



Our Ref: -
Your Ref: -

30 October 2020

Planning Policy
South Oxfordshire District Council
135 Eastern Ave
Milton
Abingdon
OX14 4SB

Dear Sirs

Oxford Brookes University Response to Emerging South Oxfordshire Local Plan Proposed Main Modifications Consultation

Avison Young is instructed by Oxford Brookes University ('the University') to provide town planning advice in relation to its Wheatley Campus site in South Oxfordshire District.

The purpose of this letter is to provide the University's response to South Oxfordshire District Council's (SODC's) consultation on its proposed Main Modifications to the emerging South Oxfordshire Local Plan.

Our comments in relation to the following proposed Main Modifications are set out under the headings below:

- **MM9 – Policy STRAT 6 – Green Belt;**
- **MM18 – Policy STRAT14 – Wheatley Campus;**
- **MM30 - Policy H13 - Specialist Accommodation for Older People; and**
- **Other Main Modifications.**

MM9 – Policy STRAT 6 – Green Belt

The proposed modification states that strategic allocations removed from the Green Belt should deliver compensatory improvements to the *"environmental quality and accessibility of the*

remaining Green Belt land, with measures supported by evidence of landscape, biodiversity or recreational needs and opportunities."

This proposed requirement appears to apply across the board for all strategic allocations to be removed from the Green Belt, including the Wheatley Campus. The University has no in principle objection to the proposed modification. However, it is important to note that the planning merits and principle of residential development of the Wheatley Campus site have already been examined and established at appeal.

In this case, it has been demonstrated that the redevelopment of the Wheatley Campus, as a predominately previously developed site, for up to 500 dwellings, would have a *"neutral"* impact on the openness of the Green Belt. As such it is considered that the site could be released from the Green Belt for the scale of development contemplated by STRAT14 without any adverse impact on the Green Belt that would need to be *"offset"* in the way contemplated by paragraph 138 of the NPPF.

Nonetheless, as set out in the University's Matter 6 Hearing Statement, in deciding the appeal the Inspector and Secretary of State agreed that the removal of the existing tower as a consequence of the redevelopment of the site would be beneficial in landscape terms and would have a *"significant net-beneficial effect on the openness of the wider Green Belt"* to which the Inspector attached very substantial weight.

It was also recognised that, the scheme secured significant financial contributions towards the provision of new and improved off-site sports and recreation facilities (i.e. a new artificial grass pitch and tennis courts) in the vicinity of the site on land which is likely to be in the Green Belt (e.g. the Holton Playing Field Association site and/or Wheatley Park School). A package of enhanced walking and cycling routes to and from the surrounding area, including land in the Green Belt was also secured. The inspector attached weight to these benefits in determining whether there were 'very special circumstances' for the development proposed.

In the light of the above, it is in the University's view necessary for additional clarity to be provided in relation to the application of the proposed modification to Policy STRAT 6 to proposals for the redevelopment of the Wheatley Campus. It is, therefore, considered that additional supporting text should be added to Policy STRAT6 and Policy STRAT14 to clarify that:

1. The principle of development at the Wheatley Campus has been examined and established at appeal.
2. In granting outline permission for the redevelopment of the site the Inspector and Secretary of State concluded that the development of the site would result in a *"neutral"*

impact on openness and identified a number of benefits to the wider Green Belt, including as a result of the removal of the tower, pedestrian and cycle improvements and recreational enhancements.

3. On this basis, the benefits set out in the appeal decision for the Wheatley Campus ought to be sufficient for the scale of development contemplated by STRAT14 to comply with paragraph 138 of the NPPF.

MM18 – Policy STRAT14 – Wheatley Campus

The proposed modifications to Policy STRAT 14 which relate specifically to the University's Wheatley Campus generally reflect the changes which were agreed with the District Council during the examination process. However, in line with proposed modifications for other strategic allocations, an additional criteria has been added which states that the development of the site would be expected to deliver: *"low carbon and renewable energy in accordance with STRAT4"*.

The Wheatley Campus site is different from the other strategic allocations because it benefits from outline planning permission. The outline permission for the Wheatley Campus does not include any conditions or obligations for the scheme to meet any particular requirements in terms of carbon emission reductions (in excess of Building Regulations) or renewable energy generation.

On this basis, it would not be appropriate for any reserved matters applications pursuant to the outline consent to be required to deliver the carbon reductions and renewable energy requirements set out in Policy STRAT4, DES10 and DES11. Therefore, in the interests of providing clarity regarding the application of policy to subsequent reserved matters applications at the Wheatley Campus, this should be clarified in the supporting text to Policy STRAT14.

MM30 - Policy H13 - Specialist Accommodation for Older People

The proposed modification to Policy H13 proposes to require that: *"provision should be made for specialist housing for older people within the strategic housing developments allocated in this plan"*.

The PPG (Paragraph: 003 Reference ID: 63-003-20190626) confirms that the housing needs of older people will differ greatly and *"can range from **accessible and adaptable general needs housing to specialist housing with high levels of care and support.**"*

As a result, we are concerned that the proposed modification is too vague in terms of the type(s) and amount of specialist housing for older people that are expected to be delivered on the strategic housing sites. The policy is, therefore, unclear and ineffective (i.e. unsound).

It is not, for example, clear whether the policy is simply seeking to re-iterate the requirement for all strategic sites to incorporate a proportion of "*accessible and adaptable general needs housing*" under Part M (4) of the Building Regulations, in line with the requirements in Policy H11. Or if is expecting strategic sites to provide an element of specialist housing for the elderly with high levels of care and support (e.g. an extra care retirement village or care home).

Whilst it might be possible for the other larger strategic allocations, which are allocated for between c. 1,100-3,500 dwellings, to provide standalone specialist housing with high levels of care (e.g. a retirement village or care home), it would not be appropriate for the Wheatley Campus to deliver anything more than a proportion of "*accessible and adaptable*" dwellings because it is different from the other strategic allocations in two principal respects.

Firstly, the Wheatley Campus site already has outline permission for up to 500 dwellings. Whilst the outline permission requires a proportion of the dwellings to be designed to be "*accessible and adaptable*" in accordance with Part M(4), it does not allow for any Class C2 uses and there are no conditions or obligations which require the provision of any form of specialist housing for the elderly involving an element of care. It would not, therefore, be reasonable to impose such a requirement at this stage in the planning process when the University will shortly be marketing the site to housebuilders and developers in the context of the existing outline planning consent with the reasonable expectation that there is no such requirement.

Secondly, Wheatley is much smaller than all of the other strategic allocations (less than half the size of Bayswater - the second smallest after Wheatley in terms of dwelling numbers). Given the scale of the site, it is unlikely to be feasible for an independently run, free standing form of specialist housing involving an element of care (e.g. a retirement village or care home) to be integrated into a scheme whilst taking into consideration site constraints.

On this basis, it is considered that further modifications are required to Policy H13 including:

1. to provide clarification of the expectations for strategic allocation in terms of their contribution towards specialist housing for older people; and
2. exclude the Wheatley Campus from any requirement to provide specialist housing for older people other than a proportion of accessible and adaptable homes.

Other Modifications

MM57 proposes amendments to the Policy ENV6 'The Historic Environment'. The proposed modifications do not, in our view, go far enough to make the Policy sound. In particular, its references to development "*must*" protect, conserve and/or enhance the historic environment and "*should not cause harm to the historic environment*" do not reflect the tests set out in paragraphs 193-196 of the NPPF. We note that policies ENV7 and ENV8 seek to reflect the NPPF tests, in the context of Listed Buildings and Conservation Areas, but the wording of in Policy ENV6 is inconsistent with the NPPF and should be amended to make it sound.

MM58 proposes a series of amendments to Policy ENV7 'Listed Buildings'. The proposed wording of Part 3 of Policy ENV7 is not consistent with the tests in the NPPF and should be amended accordingly. In particular, the balancing exercise set out in Paragraph 196 is not clearly reflected in the Policy. The proposed reference to "*exceptional circumstances*" is also not consistent with paragraph 196 which talks about weighing the harm "*against the public benefits of the proposal*".

MM64 proposes amendments to Policy DES2 'Enhancing Local Character'. It is considered that paragraph 1 of MM64 and its requirement for all new developments to "*physically and visually enhance*" the surroundings, is onerous. It is also inconsistent with the NPPF which simply requires new developments to "*recognise*", "*respond to local character*" and be "*sympathetic to character ... while not preventing or discouraging appropriate innovation or change (such as increased densities)*" and should be amended accordingly.

We trust that the above is all clear, however, please do not hesitate to contact me on the details below should you have any queries.

Yours faithfully



Stephanie Eastwood
Associate Director



For and on behalf of Avison Young (UK) Limited