



Oxford Local Plan 2036 Main Modifications Consultation Response Form

Please note this form has two parts:

Part A – Your details

Part B – Your consultation response

Please ensure you complete **both** parts of the form. Where possible, we would prefer responses are provided using our online consultation system econsult. To respond in this way, please follow this link: www.oxford.gov.uk/mainmods

Responses should be limited to the Main Modifications and the Sustainability Appraisal of the Main Modifications. Comments will be considered by the independent Planning Inspectors undertaking the examination of both Local Plans

All responses must be received by 4pm on 27th March 2020 to:

Planning Policy

Oxford City Council
St Aldate's Chambers
109-113 St Aldate's
Oxford
OX1 1DS
Email: planningpolicy@oxford.gov.uk

PART A – Your details

Please note: we cannot register your representation without your details.

Your Name:	Samantha Edwards
Organisation (if applicable):	CBRE Ltd submitting representations on behalf of Nuffield College
Address:	Nuffield College, New Road, Oxford OX1 1NF
Email:	[REDACTED]
Date:	27.03.20

<p>Do you wish to be notified when the Oxford Local Plan 2036 is adopted by the Council?</p>	<p>YES <input checked="" type="checkbox"/></p> <p>NO <input type="checkbox"/></p>
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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 Main Modifications Consultation only, and we will only store your data until the Oxford Local Plan 2036 is adopted. Information you give in this form will be shared with the Independent Examiners.

Please note: Anonymous representations may not be accepted.

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:	<input checked="" type="checkbox"/>
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:	<input type="checkbox"/>

PART B – Your response

To which Modification(s) or part(s) of the Sustainability Appraisal does this response relate?	
Local Plan Modification Number(s) (Please state)	MM45 (Page 133. Policy SP1) PMC64 (Page 129. Paragraph 9.2) (Minor Modifications)
Or, if you are commenting on the Sustainability Appraisal of the Main Modifications, please state which part(s):	

Do you Support or Object the proposed modification(s)? (Please tick)	
SUPPORT	<input type="checkbox"/>
OBJECT	<input checked="" type="checkbox"/>

If you object, please state why:	
The Examination Inspectors are required to consider whether the Local Plans have been properly prepared against tests set out in the Government's National Planning Policy Framework (paragraph 182). Please tick any which apply:	
Not positively prepared - i.e. strategy will not meet development needs	<input type="checkbox"/>
Not justified - i.e. there is no evidence to justify the modification	<input checked="" type="checkbox"/>
Not effective - i.e. it won't work	<input checked="" type="checkbox"/>
Not consistent with national policy - i.e. doesn't comply with the law	<input checked="" type="checkbox"/>

Reason for SUPPORT or OBJECTION:

Please give details to explain why you support or object to the wording of the Modification(s) or part(s) of the Sustainability Appraisal of the Main Modifications. *(continue on separate A4 sheet(s) if necessary)*

Please refer to paper apart, attached to this form.

Summary of Representation:

If your reason for support or objection is longer than 100 words, please summarise the main issues raised.

Please refer to paper apart, attached to this form.

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Introduction

CBRE Ltd is instructed by Nuffield College, Oxford to respond to Oxford City Council's 'Oxford Local Plan 2036 Main Modifications Consultation'.

Nuffield College is a graduate college of the University of Oxford that specialises in the social sciences. The College both provides an outstanding environment for students and academic staff to study and to conduct research, and acts as a bridge between the academic and public worlds.

Nuffield College is a charity, and it relies on its endowment to be able to operate. It has a diversified pool of endowment assets, including interests in several sites in the West End. Nuffield College was constructed in the 1950s and completed in 1958. The original designs included College buildings on what is now the Worcester Street Car Park, but it was not possible to implement these at the time.

In 2015, the College acquired long leasehold interests in the Jam Factory Site and the Island Site. In 2016, the College entered into a joint venture with Oxford City Council (OxWED Ltd) for a major redevelopment in Oxpens. The College also has investment properties in George Street.

Nuffield College is working to create a masterplan for the future long-term development of the Island Site, Worcester Street Car Park and Jam Factory Site, all in the West End of Oxford. To support its aspirations for future development on its West End sites, Nuffield College wish to make comment on Main Modification Reference MM45 (Page 11. Policy SP1) specifically. It considers that this modification, would benefit from further revision, for the policy to be considered sound.

Main Modifications - Commentary

At present, we consider MM45 to be unsound, because it is not in line with the following requirements set out in Paragraph 35 of the NPPF:

- Justified – an appropriate strategy, considering the reasonable alternatives, and based on proportionate evidence;
- Effective – the plan should be deliverable over its period and based on effective joint working on cross boundary strategic priorities; and
- Consistent with National Policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

Through MM45, Policy SP1 (Sites in the West End) has been revised to include for the delivery of a minimum number of homes on Nuffield's Island Site and Worcester Street Car Park. The policy now reads as follows:

"Planning permission will be granted for a number of mixed-use developments across the West End. Residential development and/or student accommodation across the West End should deliver a minimum of 734 homes on the following sites:

Site Minimum Number:

a. – b. [...]

c. Worcester Street Car Park: 18

d. Island Site: 40"

Minor Modification Reference PMC64 states that sites allocated in this plan will be expected to deliver the minimum net number of homes shown in the site policies (where stated). The minimum number shall be exceeded where it is possible to do so consistent with the other policies in the plan.

We understand that these minimum numbers have been included at the Inspectors request [Refer to Examination in to the Oxford Local Plan 2036 – IC9 Inspector's Interim Conclusions]. The Inspector notes, that the Council need to maximise opportunities to deliver housing within the city and especially on brownfield land in accordance with the NPPF. During discussion at the hearings it proposed a main modification which would add minimum housing numbers to the site allocations. It was considered, that this would create certainty for all concerned and would give assurance that a certain minimum number of homes can be achieved, with the potential for higher levels of delivery

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subject to compliance with plan policies. The Council also proposed a main modification which will allow for complementary uses to the designated uses on the allocated sites to ensure that the plan is positively prepared and enables site allocations to be developed flexibly but in acceptable ways.

Within 'OCC.1C – OCC Responses to Inspectors Question 3 – Ascertaining Development Capacity', the Inspector states that the plan needs to set out realistic housing and student housing numbers, together with realistic numerical figures for other forms of development, for each of the site allocations. These should be clearly informed by engagement with key stakeholders [our emphasis].

The minimum housing numbers, however, appear to have been informed by the HELAA (2019) density calculations only, for the Island Site and Worcester Street Car Park. Whilst Nuffield College has previously submitted representations to earlier stages of the Local Plan consultation process, identifying the sites' potential for a wide range of uses, including residential, it has had no discussion directly with OCC to confirm these minimum numbers.

Our understanding, is that minimum amount of homes which could be accommodated on these sites has been broadly generated by the HELAA capacity density bandings and development typology of the individual sites, calculated as follows:

Site	Site Area	Development Typology	Density Banding	Site Capacity	OCC LP Min Number
Island Site (HELAA 2019 Ref 070)	0.61ha (inc 11% reduction for Flood Risk)	District Centre	100-120 dpha	$100 \times 0.61 = 61$	40 (Note discrepancy in number based upon given typology – basis of calculation unclear)
Worcester St Car Park (HELAA 2019 Ref 081)	0.52ha	Centre / Conservation Area	35-55 dpha	$35 \times 0.52 = 18.2$	18

OCC's Local Plan 2036 Background Paper entitled 'Density' notes that, it is important to bear in mind that these final proposed density bandings were set out for the purpose of estimating housing capacity numbers in the HELAA. These bandings are not proposed to be used as guides for development in Oxford, although they have been developed bearing in mind the characteristics of Oxford and the ambitions of the Local Plan for future development. For the purposes of estimating housing capacity numbers in the HELAA, the lowest figure in each density banding was utilised as a multiplier for the available land that had been allocated in that prospective development typology [our emphasis with underline]. By using these assessments to set out at minimum, as opposed to indicative capacity, OCC are using the HELAA capacity assessments too prescriptively in our view, a role that they were not intended for.

OCC have also acknowledged in their response to the Inspector in 'OCC.1C – OCC Responses to Inspectors Question 3 – Ascertaining Development Capacity' that, seventeen sites in the housing trajectory are mixed use sites. All of these sites are brownfield sites currently (this includes the Island Site (Ref 70) and Worcester Street Car Park (Ref 81)).

OCC note in their response that, "estimating capacity is not simple for mixed-use sites or brownfield sites, as some parts of the site may not be redeveloped, and the proportion of uses may be unknown. Sites might come forward for different uses at different times depending on the landowner's long-term investment programme. Predicting the amount of housing likely to come forward on these sites has been done in consultation with the developer/landowner to ascertain their future ambitions for the sites or is based upon a current application. A planning judgement has been applied to ensure that proposed mix of uses and yields are acceptable. Although there is a possibility these sites might not come forward for housing use, it is considered very unlikely that they will not deliver housing based on an understanding of landowners' intentions or the fact there is an extant planning permission".

On reading the statement above, we question why, if this has been acknowledged by OCC and the Inspector, a minimum housing number is now being applied to the Island Site and Worcester Street Car Park. Setting a minimum number, would seem to entirely contradict the ambition set out above, for flexibility, and recognition that whilst, even with best intentions, these sites may not come forward for residential development. With ambitions to see mixed use development in the West End and delivery of a new entrance to the city, which Nuffield entirely supports, it would seem inappropriate to render future planning applications at risk of being refused, should they not contain an element of housing, if demonstrated to be infeasible for that particular phase of development.

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Main Modification Reference MM43 (Paragraph 9.2) states that, “Areas of Change are the areas of the city where significant change is expected or best directed. The impact of development of sites in these areas needs to be considered in terms of the wider context of the area and other potential developments, and this is to be achieved by the AOC policies”.

Main Modification Reference MM43 (Paragraph 9.14 / Policy AOC1) states that, “Planning permission will be granted for new development within the area of change where it would take opportunities to deliver the following, where relevant [our emphasis]:

- Create high density urban living that makes efficient use of land
- [...]

The inherent flexibility in this policy, provided by the term ‘where relevant’, is effectively contradicted by the modifications to Policy SP1, which dictates a minimum number for residential dwellings.

Policy AOC1, also seeks to ensure that “development makes the best use of the site...and... will be developed as part of a comprehensive regeneration plan for the area”. This policy allows for a holistic design approach to be taken to the delivery of residential dwellings on the Island Site and Worcester Street Car Park. It also allows for residential development to come forward on other sites within the AOC1 defined area, which are not identified by SP1.

The requirement for a ‘minimum’ dwelling number on these particular sites identified in SP1, does not provide sufficient flexibility for a comprehensive approach to a regeneration plan for the area.

Delivery of housing will come forward in the West End, and it is likely that greater housing numbers on other strategic sites, such as Oxpens, may be welcomed. Furthermore, other sites within Nuffield’s portfolio, including the Jam Factory and Becket Street site, are not included within SP1, but could equally deliver or bring back into use previously substandard and currently uninhabitable residential accommodation to provide the high-density high-quality urban living which is encouraged by the broader policy for the West End, Policy AOC1, as part of wider redevelopment. Other sites in the wider West End AOC, not identified by SP1, will also inevitably come forward over the lifetime of the plan and could also deliver additional housing.

Our reading of the above, is that OCC are making it clear that, whilst high quality urban placemaking often requires densification and intensification of the existing context, the local context and character of the area must be valued as well. Stipulating a minimum density, therefore seems at odds with this approach, given it applies a basic numerical assessment of site area vs. typology, to what requires a comprehensive and through review of what is appropriate for these individual sites, on a case by case basis. An indicative residential density, as opposed to minimum, would therefore be more appropriate in our view, to allow this exercise to take place.

A prescriptive minimum residential requirement seems not to consider existing development on the Island Site, nor the wider aspirations for the redevelopment of these West End sites supported by Policy AOC1. The Island Site and Worcester Street Car Park, by the nature of being brownfield sites, have several inherent constraints and considerations which will need to be carefully considered in their future regeneration. The vision for these sites should not be unnecessarily constrained given the unique opportunity for these to collectively deliver much needed regeneration to this key part of the City. By its nature, the use of indicative figures to identify a housing capacity for site allocations on individual sites, as provided by the HELAA, does not take the above into account. This approach is arguably better suited to unconstrained or undeveloped sites.

Nuffield College recognises the intention of Policy SP1, to deliver much needed new housing within Oxford and is supportive of the rationale for identifying broad housing numbers for each allocation, to allow the Council to plan for appropriate housing growth. However, we object to the modification in its current prescriptive form and the requirement for minimum dwelling numbers.

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Proposed Modification

Policy H1 sets out OCC's proposals for a minimum provision of 10,884 new homes to be built in Oxford over the plan period 2016-2036. It states that this will be achieved through three criteria, including: a) Making site allocations in this plan.

To ensure that Policy SP1 is effective, and consistent with national policy, yet delivers the ambitions of Policy H1, the requirement that Worcester Street Car Park and the Island Site should provide a 'minimum' number of homes, should be revised. Instead, we propose to say, 'around' a defined number of dwellings across the wider West End allocation for Policy AOC1, recognising the contribution the entire area would make to housing delivery, both specifically allocated and non-allocated sites, such that site by site flexibility can be accommodated. This is considered, in our view, to be a more appropriate solution to allow for the holistic and comprehensive regeneration plan to be developed.

A number of sites have substandard, uninhabitable residential dwellings on site. Policy SP1 should also be explicit that the dwelling number, is expressed as a total number of dwellings, and is inclusive of existing residential dwelling numbers on the site which could be upgraded as part of any future comprehensive redevelopment.

Summary

Nuffield fully recognises and supports the importance of providing new housing to meet Oxford's needs and the constraints on land supply in Oxford, as per the Joint Statement of Common Ground: University of Oxford and Oxford City Council.

Nuffield also recognise that the West End is a very sustainable location for residential development, offering the opportunity for city centre living, to strengthen the existing community and help support more facilities that bring benefits to the community.

Nuffield considers the Local Plan to be generally sound. However, there are specific elements of Policy SP1 that it is considered should be modified to ensure that the plan is:

- Justified – the requirement for minimum numbers, is not, in our view, supported by enough evidence to justify this approach for the Island Site and Worcester Street Car Park;
- Effective – the ability to deliver the minimum numbers on the Island Site and Worcester Street Car Park, will be dependent on a comprehensive review of the sites and wider area, considering all known development constraints. As this exercise has not yet been undertaken, we consider that there is no guarantee for OCC that all these houses can be delivered effectively between these two sites.
- Consistent with National Policy – the NPPF requires that, "plans should positively seek opportunities to meet the development needs of their area and be sufficiently flexible to adapt to rapid change". Policy AOC1 embodies this, by seeking development which makes the best use of the sites within the West End. We consider that Policy SP1 currently contradicts this flexible and holistic approach to future development, by taking to narrow an approach to specific sites, excluding others, and prioritising one land use above all others, creating potentially unachievable targets on sites which stymie future consents and delivery.

We trust that the above will be of assistance in finalising the Oxford Local Plan. Given the need to provide new housing in all its forms, and developments which make best use of sites, it is of great importance that the City Council progresses policies in the new Local Plan which embodies flexibility to avoid unduly restrictive requirements. Failure to do so may result in the avoidable unintended consequence of constraining sustainable development.