

Oxford City Planning Committee

18.04.2023

<b>Application number:</b>	22/02868/FUL		
<b>Decision due by</b>	28th April 2023		
<b>Extension of time</b>	N/A		
<b>Proposal</b>	Change of use of part of car park for motorcycle testing/training and part of stadium for storage and office (Sui Generis) for a temporary period of 2 years (amended description)		
<b>Site address</b>	Kassam Stadium And Land Adjacent, Falcon Close, Oxford, Oxfordshire – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Littlemore Ward		
<b>Case officer</b>	Chloe Jacobs		
<b>Agent:</b>	Miss Ugne Staskauskaite	<b>Applicant:</b>	DVSA
<b>Reason at Committee</b>	The application constitutes major development		

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## 1. RECOMMENDATION

1.1. Oxford City Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission and to:

1.1.2. **delegate authority** to the Head of Planning Services to:

- finalise the recommended conditions and informatives as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary

## 2. EXECUTIVE SUMMARY

2.1. This report considers the continued use for a 2 year temporary period of part of the Kassam Stadium car park to the west of the site for motorcycle testing/training and part of the stadium for storage and office. The report considers the principle of development, impact on design, amenity and parking and the risk of flooding on the site. It is concluded that the proposal has an acceptable impact in regard to these considerations and a further 2 year temporary consent should be granted.

## 3. LEGAL AGREEMENT

3.1. This application is not subject to a legal agreement.

#### 4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

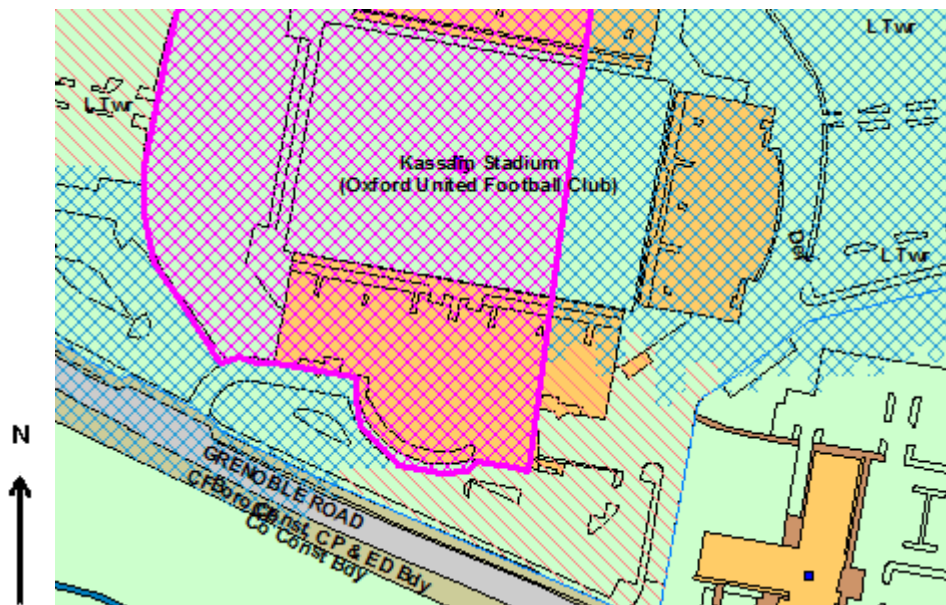
4.1. The proposal is not liable for CIL.

#### 5. SITE AND SURROUNDINGS

5.1. The application site encompasses a large proportion of the Kassam Stadium site, adjacent to Grenoble Road to the south-west of Blackbird Leys and south-east of Littlemore. The site covers a large area, partially containing the stadium itself and extensive areas of car parking that surround it. There are a number of different land uses on adjacent sites, including a Holiday Inn to the east and the Ozone Leisure Complex to the west. Beyond the site to the north-east there is open space (including land around Northfield Brook) and beyond that there is residential development in Blackbird Leys (Spindleberry Close and Knights Road). Beyond the site to the south-east there is residential development in Greater Leys (Emperor Gardens and Acacia Avenue).

5.2. The stadium is home to Oxford United Football Club but other uses have taken place on the land around the stadium or within the facilities when matches do not take place, including car boot sales and conferences.

5.3. See block plan below:



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Ordnance Survey 100019348

#### 6. PROPOSAL

6.1. The application proposes the continued change of use of part of the car park for motorcycle testing/training and part of the stadium for storage and office use (a sui generis use) for a temporary period of 2 years.

6.2. Originally the application sought permission for the permanent change of use of the site for motorcycle testing/training and part of the stadium for storage and office

use. However, following officers' concerns with regards to the application site being part of a Local Plan allocated site for residential development, the description of works and application were amended so that the application now only seeks another, temporary permission.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

<p>08/01873/FUL – Temporary use of part of car park for motorcycle testing/training and part of stadium for storage and office. In association with the main use. APPROVED 22 October 2008.</p> <p>16/01357/FUL - Temporary use of part of car park for motorcycle testing/ training and part of stadium for storage and office at The Kassam Stadium for three years. APPROVED 16th August 2016.</p> <p>19/02453/FUL - Temporary use of part of car park for motorcycle testing/ training and part of stadium for storage and office at The Kassam Stadium for three years. APPROVED 14th February 2020.</p>
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## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Other planning documents	Neighbourhood Plans:
Design	119-123, 126-136	RE1, RE2 and DH1		
Transport	119-123	M1, M3		
Environmental		RE4, RE7, RE8		
Miscellaneous		SP14		

## 9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 7th February 2023 and an advertisement was published in the Oxford Times newspaper on 2nd February 2023.

## **Statutory and non-statutory consultees**

### Oxfordshire County Council (Highways)

9.2. No objection subject to conditions requiring the proposed development to be accessed from Grenoble Road only and for the use of the motorcycle training to not take place alongside match or other large events.

### Oxfordshire County Council (Education and Property)

9.3. No comments received.

### Thames Water Utilities Limited

9.4. No comments in regards to this application.

### Natural England

9.5. No comments received.

### Environment Agency

9.6. No objection. The site lies in Flood Zone 1 and is at low risk from fluvial flooding.

### Littlemore Parish Council

9.7. No comments received.

### Historic England

9.8. No comments in regards to this application.

## **Public representations**

9.9. No third party representations have been received at the time of writing.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- Principle of development
- Design and use
- Impact on neighbouring amenity
- Highways, Access and Parking
- Flooding and Surface Water Drainage

### **a. Principle of development**

10.2. The application site is an allocated site within the Local Plan and lies within a defined area specific to Local Plan Policy SP14. This policy seeks to deal with the

opportunity to provide additional development on parts of the Kassam Site including residential, commercial and open space. It states that adequate car parking should be retained as well as the Kassam Stadium.

- 10.3. The proposed development would not prejudice the requirements of this policy and would represent a small-scale level of development that would be acceptable in policy terms and which does not prevent current uses from operating. Given the temporary nature of the use it is also considered that the proposed development would not prejudice the site from coming forward for other uses as set out in the site allocation policy, in particular much needed residential development. However it must be stressed that the proposed change of use is only acceptable on a temporary basis in order not to prejudice the site coming forward for the uses set out in the site allocation policy.
- 10.4. The development would also allow for the continued presence of a motorcycle training facility in Oxford which would negate the need for local residents to have to travel further afield for motorcycle testing and training as the next nearest test facility is in Swindon.
- 10.5. The National Planning Practice Guidance states that it will rarely be justifiable to grant additional temporary permissions (except in cases where changing circumstances provide a clear rationale). In this case the site is allocated under SP14 of the Oxford Local Plan 2036 which encourages further development of the site for commercial and residential uses. At this stage there is still no indication of these developments coming forward. There is therefore considered to be no harm in granting a further temporary use of two years, however a permanent permission could prevent development in the future which is identified under the site allocation policy. An additional two years would allow the Local Authority to reassess the situation at that time.
- 10.6. The proposed retention of the part of the car park on a temporary basis for motorcycle testing/training and part of the stadium for storage and office use is therefore considered acceptable in principle as it would not result in a permanent change of use of the entire site or prevent future development of the site in accordance with policy SP14 of the Oxford Local Plan 2036.

#### **b. Design and use**

- 10.7. The proposals would involve fairly small-scale changes of use of parts of the stadium site to provide office, storage and training areas. The office area would be located in the main building with storage in a cupboard accessed externally. These changes would be small scale in the context of the overall site and would not prejudice the principal use of the site as a stadium. As a result, Officers recommend that this aspect of the development would be acceptable.
- 10.8. Overall there are no physical changes proposed to the site which would have any material impact on the appearance or function of the site. The proposal is therefore considered to comply with policies DH1 of the Oxford Local Plan 2036 and the NPPF.

#### **c. Impact on neighbouring amenity**

- 10.9. Policy RE7 of the Oxford Local Plan 2036 states that planning permission will only be granted for development that ensures that standards of amenity are protected. This includes the amenity of communities, occupiers and neighbours is protected in addition to not having unacceptable unaddressed transport impacts and provides mitigation measures where necessary.
- 10.10. Policy RE8 of the Oxford Local Plan 2036 states that planning permission will only be granted for development proposals which manage noise to safeguard or improve amenity, health, and quality of life. Planning permission will also not be granted for development that will generate unacceptable noise and vibration impacts.
- 10.11. The application site lies over 100m from the nearest residential property; the development is therefore unlikely to give rise to noise and disturbance to nearby residents. During testing, a motorcycle is normally in operation with two examiners for both off road and on road testing so the activity is low key. There is also some mature vegetation around parts of the site which would screen the activity and reduce noise impact. The stadium also sits between the off road testing in the Kassam car park and properties to the east in Acacia Avenue and roads leading off this avenue.
- 10.12. There are hotels to the east and west of the site. In order to mitigate any adverse impacts on occupiers of the hotel, the hours of operation of testing would be restricted to between 8am and 8pm. Subject to this condition, the proposed development is unlikely to give rise to an unacceptable impact on hotel occupiers.
- 10.13. It is also worth noting that the site has been in operation and in use as a motorcycle training and testing facility since 2008 and no objections have been received from neighbouring properties. As a result, officers are of the opinion that the use is not known to cause a nuisance with regards to noise and disturbance to neighbouring occupiers subject to the recommended conditions.
- 10.14. Subject to conditions, the proposal is therefore acceptable in terms of neighbours' amenity and Policy RE7 and RE8 of the Oxford Local Plan 2036.

#### **d. Highways, Access and Parking**

- 10.15. The submitted planning statement states that there would be two examiners based at the site, undertaking both off road and on road motorcycle tests. There would be a total of four movements by the examiners per day. The off road tests results in two movements per vehicle with a total of 1277 per year.
- 10.16. There is ample parking and accessibility for staff and customers and Officers are of the opinion that this is a practical location that has already operated successfully for a number of years. The proposals make use of the vast areas of car parking when the stadium is not in its primary use on match days. To avoid conflict between this use and the main use of the site, a condition is suggested to ensure that the motorcycle testing does not take place on match days or other similar large events. Such a condition has been imposed on the previous temporary permissions and the site has operated successfully for some time on this basis.

10.17. The proposed development would be accessed from the existing point of access off Grenoble Road. A condition has been included in the recommendation that would ensure no other point of access is created for the use proposed in line with the comments received from Oxfordshire County Council Highways Authority.

10.18. The proposal is therefore not considered to be detrimental to the highway network in accordance of policy M3 and RE7 of the Oxford Local Plan and the NPPF.

#### **e. Flooding and Surface Water Drainage**

10.19. Policy RE3 of the Oxford Local Plan 2036 requires all development to manage surface water through sustainable drainage systems or techniques to limit run off, Policy RE4 states that all development proposals will be required to manage surface water through Sustainable Drainage Systems (SuDS) or techniques to limit run-off and reduce the existing rate of run-off on previously developed sites.

10.20. The site is located in Flood Zone 1 and is not at significant risk of flooding from any sources. It is also noted that this application is a continuation of a previously approved use on an area of existing hardstanding. Therefore, it would be disproportionate to attach a condition requiring SuDS to be installed and maintained, particularly as the proposals are temporary in nature.

10.21. The proposal is considered to comply with Policy RE4 of the Oxford Local Plan 2036.

## **11. CONCLUSION**

11.1. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver sustainable development, with Paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF despite being adopted prior to the publication of the latest version of the framework.

11.2. In summary, it is considered that the proposal would result in a more efficient use of the site without prejudicing the main or other uses at the Stadium site including those set out in the site allocation policy if granted on a temporary basis and without causing harm to the amenity of neighbouring occupiers, highway network or drainage, in accordance with the policies referred to throughout the report.

11.3. Officers would advise members that having considered the application carefully the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework, and relevant policies of the Oxford Local Plan 2036, when considered as a whole, and that there are no material considerations that would outweigh these policies.

11.4. On this basis it is recommended that the Committee resolve to grant a temporary 2 year planning permission for the development proposed subject to the conditions as set out in section 12 of the committee report.

## **12. CONDITIONS**

### **Time limit**

1. This permission shall be for a limited period of two years only, starting from the date of this decision. After the expiry of the two year period, the use hereby permitted shall be discontinued and any equipment, debris and materials arising therefrom shall be removed from the site unless prior to that date the Local Planning Authority have approved a renewal of the temporary permission in writing.

Reason: To enable the Local Planning Authority to assess the impact of this use on the surrounding area and for alternative sites to be investigated in order that the development complies with Policy DH1 of the Oxford Local Plan 2036.

### **Development in accordance with approved plans**

2. The development permitted shall be carried out in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

### **Hours of operation**

3. The use of the car park for motorcycle testing and training shall be restricted to between the hours of 08:00 and 20:00 only and shall not operate if the stadium is in use for a first team football match or any other similar event requiring full use of the car park.

Reason: To ensure that the approved use does not impact on the principal use of the site as a football stadium and to ensure that sufficient car parking is provided for football matches in order that the development complies with Policy RE7 of the Oxford Local Plan 2036.

### **Use**



4. The area for motorcycle testing and training shall be restricted to the land shown on the approved plan (Drawing No. PL03 REV A) and all vehicles and equipment used in association with the approved use and brought onto the land in the exercise of this permission shall be removed from the site at the conclusion of that days operation.

Reason: In the interest of visual amenity and to otherwise ensure the land is available for parking and use in association with the stadium as required by Policy DH1 and RE7 of the Oxford Local Plan 2036.

### **Access**

5. Means of vehicular access to the site shall be from Grenoble Road only unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety as required by Policy RE7 of the Oxford Local Plan 2036.

### **INFORMATIVE**

1. In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

2. This development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No. 2) Regulations 2016 for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. An environmental permit is in addition to and a separate process from obtaining planning permission. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

### **13. APPENDICES**

- **Appendix 1** – Site location plan

### **14. HUMAN RIGHTS ACT 1998**

14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of

Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

15.1. Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant temporary planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.