

# Local Plan 2040 Preferred Options

## Urban design and heritage background paper

### 1. Introduction

This background paper addresses the development of the sets of policy options that relate to urban design and heritage. The paper sets out wider context and more technical details that have been considered in formulating the various policy options.

### 2. Context including feedback from Issues consultation

#### 2.1. Summary of 2021 Issues consultation

The Council published its initial issues consultation for the new Local Plan in the summer of 2021 and as part of the consultation we included a topic paper which addressed Urban Design, Placemaking, Heritage and Archaeology paper. The paper set out the relevant national, regional and local policy context for this topic, then went on to set out the key issues of relevance to the city, before highlighting some potential approaches that could be pursued in developing new policies. This paper should be considered as a continuation of that topic paper. As such, other than the summary below, it does not repeat content here.

The 2021 topic paper noted that the NPPF in Paragraph 127 contains policies specific to urban design and heritage. The aim of the NPPF in terms of design is to ensure it will function well over its lifetime, is visually attractive, is sympathetic to local character but that innovation and change is not prevented, that there is a strong sense of place that local facilities and transport networks are promoted and that places are safe and inclusive and promote health and wellbeing. There is the expectation that design policies are developed alongside local communities in order to reflect the aspirations and defining characteristics of the local area (paragraph 125).

Paragraphs 184 to 202 contain policies specific to the historic built environment and heritage assets. The objective of the policies is to maintain and manage change to heritage assets in a way that sustains and, where appropriate, enhances its significance. Heritage significance is the value of a heritage asset to this and future generations because of its heritage interest, which may be archaeological, architectural, artistic or historic. 'Great weight' is to be given to conservation and clear and convincing justification is required for all grades of harm, Justification must be on the grounds of public benefits that outweigh that harm (paragraphs 193 and 194). In order to make a sound decision, a planning authority needs to understand from the applicant the significance of any heritage asset affected (paragraph 189). This may require some investigative work, but the information to be supplied with the application should be proportionate to the asset's importance and the potential impact.

The Government has introduced the National Design Guide, which itself is a material consideration in planning applications. It forms part of national planning guidance setting out the characteristics of well-designed places and demonstrating what the government considers good design to mean in practice. The guide outlines and illustrates ten characteristics of good design falling under the topics of Climate, Character and Community. The characteristics range from context, identity and built form, through to nature, public space, movement, and the uses on the site including homes and buildings, the resources used to construct them and their life span. Design policies and site allocations within the Plan should reflect and build upon this guide.

## 2.2. Feedback received from consultation

### Urban design

Urban design and heritage is only covered briefly. A Supplementary Planning Document on greening heritage buildings (as Cambridge Council have produced) is needed. There is a lot of expertise and many emerging case studies amongst the Oxford colleges.

Be careful not to mix urban design and heritage, both have different functions.

Historic England disagree with the way in which SA 10 is written in the SA. we do not agree that it is appropriate to link urban design and the historic environment in this way. The historic environment should be protected in its own right and not as a route to achieving another objective.

Care should be taken when considering any detailed design guidance that this is flexible and does not limit the potential for innovation in design and does not compromise any site-specific design response. A set of broad design principles would be more appropriate within the character area summaries.

### Heritage

Need to reduce energy demand and conserve heritage assets, which is not an easy balance.

Urban design and heritage is only covered briefly. What is needed is a Supplementary Planning Document on greening heritage buildings (as Cambridge Council have produced). There is a lot of expertise and many emerging case studies amongst the Oxford colleges.

Preserving and enhancing the historic centre should be a major policy of any future plan.

When it comes to supporting a wide range of jobs, as well as the research and knowledge sectors, this should include the heritage sector. Support from the council should increase for the heritage sector and ensure that a wider public outreach on these sites are represented

Oxford must maintain its heritage and cultural elements.

**Historic England** flagged made a number of detailed and helpful comments regarding how heritage should be considered in the local plan and the SA:

In the SA: “edge” should be replaced with “setting”. Setting is related to significance, whereas edge is not. However, we do not agree with this approach as it is too formulaic. A judgment from a heritage professional would be needed to determine if a site in the setting of a CA or RPG would result in a single

or double minus. For example, a large site in the setting of a conservation area could easily result in a high level of harm to the CA or RPG, particularly for highly grade RPG.

As with the approach to CA & RPG, a site in the setting of a listed building could easily result in high levels of harm, especially if the asset is highly graded. A judgment from a heritage specialist should be used to arrive at a score.

When mapping heritage assets, it is important to recognise that simply identifying assets on a map will not fully show the potential impact of development on the historic environment. This is for two main reasons: while databases show areas of archaeological potential, it is never possible to know the full extent of archaeology. Therefore, while we can anticipate where we are more likely to encounter archaeological artefacts, there is always the possibility of new finds in unexpected areas. The level of archaeological assessment or investigation will therefore need to be determined on a case-by-case basis.

We welcome specific provision for the protection and enhancement of archaeology as well as emphasis that sites of archaeological importance can occur everywhere. We encourage clear guidance on expectations for archaeological recording and the submission of records with an appropriate public record (e.g. Historic Environment Records) for archaeological remains that are not to be retained in situ.

Significance is what makes an asset worthy of protection. Significance is a collective term for the sum of all the heritage values that can be ascribed to a place. A full appreciation of the significance of a heritage asset is likely to require the skills of an expert. Therefore, simply plotting an asset on a map is unlikely to be sufficient.

There is a danger to both heritage assets and potential developers of allocating sites without sufficient guidance on the issues that need to be addressed at the planning application stage. The greater the level of detail in how a site should be developed, the easier it is to assess the impact on the historic environment. Supporting information should be sufficient to make an appropriate level of assessment, through the plan-making process. We therefore encourage the use of detailed site requirements as part of the allocation policy and where appropriate, development briefs and masterplans. The significance of heritage assets, and the potential impact of allocations on that significance, will need to be fully understood and justified as early as reasonably practicable in the plan-making process. The cumulative impact of a number of site allocations in one location could also cause considerable harm to the historic landscape/townscape.

### [2.3. Updates to national/local policy context since 2021 issues consultation](#)

The Levelling up Bill proposes there will be a new section introduced into the TCPA 1990 known as the 'duty of regard to certain heritage assets in granting planning permission or permission in principle'.

Another new section 58B (1) would specify that a local planning authority or the SoS must have special regard to preserving or enhancing a heritage asset or its setting when considering planning applications in England. The Bill would also amend section 16 of the Listed Buildings Act to require consideration of

preservation or enhancement, instead of solely preservation, when determining listed building consent applications.

Another proposal is to amend the Listed Building Act so that a temporary stop notice could be issued on work to a listed building for up to 56 days while also making it an offence for breaching this notice. The proposed 'removal of compensation for building preservation notice' is expected to have significant impact. LPAs can serve a Building Preservation Notice (BPN) on the owner and/or occupier of a building, which is not currently listed, but is considered to be of special architectural or historic interest and is at risk of being demolished or changed, which would affect this status. Currently, under section 29 of the Listed Buildings and Conservation 1990 Act, a person who has an interest in a building which has been served a BPN can make a claim to the LPA for compensation for any loss or damage as a result of the BPN. The Bill would amend the Listed Building Act and remove this right.

There have been no other notable updates to national/local policy context since the issues topic paper was written.

### 3. How are current Local Plan 2036 policies performing?

#### 3.1 Analysis from 2020/21 Authority Monitoring Report (AMR) and other sources of information

The Authority Monitoring Report does not include data relating to urban design. This is frequently subjective and can't be monitored easily through the collection of data. However, the Checklist in Appendix 6 of the Oxford Local Plan 2036 is used to inform planning application submissions and this should help to ensure good design and that the design rationale is explained clearly to help inform decisions.

In relation to heritage, the AMR notes that: No approvals were granted against the advice of conservation officers. A number of applications have been approved during the monitoring period which involved the removal of specific elements, e.g. internal partitions, specific fixtures etc, but these are not considered here as they were deemed to be acceptable in terms of their impacts and do not entail losses to the building fabric at a scale that would be significant. No appeals were allowed during the monitoring period where conservation or heritage policies were cited as a reason for refusal.

The AMR also reports on what is being identified in Historic England's 'Heritage at Risk' programme, which flags the heritage assets that are most at risk of being lost as a result of neglect, decay, or inappropriate development across England. In 2020/21, there were three of Oxford's heritage assets identified as being at risk as detailed in the below figure.

Heritage Asset	Condition	Priority Category
Rewley Road Railway Swing Bridge	Very bad	F - Repair scheme in progress and (where applicable) end use or user identified; or functionally redundant buildings with new use agreed but not yet implemented.
Church of St Thomas the Martyr, St Thomas Street	Poor	C - Slow decay; no solution agreed.
Church of the Holy Family, Blackbird Leys	Very bad	A - Immediate risk of further rapid deterioration or loss of fabric; no solution agreed.

### 3.2 Summary of any key feedback from DM and Specialists discussions

Our internal discussions for urban design officers and DM officers have identified that there may be an opportunity to review the design checklist set out in the Local Plan. Instead of setting a series of questions, it could be bolder, setting out expectations for different kinds of developments, acting more like a design guide.

It was also considered that the checklist could be expanded so that other key design considerations are incorporated. In particular this could apply to health impact assessments and sustainable design and construction. Thus the checklist could set out more specific guidance in terms of what we expect to see, as well as be broadened to incorporate wider issues that affect good design, such as health and wellbeing (Health Impact Assessments), the natural environment, as well as resilience to climate change. It would also seem appropriate to more closely align the design checklist with the government's National Design Guide. It can be very complex to create healthy design spaces. There is also a big difference between large developments and small developments – small developments usually of a lower quality. Therefore, there is a need to focus on the quality of smaller scale design. The more aspects of design are included in the design checklist, the more things there will be that are only relevant to specific kinds of development, which could make it very complicated.

Discussions also suggested it would be useful to have more detailed guidance for sites and broader areas (now proposed as areas of focus).

There was concern from the archaeologist that cumulative impacts can be significant, especially in the central area. Colleges cover much of the city centre that is key for archaeology. When a series of small applications come forward, sometimes even in one college, the cumulative impacts and potential to minimise these through careful siting of developments are not fully considered. The possibility of including an option for requiring management plans was discussed, and this is included as a potential option.

### 3.3 What does this all mean?

Design and heritage will be key areas for the new Local Plan to tackle. The historic environment is a key part of the city's character and ensuring that change happens in a thoughtful and careful ways will be important.

The NPPF sets out clear and fairly detailed policies in relation to heritage. However, given its importance in Oxford and its specific local context, there is still likely to be a need for a suit of policies in relation to this topic, for example in relation to high buildings, specific design guidance that is linked to heritage considerations and specific guidance relating to archaeology. There are clearly opportunities to set out with clarity what we expect in relation to good design. A review of the design checklist could be a useful area to focus on, including tying this into complementary objectives such as health and wellbeing, the natural environment and taking action on climate change.

Design policies will play an important role helping to ensure that new development contribute positively to the city as well as the health and wellbeing of residents and the wider environment.

