

4 January 2024
 L 240104 DB Mansfield College Local Plan Regulation 19 to
 Oxford City Final



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Dear Sir / Madam

LOCAL PLAN REGULATION 19 CONSULTATION: SUBMISSION DRAFT LOCAL PLAN NOVEMBER 2023

Savills is instructed by Mansfield College to submit the following representations on the Local Plan Regulation 19 Consultation: Submission Draft, November 2023.

In general, Mansfield College supports the content of the draft Local Plan. Notwithstanding this, we have the following comments to make. These are put forward in a constructive manner to ensure that Local Plan has the best chance of being found sound at the subsequent Local Plan Examination.

Chapter 1 – Vision and Strategy

Mansfield College (hereafter referred to as ‘The College’) supports the vision for the City to provide a healthy and inclusive City with equal opportunities which respects its identity, heritage and maximises the opportunities to enable business, knowledge and innovation to grow. The College also support the principle behind to support biodiversity and to protect the green infrastructure and resources of the City.

The College is supportive of the objectives of the Local Plan which align with the College’s aim to attract the best students to the City from all social backgrounds and ensuring an appropriate quality of accommodation for all who study in the City. The overarching threads of the Local Policies are acknowledged.

Chapter 2 – A Healthy, Inclusive City to Live

Chapter 2 and the policies within it seek to make best provision for meeting the housing needs of the City. This chapter acknowledges that there is a limited supply of housing within the City. The College note that the council concludes that utilising the Standard Method for the calculation of housing need would not tackle the unmet need within the City. The specific policies of this section are commented on below.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
H3	Yes	Yes	Support	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	



Policy H3 The aim of the City Council to deliver part of its housing requirements within the City is acknowledged and supported and the College support the Council proposal to maintain the caveat in policy H3 which does not require affordable housing contributions from student accommodation which is on sites which are within an existing or proposed University or College Campus site. This policy is considered to be Legally Compliant and Sound.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
H9	Yes	Yes	Support	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	

Policy H9 - The College recognise that the under provision of student accommodation can impact upon the availability of private market dwellings due to potential occupancy by students and that the increased provision of student accommodation can therefore, release these dwellings back into the market place. The College also support the Council's continued allowance for the use of bedrooms outside of term time as this supports not only the local economy but the College, through the use of space for conferences and/ or additional tourist accommodation. This policy is considered to be Legally Compliant and Sound.

Chapter 3 – A Fair and Prosperous City with a Globally Important Role in Learning, Knowledge and Innovation

The importance of Oxford in terms of its global reputation is acknowledged, as is the recognition of the contribution the University of Oxford (alongside Oxford Brookes) makes to the local economy. The specific comments relating to this section are set out below.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
E4	Yes	Yes	Comment	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	

Policy E4 relates to the provision of Community Employment and Procurement Plans where developments are proposed which include the provision of 50 or more dwellings or where they propose 1,000 Square metres of non-residential employment space. The policy is unclear on how this would relate to uses such as student accommodation and clarity is required on that.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
E5	Yes	Yes	Comment	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	

Policy E5 relates to tourist and short stay accommodation. The policy identifies that tourism is an important contributor to the local economy and identifies that the locations in which tourist accommodation will be supported. Elsewhere in the Local Plan it is recognised that the use of student accommodation outside of term time is supported therefore, there is the potential to provide support in this policy for the use of student accommodation outside of term time for short stay accommodation which would support the local economy through the provision of tourist accommodation.

Chapter 4 – A Green Biodiverse City that is Resilient to Climate Change

Chapter 4 sets out the Council’s approach to green infrastructure and biodiversity. The College supports the Council’s approach to seeking to protect green infrastructure and biodiversity however, considers that the rigidity in which the policies are written provide limited scope for those parties with limited site area to grow and expand as needed. This provides a direct conflict with the Council’s policies to support the economic contribution of College’s associated with the University of Oxford. The specific comments relating to the policies in this section are set out below.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
G1	Yes	No	Comment	Positively Prepared	
				Justified	X
				Effective	
				Consistent with National Policy	

Policy G1 sets the Council’s approach to green and blue infrastructure and seeking to protect the network of spaces which are present throughout the City. The Policy categorises spaces into 3 groups: A) Core; B) Supporting; and C) All Other. The grounds of Mansfield College are categorised as Private Open Space (group G1B). The justification behind this categorisation is unclear especially as many other smaller areas of space associated with other colleges are not categorised in the same way. The background paper sets out reasons why sites may be categorised as important Green infrastructure including biodiversity reasons, heritage reasons or climate change reasons. There is no assessment on the biodiversity of the site, it doesn’t appear to be recorded as important from a heritage point of view (acknowledging that the adjacent buildings are listed), nor is the site within the floodplain.

For Category G1B sites the policy allows for planning permission to be granted where any harm/ loss is mitigated through ‘sufficient re-provision’, although this is not defined. The policy also identifies that this should be on site. There is no consideration in the policy for those sites which have restricted space and no other options for development opportunities, such as Mansfield. The competing need of the College and the Council’s desire to retain green spaces which are not accessible to the public could be considered to sterilise the College’s ability to meet the needs of its students, particularly in relation to student accommodation.

There should be a caveat in the policy which acknowledges this and changes to the text of the policy are suggested below.

Planning permission will only be granted for proposals which affect Supporting Green and Blue spaces where any harm/ loss is mitigated by ensuring sufficient re-provision, ideally onsite, and to the same standard or higher, OR where it can be demonstrated that re-provision is not possible with alternative forms of development. These spaces are designated G1B on the proposals map.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
G3	Yes	No	Comment	Positively Prepared	
				Justified	X
				Effective	
				Consistent with National Policy	

G3 introduces the Urban Greening Factor which sets out that the development of sites should achieve a minimum score or no reduction in the green factor, calculated from the types of green infrastructure found on site using a formula set out in the appendices of the draft plan. It is recognised that the provision of new green spaces as part of development proposals is constrained however, this requirement puts significant pressure on applicants who have limited site areas and who have certain functions that also need to be achieved in those spaces. Mansfield College may seek to expand the provision of student accommodation on the campus and this may involve the loss of some of the current green space to enable this to happen. The use of the policy to prevent the loss of space would essentially sterilise the potential for development at the site which, if allowed, could achieve wider benefits such as the release of general housing back into the market.

It is noted that the Urban Greening Factor works alongside biodiversity net gain but provides a ‘simpler’ output. It is questioned why this additional layer of calculations is required as where it has been introduced elsewhere this tends to have been prior to the introduction of the minimum net gain requirements of Local Plans. It is considered that this policy is not fully justified nor does it allow any scope for flexibility where circumstances indicate that it would sterilise development. The below policy wording is suggested.

Applicants are expected to assess and submit the baseline score for the site pre-development, prior to any site clearance, as well as the proposal as built/post-development. The as built/post-development score required for development proposals will need to meet the following policy criteria:

Major development: proposals should demonstrate that there would be no reduction in baseline score and achieve a minimum score of:

- 0.3 for residential or predominantly residential schemes
- 0.2 for predominantly non-residential schemes

Where it is demonstrated that meeting the above UGF cannot be achieved it should be demonstrated that all measures have been taken to maximise the UGF on site.

All other forms of development – with the exception of householder applications – are encouraged to demonstrate how they have undertaken greening of their site through use of the UGF tool, though this is not mandatory.

Chapter 5 – A City that Utilises its Resources with Care, Protects the Air, Water and Soil and Aims for Net Zero Carbon

Chapter 5 of the Local Plan primarily relates to the use of resources and carbon emissions. The College acknowledge that the changing climate and the Council’s ‘Climate Emergency’ require action to tackle the impact of built development upon the environment and in general support the Council’s drive to reduce the impacts. In relation to the specific policies set out in the draft plan the comments below are provided.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
R1	Yes	No	Comment	Positively Prepared	
				Justified	
				Effective	X
				Consistent with National Policy	

The College supports the principle of striving towards net zero buildings given the UK’s commitment to achieving net zero carbon by 2050. It is noted that this reflects similar principles used in the London Plan and only applies to new buildings. Some of the requirements are enshrined in building regulations where continued raising of standards will mean buildings meet these levels in the future in any event.

It is noted that Energy Use Intensity Targets are proposed however, these and space heating demand targets are not useful for a number of building types which can make its implementation more challenging. It is not clear from the background paper whether alternative forms of energy use rating were considered. The use of the Display Energy Certificates (DEC) could be considered as this methodology allows for various building types within its methodology.

The Policy seeks to introduce offsetting where the relevant energy generation requirements cannot be met on site and outline a preference for offsetting through provision on site elsewhere. Where applicants have limited land control this is not likely to be achievable and, where the City already recognises a significant shortfall in land available to meet the City’s need for housing, it is questioned how reasonable an approach this is. Furthermore, restrictions on sites with valuable heritage may not be appropriate for on site generation, further restricting the options available to the applicant. As a second option (outlined as the least favourable option), the Council will allow payments into the Council’s offsetting fund, secured through legal agreement. Whilst the background papers set out the calculations for the level of contribution required it does not provide any details of how the resulting funds would be used to provide the required offsetting. Should this be retained as a proposal in the policy the City Council will need to ensure that it has a suitable audit trail for payments made and projects delivered and the amount of carbon offset.

The above comments should be fully explored and justified and a suitable mechanism for off-setting established before the proposals can be considered effective.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
R2	Yes	Yes	Comment	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	

Policy R2 relates to embodied carbon in the construction process seeking to ensure that this is minimised as far as possible. The College support this approach in principle. It is agreed that the re-use of existing buildings should be robustly explored before demolition is supported however, this requirement should be in the context that the retention of poor quality buildings for re-use can actually lead to a greater level of embodied carbon (i.e. 'whole life carbon') over the lifecycle of a building - particularly where colleges erect new buildings which may continue to be in existence for several hundred years in one guise or another and therefore where operational carbon will dominate in terms of environmental impact.

The Council should place greater emphasis on whole life carbon testing to ensure that operational carbon of existing buildings is factored and that buildings constructed have a longer life span and are capable of flexibility rather than constructing a low embodied carbon building now which is no longer fit for purpose in future years.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
R3	Yes	Yes	Comment	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	

Policy R3 relates to the retro-fitting energy efficiency measures to existing buildings. The College recognises that improvements to existing buildings can make significant strides in energy efficiency of those buildings. The College supports the wording of the policy which does not set out targets or introduce specific measures particularly noting the historic buildings and heritage assets are noted as being more sensitive to change.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
R6	Yes	No	Comment	Positively Prepared	
				Justified	X
				Effective	
				Consistent with National Policy	

Policy R6 highlights the importance of soil as a natural capital and the supporting text for the policy notes that the quality and types of soils are an important consideration in the development of greenfield sites. The supporting text also notes that the policy requirements for the assessment of the impact of development upon peat reserves is only required for major developments on undeveloped sites. The impact of the consideration of soil quality in all development proposals (as the policy is currently worded) would further restrict the opportunities for development. This could further sterilise development opportunities on sites

where there are other conflicting constraints on the site. The policy wording for this should state that this applies to new developments on undeveloped or largely greenfield sites. The proposed amendment is included below.

Planning applications for the development of greenfield sites will be expected to demonstrate how the impact of development on soils has been mitigated and opportunities for conserving and enhancing the capacity/ quality of soil maximised. The design and access statement and associated landscape plans should include details setting out the following where relevant:

Chapter 6 – A City of Culture that Respects its Heritage and Fosters Design of the Highest Quality

Chapter 6 of the draft local plan relates to the heritage of the city and the requirement for the highest design quality. The College support this aim, recognising the unique beauty of Oxford and the contribution that the college buildings make to the City. The comments on the specific policies of this section are set out below.

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
HD6	Yes	No	Comment	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	X

Policy HD6 relates to non-designated Heritage Assets. It is agreed that there are buildings within the City that do not warrant formal Listing but make an important contribution to the character and appearance of the area and therefore, should be afforded due regard in considering development proposals. The policy as proposed requires the impact of the development upon the significance of a non-designated heritage asset to be weighed against the ‘public benefits’ of the scheme. This is out of alignment with the requirements of the NPPF (paragraph 203) which states that *‘a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset’*. The policy text should reflect this test rather than the test associated with designated heritage assets. Amended policy wording is suggested below. In addition, there should be an easier way of identifying non-designated heritage assets through a mapping system rather than the currently available list which is not easy to use in identifying potential constraints.

In determining whether planning permission should be granted for a development proposal that affects a local heritage asset, consideration will be given to the significance of the asset and the extent of impact on its significance, ~~as well as the scale of any harm or loss to the asset in a balanced judgement as balanced against the public benefits that may result from the development proposals.~~

Policy or Paragraph Reference	Legally Compliant?	Sound?	Support/ Comment/ Object	If Unsound it is because it is <u>not</u> :	
HD9	Yes	Yes	Comment	Positively Prepared	
				Justified	
				Effective	
				Consistent with National Policy	

The aims of policy HD9 in terms of the impact of development upon views into and out of the City are acknowledged and supported by the College. It is noted that the height restrictions in relation to the need for an assessment of the impact upon views is stipulated at 15 metres. It is however, considered inappropriate that the Council stipulate that VuCity (or other modelling software of the Council's choice) is the only appropriate model for assessing the impact of developments. This puts undue costs onto projects especially where an alternative modelling software is already being used by the applicants. Whilst the College supports the principle behind the requirements the policy should be reworded as follows:

f) use of VuCity 3D modelling ~~(or equivalent if updated by the City Council in future)~~, shared with the City Council so that the impact of the development can be understood from different locations, including any view cone views that are affected; and

We trust that the above comments will be taken on board in a constructive manner in order to provide a Local Plan that meets the requirements of the NPPF, including being flexible, deliverable and sound. If you have any questions in relation to these representations, please contact either Dawn Brodie or Robert Linnell at the above address.

Yours faithfully



SAVILLS