing site in perpetuity (and the enforcement task would be virtually impossible), so they say that that reference in criterion (d) will need to be deleted. The Inspectors suggest that the solution is in the way the CPZ is managed, with the student housing being excluded from the schedule of streets in the statutory instrument that creates the Controlled Parking Zone so that they cannot apply for parking permits. They suggest this should be referred to in the supporting text.
- 1.2 Proposed modifications to H8 (including the deletion of criterion ‘b’ that has already been proposed for consultation as a main modification) and to paragraph 3.49 are as follows:

Policy H8: Provision of new student accommodation

Planning permission will only be granted for student accommodation in the following locations:

- on or adjacent to an existing* university or college campus or academic site, or hospital and research site, and only if the use during university terms or semesters is to accommodate students being taught or conducting research at that site; or
- In the city centre or a district centre; or
- On a site which is allocated in the development plan to potentially include student accommodation.

Planning permission will only be granted for student accommodation if:

- a) student accommodation will be restricted in occupation to fulltime students enrolled in courses of one academic year or more, subject to the provisions of criterion e below; and
- ~~b) new student accommodation (other than accommodation developed by an institution on a campus site) will be restricted in occupation in perpetuity to students attending the University of Oxford, Ruskin College or Oxford Brookes University; and~~

be) for developments of 20 or more bedrooms, the design includes indoor communal amenity space for students to gather and socialise; and
cd) a management regime has been agreed with the City Council that will be implemented on first occupation of the development (to be secured by a planning obligation); and
de) the development complies with parking standards that allow only operational and disabled parking, and the developer undertakes and provides a mechanism to prevent residents from parking their cars anywhere on the site, ~~and anywhere in Oxford~~ (unless a disabled vehicle is required), which the developer shall thereafter monitor and enforce; and
ef) a management strategy is agreed if it is intended there will be occupants other than students of the named institutions outside of term times.

Planning permission will not be granted for developments that would lead to the loss of student accommodation unless new student accommodation is available for occupancy, within a reasonable and acceptable timeframe, by students of the same university or institution. New accommodation should be equivalent in amount, mix and affordability to the rooms being lost.

*An existing university or college campus or academic site is one that exists at the time the Plan is adopted.

Proposed modification to paragraph 3.49

3.49 It is important that student accommodation is well managed such that it results in no unacceptable impact on amenity for local residents, including through any increase in cars brought into an area. Only operational and disabled parking should be provided for new student accommodation. Operational parking should be available for students and their families, for a limited period, arriving and departing at the start and end of semesters or terms. Appropriate management controls will be secured, including that student housing will be excluded from the schedule of streets in the statutory instrument that creates the Controlled Parking Zone so that students cannot apply for parking permits. ~~an undertaking that students do not bring cars to Oxford.~~ The City Council will seek management controls to be secured by planning conditions or obligations which commit the operator to getting an undertaking from their tenants, which will be monitored and enforced by the landlord.

2. [Policy G5](#)

2.1 In OCC.2 proposed modifications to G5 were put forward in response to the Inspectors' question 12 in IC.2 that said *'The policy does not reflect the contents of paragraph 97 of the NPPF which includes recreational buildings. The Council are invited to re-cast this policy to reflect national policy and cover indoor sports including leisure and indoor sports centres, pavilions, stadiums and clubhouses'*. A modification was proposed to include recreational indoor sport and recreation buildings, with wording in line with the NPPF, although the same wording was not proposed for outdoor sports. In response to this the Inspectors said in IC.3 the suggested modification is not compliant with the NPPF because it does not allow for an assessment of (a) whether an outdoor sports facility is surplus to requirements or (b) whether in the case of an outdoor sports facility, alternative sports and recreation provision is proposed with benefits that clearly outweigh the loss of the

current or former use. The Inspectors go on to suggest that the easiest way to deal with the issue is to them together open space, sports and recreational buildings and land, including playing fields, in the same way as the NPPF.

- 2.2 It is agreed that a further main modification be put forward to treat indoor and outdoor sports and recreation the same and in the same way as the NPPF, and also to refer to open space. We are concerned that the inclusion of open space in G5, without qualification, could lead to confusion over what is and what is not protected and the criteria required to be met for them to be developed. This is because sites protected by G1, G2, G3 and G4 are considered to meet the definition of open space, but the bespoke criteria within these policies is not necessarily the same as in G5 (for example Green Belt and biodiversity sites). G1 follows the NPPF paragraph 97 but it does not allow for sites to be considered as surplus as that assessment has already been completed. It is not considered that sites that have met the criteria for protection under Policy G1 can be said to be surplus to requirements. Sites in G1 form part of a network and have been assessed as having multi-functional Green Infrastructure value. Their intrinsic assessed value means that they cannot be considered to be surplus to requirements. Therefore, to try and ensure the effectiveness of the plan, we propose a modification to the text relating to G1, to set out open spaces that are specifically protected and the policies that relate to them.
- 2.3 For clarity, we also propose additional definitions in the Glossary for open space as well as indoor sport and recreation facilities (based on the NPPF definitions).
- 2.4 The Interim Playing Pitch Strategy 2019-2039 has found that over time there will be a deficit of playing pitches that will need to be overcome by greater public access to larger pitches and by increasing the capacity of existing pitches, for example by the creation of sports hubs and 3G pitches. Nevertheless, a modification has been proposed to G5, on the Inspectors' recommendation, that does include the criterion that sport and recreation facilities can be lost if an assessment has clearly shown the facility to be surplus to requirements, although it is considered unlikely that this will be able to be demonstrated.
- 2.5 IC.1C sets out that the Inspectors consider the inclusion of Policy G7 to be unsound and recommend in the document that it is deleted to make the plan sound. Therefore, a modification to delete this policy is also set out.

Suggested modifications to paragraph 5.4, G5 and G7/Section vii:

Paragraph 5.4:

Most of the city's parks have a range of functions and are an important recreational resource. These are protected as part of the Green and Blue Infrastructure Network. Some open spaces have a specialist function that is protected, which might be biodiversity, Green Belt, allotments or open air sports. These sites might be in or outside of the Green and Blue Infrastructure Network. Policies G2, G3, G4, and G5 set out specific considerations in relation to these sites. Any open space shown on the Policies map as protected by Policy G1, G2, G4 or G5 is considered to have public value and to meet the definition of open space set

out in the Glossary. The requirements of Policy G1 apply to all sites designated as such on the Policies map, even if they are also protected by G2, G3, G4 or G5.

Suggested modifications to Policy G5:

~~Outdoor~~ Existing open space, indoor and ~~Outdoor~~ sports and recreation facilities

The City Council will seek to protect ~~outdoor sports facilities~~ existing open space, sports and recreational buildings and land.

Existing open space (not covered by Policies G1, G2, G3 and G4), indoor and outdoor sports and recreational facilities should not be lost unless:

- a) an assessment has been undertaken which has clearly shown the buildings and land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

Outdoor sports facilities:

~~Where development will lead to the loss of an outdoor sports facility, proposals must compensate for this loss with improved provision in terms of quantity and quality. Consideration will be given to the need for different types of sports pitches as identified in the Playing Pitch Study.. Any replacement provision should be provided in a suitable location equally or more accessible by walking, cycling and public transport, and accessible to local users of the existing site where relevant. Outdoor Sports facilities are shown on the Policies Map.~~

Suggested modification to include new paragraph to follow 5.16:

Indoor sport and recreation facilities are also important to supporting the health and well-being of communities. Often these facilities are linked to outdoor facilities and help enhance their usefulness and capacity, for example changing rooms and pavilions. Indoor sport and leisure facilities are also protected pursuant to policy G5 unless they are shown to be surplus or are to be replaced. Some indoor sport and recreation facilities have a much wider community function. These facilities will be also be considered as community facilities and proposals relating to these will be considered under Policy V7.

Suggested modification to include additional definitions in the Local Plan Glossary:

Indoor sport and recreation facilities: This may include, for example, swimming baths, skating rinks, gyms, dance halls, indoor courts and leisure centres as well as facilities linked to outdoor sports such as pavilions and changing rooms.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Suggested modification to section Vii Other green and open spaces:

vii. Other green and open spaces

~~5.19 Most green and open spaces in Oxford are protected as part of the Green and Blue Infrastructure Network, for their biodiversity value, as allotments, as part of the Green Belt or for outdoor sport. However, there are some sites which do not meet any of the criteria for protection. Because of the exceptional need for development within Oxford it is appropriate to consider development proposals for these sites in exceptional circumstances, following the approach set out in Policy G7.~~

~~Policy G7: Other green and open spaces~~

~~Proposals for development on green and open spaces which are not protected by Policy G1 and which have not been allocated for development, must be accompanied by detailed information (in the Design and Access Statement or Planning Statement) demonstrating that:~~

- ~~a) there is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and~~
- ~~b) the development will bring benefits to the community, for example through delivery of community-led housing; and~~
- ~~c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and~~
- ~~d) the proposals will lead to improvements in biodiversity or amenity value; and~~
- ~~e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset; and~~
- ~~f) any proposals adjacent to watercourses should demonstrate how the watercourse will be protected and promoted as part of the development.~~

Suggested modification to Paragraph 5.19:

~~Most green and open spaces in Oxford are protected as part of the Green and Blue Infrastructure Network, for their biodiversity value, as allotments, as part of the Green Belt or for outdoor sport. However, there are some sites which do not meet any of the criteria for protection. Because of the exceptional need for development within Oxford it is appropriate to consider development proposals for these sites in exceptional circumstances, following the approach set out in Policy G7.~~

~~Policy G7: Other green and open spaces~~

~~Proposals for development on green and open spaces which are not protected by Policy G1 and which have not been allocated for development, must be accompanied by detailed information (in the Design and Access Statement or Planning Statement) demonstrating that:~~

- ~~a) there is an exceptional need for the development that it can be demonstrated overrides the existing benefits it provides; and~~
- ~~b) the development will bring benefits to the community, for example through delivery of community-led housing; and~~

- ~~c) there are not suitable alternative sites where development could reasonably be located that would result in less or no harm; and~~
- ~~d) the proposals will lead to improvements in biodiversity or amenity value; and e) consideration has been given to the layout of any proposed development in order to avoid impacts on biodiversity and any other important features of any green space within a development site, such as its contribution to townscape or the setting of a heritage asset; and~~
- ~~f) any proposals adjacent to watercourses should demonstrate how the watercourse will be protected and promoted as part of the development.~~

3. Policy V9

3.1 The Inspectors in IC.3 said that the proposed modification to add new Policy V9 should be expanded to support application for electronic communications development, as indicated in paragraph 114 and 115 of the NPPF, subject to the qualifications set out in those paragraphs. The proposed suggested further modification to new proposed Policy V9 seeks to address this and is as follows:

Suggested additional modification to previously proposed new Policy V9

Policy V9

Planning permission will be granted for all new major developments where:

- a) They are served by full fibre broadband capable of gigabit download speeds; and b) The full fibre broadband connections are available at the point of releasing for sale where relevant and that the cost of the services are at market rates, preferably offering broadband services from more than one service provider; and
- c) Developers work with a recognised network carrier to design appropriate duct infrastructure for the installation of fibre broadband by a range of operators; and
- d) Other forms of digital infrastructure, such as facilities supporting mobile phone broadband, are included wherever possible.

Planning permission will be granted for new electronic communications infrastructure where:

- i) It is supported by the necessary evidence to justify the proposed development in accordance with the requirements of national policy; and
- ii) Proposed equipment is sympathetically designed and camouflaged where appropriate; and
- iii) It can be demonstrated that electronic communications infrastructure is not expected to cause significant and irreversible interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- iv) Adverse impacts on the successful functioning of existing digital infrastructure are avoided. Where this is not practicable, appropriate mitigation shall be provided; and
- v) It does not result in the International Commission guidelines on non-ionising radiation protection being exceeded; and
- vi) Appropriate pre-application consultation in accordance with national policy has been undertaken.