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| **East Area Planning Committee** | **8 February 2017** |

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| **Application Number:** | 17/00139/CONSLT |
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| **Decision Due by:** | N/A |
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| **Proposal:** | Application to seek the views of Oxford City Council as to the arrangements for reprovision of existing sporting facilities currently on the Rover Sports and Social Club, Roman Way. THIS IS NOT A PLANNING APPLICATION. |
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| **Site Address:** | Rover Sports and Social Club, Roman Way, Oxford,  OX4 2QT |
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| **Ward:** | Lye Valley Ward |

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| **Agent:** | Winkworth Sherwood | **Applicant:** | BMW (UK) Manufacturing Limited |

**Recommendation:**

The East Area Planning Committee is recommended to delegate to the Head of Planning and Regulatory Services, subject to the expiry of the consultation period without any new material issue being raised,:

1. the responsibility to notify the Applicant that, were the Council considering an application to redevelop this land for car manufacturing as described in Policy SP49, the arrangements effected by the draft legal agreement annexed would enable the Council to conclude that that application be permitted notwithstanding that all existing facilities would be reprovided given that those arrangements would procure a net benefit over reprovision as required by SP49; and
2. the entry into a legal agreement with BMW in a form not materially different to that annexed.

**Main Local Plan Policies:**

**Core Strategy**

**CS21** Green Spaces, Leisure and Sport

**Sites and Housing Plan**

**SP49** Rover Sports and Social Club

**SP21** Horspath Site

**Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

**Relevant Site History:**

16/00215/DEM - Application to determine whether prior approval is required for the method of demolition. PRIOR APPROVAL NOT REQUIRED. March 2016.

**Application Purpose and Background:**

The Applicant is anxious to seek comfort as to the prospects of a future application for the development of this land as allocated by Policy SP49 (car manufacturing). That policy requires the reprovision of the leisure facilities currently on the land.

The Applicant proposes to effect this by making provision for the Council to deliver the scheme considered at the meeting of this Committee on 1 February 2017 at Horspath Road for grass and floodlit artificial sports pitches; a pavilion building including changing facilities and cycle tracks. The mechanism proposed is a legal agreement in the form at Appendix 2 to this Report.

Proceeding in this manner will not dispense with the need for planning permission to be granted if and when the Applicant wishes to proceed with the development of the land for car manufacturing. What it would deliver is a formal decision of the Council as local planning authority in substance as to whether or not the policy requirement to reprovide the existing leisure facilities would be an outstanding impediment to the grant of planning permission. It would not discharge the policy requirement and any subsequent consideration of an application for planning permission would have to reconsider whether or not that policy requirement was an impediment to the grant of permission.

The decision would however be a material consideration in the determination of a subsequent application for planning permission and, in the absence of a relevant change of circumstances, it could reasonably be expected that the later reconsideration would reach the same conclusion as that currently before the Committee. The meeting of the Committee dealing with the later application for planning permission would not be obliged to come to the same decision.

In order to place the Committee in the best possible position to consider this matter it has been taken forward replicating so far as possible the normal processes applicable to a planning application, specifically as to public involvement and consultation.

The proposed arrangements for the reprovision of sporting facilities are being consulted on for 21 days as they would if they formed part of a normal planning application. Consultation has included site notices, a newspaper advertisement, inclusion on the weekly list and the Council’s online electronic notification system. The statutory consultees that would normally be notified of a major development that includes sporting facilities and the development of this land for car manufacturing have also been consulted. This has provided members of the public and other consultees with an opportunity to comment on the proposals.

**Representations Received:**

No representations received at the time of writing this report.

As the consultation period ends on 16 February 2017, any representations received in the time between producing this report and the East Area Planning Committee meeting will be verbally shared with the Committee. The East Area Planning Committee is recommended to approve the proposed arrangements for the reprovision of existing sports facilities at Rover Sports and Social Club, Roman Way on the basis of there being no new material comments received by the end of the consultation period. Should there be such comments the matter will be brought back to this Committee.

**Statutory Consultees:**

Sport England

Should an application to redevelop the Rover Sports and Social Club be submitted, Sport England will assess the proposals against their Playing Fields Policy. Sport England will wish to be satisfied that the proposed development should meet exception 4 of this policy which states;

*E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development*

Sport England has given its support to the proposals at Horspath as the intended replacement site for the playing fields and ancillary facilities that will be lost at the BMW sports Ground. Therefore Sport England advise the Council to ensure that all of the monies secured through this draft Section 106 are used to bring forward the replacement site at Horspath (planning application 16/03078/FUL).

**Internal consultees:**

Community Services

Comments were submitted on behalf of Oxford City Council Community Services (which includes the Sports and Leisure Department) confirming that they are satisfied that the reprovision scheme is deliverable and an acceptable leisure provision.

Tree Officer

Comments were submitted setting out the arboricultural issues that would need to be considered if the Rover Sports and Social Club site were to be redeveloped in the future.

Archaeology

Comments were submitted setting out the archaeological issues that would need to be considered if the Rover Sports and Social Club site were to be redeveloped in the future.

**Officers Assessment:**

Site Location and Description:

1. The site is located on the eastern edge of Oxford, adjoining Roman Way and Oxford Road in Horspath having an area of 9.92 hectares. Until recently it has been used as a sports and social club, with outdoor pitches for football, cricket and softball and some associated indoor facilities operated and managed by Oxford Sports and Social Club (OSSC) with a lease from BMW (the landowner). The main users were Oxford United Football Club, Oxford Cricket Club and Oxford Softball. Unfortunately OSSC were unable to continue operating the facilities and the lease expired in June 2016. Oxford City Council then secured a short term lease to operate the site in order to enable the use by various sports clubs to continue. The majority of buildings on the site were demolished in summer 2016 having reached the end of their lifetimes.
2. Large scale industrial development surrounds the site to the west and south. This includes the BMW car manufacturing plant. Directly to the east lies a disused allotment and agricultural land owned by Oxford City Council, the majority of which forms part of the Oxford Green Belt. Directly to the north lies other outdoor sporting facilities and the Horspath athletics track which are also within the Oxford Green Belt.

Planning Policy Context

1. The Sites and Housing Plan (Feb 2013) continues the policy presumption in the Oxford Local Plan 2001-16 which recognises that BMW are expected to need to expand the adjacent car manufacturing plant onto the Rover Sports and Social Club site and, that being a large employer, this will help to support the managed economic growth of Oxford. Policy SP49 of the Sites and Housing Plan therefore allocates the site for car manufacturing purposes provided that all outdoor sports facilities and associated indoor facilities are reprovided elsewhere in the locality.
2. This is closely linked to Policy SP21 of the Sites and Housing Plan (Feb 2013) which allocates the area of disused allotments and agricultural land directly to the east of the site, known as the ‘Horspath site’, for outdoor sports and social facilities. The Horspath site is owned by Oxford City Council and the Sites and Housing Plan identifies this site as a potential location for the reprovision of sports facilities currently on the Rover Sports and Social Club.

Proposal

1. BMW are seeking to provide for the reprovision of the existing outdoor sports facilities and associated indoor facilities before they have final plans for the redevelopment of the Rover Sports and Social Club site for car manufacturing purposes. This would allow BMW to plan the expansion of their existing car manufacturing plant with a certain degree of confidence as to the requirement for reprovision.
2. The proposed reprovision takes the form of a financial contribution of £4.9 million provided through a s106 legal agreement to the City Council to reprovide the sports facilities on the adjoining disused allotments and agricultural land to the east (the ‘Horspath Site’ as defined by Policy SP21). The draft s106 legal agreement would be completed should officers’ recommendations be accepted (and no new material issues raised within the consultation period). The financial contribution would be paid six weeks after the determination of the application relating to the Horspath sports facility.
3. In terms of replacing the existing sports facility at the Rover Sports and Social Club site, the proposed arrangements set out in planning application 16/03078/FUL for the Horspath site would be substantially larger than the existing site with approximately 15ha of useable open space compared to the 10ha at the Rover Sports and Social Club site. The proposed layout would also allow for a better mix of sports pitches, more modern facilities, along with greater access for the local community and potential for future investment into the site making it more sustainable in the long term.
4. Sport England supports the proposals set out in planning application 16/03078/FUL on the basis that it would meet their objectives to address established deficiencies in playing pitch provision within the city. They have recommended conditions be imposed to ensure that it would provide an adequate replacement for the proposed loss of the BMW sports ground. These include requiring an assessment of the ground conditions to be undertaken in order to ensure that the playing fields will meet their specification; the pavilion is provided as shown on the plans; and a management and maintenance plan is developed for the facility.
5. This arrangement is also acceptable to officers of the Council’s Community Services Directorate whose views on the matter are at Appendix 3. They are satisfied that the reprovision scheme is deliverable and an acceptable leisure provision.
6. Officers would advise members that the proposal would therefore represent a significant improvement to the provision of sport and leisure facilities in Oxford, and also on the existing facilities at the Rover Sports and Social Club site, thereby increasing community access and helping to secure the long term sustainability of the key stakeholders based on the existing site. Moreover the proposal would also have a very important role in strengthening Oxford’s economy by helping to safeguard the future of the BMW plant in Oxford.

Relationship to Planning Application 16/03078/FUL

1. Planning application 16/03078/FUL details Oxford City Council’s proposals for the reprovision of sporting facilities on the adjoining Horspath Site. The application is being considered by the East Area Planning Committee on 1 February 2017. Applications 16/03078/FUL and 17/00139/CONSLT are being considered completely separately. The officer’s report for application 16/03078/FUL is at Appendix 4.
2. The 1 February 2017 meeting of this Committee will consider application 16/03078/FUL. This meeting will consider whether the mechanism provided for in the draft s106 and the delivery of the 16/03078/FUL scheme facilitated by that draft s106 is capable of satisfying the reprovision policy requirement of SP49. The advice of officers and statutory consultees who commented upon application 16/03078/FUL is that it is.

Officer Assessment

1. There are two key matters to be considered in assessing the acceptability of the proposed arrangements for the reprovision of existing sporting facilities at Rover Sports and Social Club:
2. Whether the proposed sports facilities at the Horspath Site as detailed in planning application 16/03078/FUL are adequate/appropriate to prevent the reprovision requirements of Policy SP49 resulting in refusal of a planning application for car manufacturing on the land on the basis that they provide outdoor sports facilities and indoor sports facilities superior to those currently on the Rover Sports and Social Club site; and
3. Whether the financial contribution proposed would allow the City Council to be able to reprovide the facilities on the Horspath site.
4. The Head of Community Services has confirmed that both the proposed reprovision of the sporting facilities at the Horspath site as detailed in planning application 16/03078/FUL and the financial contribution of £4.9 million to allow this reprovison are both acceptable and appropriate.
5. Given that the operations of Oxford Sports and Social Club have ceased and that the condition of the existing sporting facilities on the Rover Sports and Social Club site fall below standard in a number of areas, there are also benefits to the community in reproviding facilities in advance as local people and sports clubs will have use of modern, high quality facilities that comply with sporting standards.

**Conclusion:**

1. The proposed legal agreement is considered to provide acceptable arrangements for the reprovision of existing outdoor and indoor sporting facilities at Rover Sports and Social Club, Roman Way as might be expected if the site were being redeveloped for car manufacturing purposes. Therefore officers’ recommendation to the Members of the East Area Planning Committee is to find the proposed arrangements for the reprovision of existing sports facilities at Rover Sports and Social Club, Roman Way adequate on the basis of there being no new material comments received by the end of the consultation period (16 February 2017) and to authorise officers to enter into a legal agreement with BMW to secure this funding for the purposes outlined in this report.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching the recommendations in this report. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the potential for interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by the decisions recommended. Officers consider that there is no such interference.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder. Officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

**Contact Officer:** Rebekah Knight

**Extension:** 2612

**Date:** 27 January 2017