

Oxford Local Plan 2040

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 2040 Proposed Submission Consultation only, and we will only store your data until the Oxford Local Plan 2040 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.
- 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

Do you wish to be notified when:

the Council submit the Oxford Local Plan 2040 to the Government?

the Inspector's Report is published?

the Oxford Local Plan 2040 is adopted by the Council?

GENERAL ADVICE

For advice on making a comment, please see the accompanying notes page. It is also available at www.oxford.gov.uk/localplan2040

When completing the form,

You only need to complete Part A once

Use Part B to make your specific comments. You may complete Part B multiple times to comment on different parts of the Oxford Local Plan 2040

Cover concisely all the information and evidence you feel supports or justifies your view, as this will normally be your only opportunity to tell us about it

Be as precise as possible

HOW TO SUBMIT YOUR COMMENTS

Please submit completed forms by email or post to:

planningpolicy@oxford.gov.uk

Planning Policy Team

Oxford City Council

Town Hall

St Aldate's

Oxford

OX1 1BX

If you have any questions please feel free to get in touch with the Planning Policy Team

T: 01865 252847

planningpolicy@oxford.gov.uk

www.oxford.gov.uk/localplan2040

Please ensure your comments reach us by **4.00pm on Friday 5th January 2024.**

Thank you for participating.

DETAILS OF YOUR COMMENT

Part B

Please read the accompanying notes before completing Part B. The notes explain what we mean by soundness and legal compliance. These are questions that we are expected to ask consultees.

Please use a new Part B for each point you are commenting on. Attach all completed forms to Part A.

Q1. Which part of the document do you wish to comment on? (please give the relevant paragraph or policy number)

Paragraph

Policies Map

Policy Number

Sustainability Appraisal

Q2. Do you consider that the document:

(a) is legally compliant?

Yes

No

(b) is sound?

Yes

No

(c) complies with the duty to co-operate?

Yes

No

Q3. Do you consider that the document is **unsound** because it is not: (tick as appropriate)

(a) positively prepared?

(c) effective?

(b) justified?

(d) consistent with national policy?

Q4. Please tell us below why you consider the document to be unsound, not legally compliant or fails to comply with the duty to co-operate. If you do believe the document is sound, legally compliant, or complies with the duty to co-operate you may use the box to explain why.

Please use an extra sheet if completing a paper copy.

Q5. What change(s) do you consider necessary to make the document sound or legally compliant? Please explain why this change will achieve soundness or legal compliance. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination.) It would be helpful if you could suggest revised wording for the policy or text in question.



Please use an extra sheet if completing a paper copy.

This is the end of the comment form

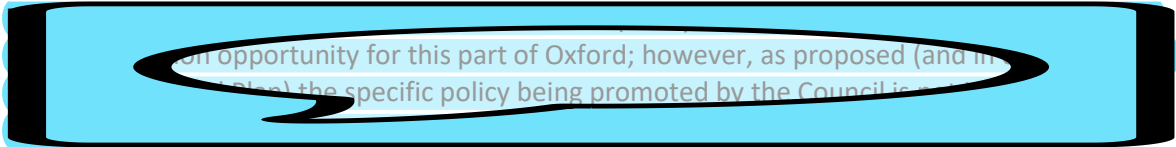


Oxford Local Plan 2040 – Reg 19 Consultation

Response on behalf of Cornerstone Land Ltd

Policy SPCW4

Q4 Soundness Issues

1. An opportunity for this part of Oxford; however, as proposed (and in [redacted]) the specific policy being promoted by the Council is [redacted]
2. As is acknowledged in various documents which support the plan, there is extant Planning Permission for development on the majority of this site, which comprises some 18 new homes and boatyard/community uses. This Planning Permission (LPA Ref. 20/01276/FUL) was granted following an appeal (Ref. APP/G3110/W/22/3308048) and approved the following development (in February 2023):
“Demolition of existing structures and garages, redevelopment to provide mixed residential, community centre and boatyard uses, including associated works for the provision of new public realm, ramped access to St Barnabas Church and works to the canal.”
3. The successful appeal followed the refusal of permission by the City Council, which was the outcome of a lengthy determination period, during which there were revisions to the scheme and extensive discussions in respect of viability and the provision of planning obligations. This latest permission itself follows a previous permission granted by the City Council in April 2016, which lapsed without being implemented (due to viability and delivery concerns), and prior to that various other failed applications and appeals (in an attempt to bring forward the beneficial redevelopment of this site). This is a site with substantive history, in a sensitive context and with a number of competing issues and demands to resolve for successful regeneration to be achieved - it is not an ordinary or typical brownfield redevelopment site.
4. Whilst Cornerstone Land are continuing to pursue the redevelopment of the site in accordance with the Planning Permission which has been granted (including engaging with the process of gaining Faculty approval, from the church Diocese, for the demolition of the listed church wall) it remains necessary for a robust planning policy position to be in place for the site, should (for any reason) the approved development not proceed and a new/revised permission be required.
5. On this basis key aspects of the allocation policy need to be considered further and amended in the interests of effectiveness and soundness.
6. **Mixed Use Development**
As previously Policy SPCW4 is generally permissive of mixed-use development which includes a long list of required uses and features, all of which are required by the wording as drafted. As was very clearly identified during the previous (most recent) planning application process (and also the previous planning history), there are competing demands on the space available at the

site and it is simply not possible to accommodate all different elements to the fullest extent possible, without compromises, and where there are heritage, design and other environmental sensitivities which act to limit final scale and form of what can be feasibly achieved. It therefore remains unhelpful that Policy SPCW4 does not specify with more precision the scale and scope of the different uses that are required, in particular:

- The scale and type of residential development that is required, where there is extant Planning Permission for 18 dwellings on the site, and this quantum is reflected in all relevant supporting evidence documents;
- The parameters to deliver a “sustainably-sized” community centre – there has previously been much discussion and debate around the scale and specification of community centre space that is required in this part of Oxford and how this might be delivered and managed so as to be “sustainable” (taken to mean self sufficient in terms of covering operational costs from revenue);
- The scale of the required public open space/square and any specific requirements for its form/function; and
- The scale and nature of the required replacement operating boatyard, in terms of the space that is required for docks (both dry and/or wet) and any associated internal and external facilities.

7. There is good understanding about the constraints and opportunities at this site and the issues that impact on successful development being achieved. In order to assist and provide clarity about the scale and format of development that the Council expects to see on this site, there is the opportunity to provide additional detail within Policy SPCW4 (or the supporting text), to aid understanding about the requirements for the site and how the Council expects the competing demands for space expect to be managed and prioritised (if necessary).

8. The need for additional clarity and precision about the scale and scope of uses to be accommodated as part of this regeneration is even more important now, given the additional policy requirements being put in place by the Council for green infrastructure (Policy G3 on urban greening) and where a statutory and policy requirement for Biodiversity Net Gain (Policy G4) would likely apply, should any revised development proposal need to be assessed against the policies of the plan.

9. As noted above the viability of development on this site has been a significant issue for previous iterations of the regeneration scheme, it was a main issue as part of the most recent appeal and will continue to be critical as the site is progressed over the coming years. The extant Planning Permission on the site includes a number of significant planning obligations, listed below, which have (together with other abnormal costs associated with works to the canal to facilitate development) previously limited the ability of this development to make any contribution to the delivery of affordable housing:

- Construction of boatyard and community centre to shell, and transfer to a third party operator;
- Delivery of new public open space in the form of a public square (piazza) between the church and the canal; and

- Financial contribution (£665k) to the replacement of an existing bridge at Mount Place.

10. At part f) of the proposed policy, an additional and new potential requirement for a contribution to the upgrade of the tow path between the site and Hythe Bridge Street is now stated to be required (and was not secured as part of the currently approved development on the site). The need (evidence) for this contribution being required is not provided within the plan or the documents that accompany it, and there is no clarity about the scale of the contribution that is expected. This additional obligation will further challenge the viability of any regeneration scheme on the site. The tow path is a well-used existing pedestrian and cycle route to and from the town centre, rail station and other areas north of the site, and whilst some additional users would arise as a result of development on the site, the requirement for any upgrades required needs to be clearly justified. The only reference to this route upgrade as part of the Infrastructure Delivery Plan (LCWIP Route 1) is linked to a different bridge proposal from Nelson Street and gives a cost of £2.5million, but without any additional supporting information.
11. Although reflecting policy requirements imposed by the allocation of the site, the previously secured (and possible additional new) obligations are significant costs associated with the development and previous assessments showed that the scheme was not additionally able to support contributions to affordable housing delivery. It therefore remains concerning that absent any clarity about the scale and format of the elements required by parts a) to g) of Policy SPCW4, there is not clarity that this non-typical site can support other planning obligations, such as affordable housing. This should be reflected in the policy to give clarity to all parties and reflect the overriding policy objective of securing beneficial redevelopment and reuse of this important canal side land.
12. The viability assessment that accompanies the plan (BNP Paribas Real Estate, July 2023) has, as is usual, provided a general assessment of plan viability, based on a range of inputs and assumptions and having undertaken assessments based on a range of typical site typologies (having regard to proposed policy and other requirement and with sensitivity analysis). Accordingly, the viability assessment supporting the plan does not provide a specific assessment of any potential development project on the SPCW4 site, where the policy dictates various community and public open space uses, and where there are significant abnormal costs associated with works to and adjacent to the canal. It is therefore essential for Policy SPCW4 to reflect the need to continue to review and assess viability and deliverability in order to achieve positive outcomes for the site, and where it may not be possible to meet other policy requirements of the plan (such as the 40% requirement for affordable housing being set by Policy H2).
13. As stated above the Canalside site at Jericho is not a typical or ordinary brownfield redevelopment site, there are various competing demands being placed on regeneration in a sensitive setting and viability challenges are likely to persist within any future development proposals. This needs to be reflected in policy for the site to ensure that this part of the plan is positively prepared, justified and effective.

Q5 Changes Required

14. In order to provide greater clarity and precision as part of a policy that is justified and effective, Policy SPCW4 should be amended to:

- Confirm the minimum quantum of residential development that is expected on the site (extant permission and assumed capacity is 18 dwellings);
- Confirm the scale and form of community centre development that is required (scale and key specifications);
- Confirm the scale and format of the boatyard that is required (scale and key specifications);
- Provide further details and justification for any contribution to be made towards the upgrade of the tow path between the site and Hythe Bridge Street;
- Clarify as part of Policy SPCW4 that where justified with reference to a site specific viability assessment there will (to ensure viability and delivery) be flexibility in respect of other plan requirements, including affordable housing, in accordance with Policy H2 (Delivering Affordable Homes) and Policy S4 (Plan Viability).

Contact

Andrew Ross

