

Examination of the Oxford Local Plan 2036

Response to Main Modification 107 on behalf of Cowley Investments Limited

Summary

- i. The Main Modification agreed with Sport England is supported because submissions made by Cowley Investments Limited demonstrate a high likelihood of the development of housing in proximity to the stadium impacting on its operation.
- ii. The requirements for market testing, discussions with developer partners and engagement with governing bodies is unnecessary in light of the work of Five Lines, which addresses these points and has been stated by the Council to be sufficient to demonstrate that the reinstatement of greyhound racing and speedway is viable. It is unnecessary for these requirements to be added to the supporting text for Policy SP52.

Main Modification 107 proposes amendments to paragraph 9.263 of the supporting text to Policy SP52: Oxford Stadium. This response comments on the proposed amendments and at the end of the response provides a marked up version of the Main Modification that address the points made by Cowley Investments Limited.

Text has been added confirming that the established stadium use should not be affected by permitting new residential developments in close proximity. This is in response to a statement of common ground with Sport England (note only speedway, and not greyhound racing, is recognised as a sport by Sport England: <https://sportengland-production-files.s3.eu-west-2.amazonaws.com/s3fs-public/uk-recognised-ngbs-and-sport-list-april-2016.pdf>).

Cowley Investments Limited made submissions in response to the Inspector's questions, see the Bickerdike Allen Report, paragraph 5.4 and associated contour plans (noise), and the Cundall report, section 3 and associated contours (light trespass and intensity), that clearly demonstrate that the operation of the Stadium for greyhound and speedway racing will have a significant noise and light impact on new housing proposed as enabling development on the Stadium car park and also for existing nearby residents. What this means is that the operation of the stadium for greyhound racing and speedway is likely to cause a statutory nuisance on the grounds of noise and artificial light unreasonably and substantially interfering with the use or enjoyment of nearby homes (new and existing). Should this prove to be the case then the Council will need to serve abatement notices requiring greyhound racing and speedway to either be limited in its operation or stopped. In this context, it is considered that the modification agreed with Sport England is necessary and appropriate.

Further text has been added to the paragraph that seeks to expand upon Main Modification 108, as it relates to demonstrating that the reintroduction of speedway and greyhound racing to the stadium is not viable. Oxford City Council has made submissions, see Five Lines *Oxford Stadium: Stage 1 Commercial Viability Assessment* and their confidential letter to the Council, that set out the market testing, discussions with developer partners and engagement with governing bodies that has already taken place. The Council has consistently argued via their various submissions that the information provided by Five Lines is sufficient to demonstrate that greyhound racing and speedway are viable at the Stadium. The information upon which an assessment of the viability of greyhound and speedway racing returning to the stadium can be based is therefore already available. As a consequence, it is unnecessary for these requirements to be added to the supporting text for Policy SP52 and accordingly this part of the Main Modification should be deleted.



On the basis of the above the necessary changes to Main Modification 107 are as follows (Council changes in Red and Cowley Investments Limited's changes in Blue):

*The opportunity exists to provide enabling residential development within the existing Stadium car park. This residential development should preserve and where possible enhance the significance of the conservation area of which it is a part and should provide for retention and enhancement of the community uses of the Stadium. **The established use as a stadium should not be affected by permitting of new residential developments in proximity.** The City Council has undertaken viability testing that demonstrates that resumption of the use of the Stadium as a greyhound racing and speedway venue can be achieved, supported by enabling housing development to fund its modernisation **and facilitate recommencement of greyhound racing or speedway** if necessary. Any planning permission for enabling residential development will be required to include a commitment (through a planning obligation) to carry out, as part of the development, an agreed scheme for refurbishment and modernisation of the Stadium to facility recommencement of its former leisure uses. ~~If it can be demonstrated that greyhound racing or speedway cannot viably be brought back then residential-led development (supported by appropriate uses) can go ahead. It must be demonstrated that active market testing has taken place, that a development partner has been actively sought, and that there has been engagement with the national governing bodies.~~*



Examination of the Oxford Local Plan 2036

Response to Main Modification 108 on behalf of Cowley Investments Limited

Summary

- i. Cowley Investments Limited have clearly demonstrated through their submissions that greyhound racing and speedway is unviable at the stadium. The Inspectors should address the matter now and direct that the entire stadium site should be allocated for an appropriate housing scheme.
- ii. In the event that the Inspectors are minded to proceed on the basis of the Council's wording relating to residential redevelopment in the event of greyhound racing and speedway not being viable, the Council's wording must be supplemented with Cowley Investments Limited's additional text that will ensure that an appropriate balance between provision of leisure and community uses and addressing Oxford's pressing needs for housing and affordable housing is achieved.
- iii. There is no evidence to support the Council's additional text that states "*Development of around 100 homes is expected*". The reference should be deleted or replaced with "*around 50 homes*" in order to be consistent with Five Lines advice to the Council, which the Council has relied upon in its submissions (Note Avison Young and Carter Jonas submissions presented at the Matter 6 Hearing were not accepted).
- iv. Cowley Investments Limited have demonstrated that it is essential for existing car parking at the stadium to be re-provided alongside any enabling residential development. Additional wording must therefore be added to the Policy to prevent any reduction in car parking from occurring.

Main Modification 108 proposes modifications to Policy SP52 itself. This response comments on the proposed amendments and at the end of the response provides a marked up version of the Main Modification that address the points made by Cowley Investments Limited.

The substantive modification to the policy addresses the Inspectors preliminary view that Policy SP52 needed amendment to address circumstances whereby it was no longer viable for the stadium to be bought back into active use.

Cowley Investments Limited have clearly demonstrated through their submissions to the Examination that greyhound racing and speedway is unviable at the stadium whether it is on its own, supported by enabling housing development, supported by other uses including leisure or community, or a combination of all of these. The submissions made by the Council in which they maintain that greyhound racing and speedway could return have been demonstrated to be manifestly flawed. With this information before the Inspectors a judgement that greyhound racing and speedway is unviable can and should be made now, leading to the entire stadium site being allocated for an appropriate housing scheme. Further delay, as will be caused by the requirement for further viability testing, serves no-one's purposes, it simply increases costs for all concerned. For this reason the Inspectors are requested to address the matter now and conclude that greyhound racing and speedway are not viable and that accordingly Policy SP52 should be re-written, as per Cowley Investments Limited's recommendation in paragraph 2.99 of their December 2018 response to the Submission Local Plan.

Notwithstanding the above, in the event that the Inspectors are minded to proceed on the basis of the wording suggested by the Council concerning redevelopment with housing if greyhound racing and speedway is demonstrated to be unviable, it must be supplemented with additional text that will ensure that an appropriate



balance between provision of leisure and community uses and addressing Oxford's pressing needs for housing and affordable housing is achieved, as set out at the end of this response.

Main Modification 108, as published for consultation, however goes beyond the wording of the modification presented by the Council at the Matter 6 Hearing in two respects:

- firstly it states that “*development of around 100 homes is expected*”; and
- secondly it states that “*Opportunities should be sought to enhance and promote sustainable travel to and from the site, in line with Policies M1 to M5*”.

The City Council's submissions, see Five Lines Commercial Viability Assessment and Confidential letter to the Council, are based on enabling development of 52 homes, whereas Main Modification 108 indicates 100 homes. As stated in Cowley Investments Hearing Statement for Matter 6 the 100 units does not arise from Five Lines, or any development analysis so far disclosed by the Council, but instead it is from a report to the Council's Cabinet of 13 November 2019. There is therefore no evidence based justification for the reference to 100 units, it is simply arbitrary. New material prepared by Avison Young on behalf of the Council (based on 100 homes) and Carter Jonas on behalf of Mr Budimir, a party interested in reinstating the stadium for greyhound racing, speedway and community uses, was presented to the Examination during the Matter 6 Hearing. However, it was subsequently confirmed that the Inspectors did not consider the material to be necessary in an email from the Program Officer to the Council and the Matter 6 participants dated 12 December 2019. In light of the above, the reference to “*around 100 homes*” should be deleted or replaced with “*around 50 homes*”.

Contrary to the assumptions made by Five Lines in their Commercial Viability Assessment, during the Hearing for Matter 6 the Council advised that the 220 car parking spaces currently available at the Stadium would not need to be re-provided should the stadium car park be redeveloped with enabling housing development. There is however no coherent basis for not retaining the stadium car parking. Submissions on behalf of Cowley Investments Ltd, see Transport Technical Note appended to Cowley Investments Limited's Matter 6 Statement, explain in clear terms why car parking is essential in light of no available alternatives for parking in the locality, the wide catchment of the stadium that will result in visitors driving rather than using public transport and the need to provide parking for operators, bookmakers, staff and those participating in greyhound racing and speedway. For these reasons the need for on-site parking must be recognised in Policy SP52.

On the basis of the above the necessary changes to Main Modification 108 are as follows (Council changes in Red and Cowley Investments limited changes in Blue):

*Planning permission will be granted for revival of the stadium for greyhound racing and/or speedway, with ~~other supporting~~ community or leisure uses. ~~Planning permission will be granted for~~ **and** enabling residential dwellings on the car park or other areas that will not affect the operation or heritage interest of the Oxford Stadium site. **Development of around 100 homes is expected.** ~~if it is to secure enhancement of leisure uses on the site consistent with preservation and enhancement of heritage significance.~~*

~~Planning permission will not be granted for any other use or development, unless further feasibility work shows speedway and greyhound racing not to be viable, in which case planning permission will be granted~~



~~for an alternative community and leisure use that maintain the heritage interest of the Stadium and its context, with supporting or enabling residential development on the car park if necessary.~~

If it is demonstrated that bringing speedway and greyhound racing back into use is not viable, high quality residential led redevelopment supported by appropriate uses that will benefit the wider community for example complementary leisure or community uses that include reference to the heritage interest, of the site will be supported. Any leisure or community uses shall not compromise the viability of a residential led scheme, and shall not reduce the quantum of affordable housing provided (or alter the tenure mix), the provision of housing and affordable housing being the Council's priority needs. In addition any such leisure or community uses shall take account of provision and needs in the immediate area.

~~Planning permission will not be granted for any development that would result in an increase in car parking. It should be demonstrated that there will be adequate accessibility of the site to support the leisure uses.~~ Planning permission for enabling development on the stadium car park will not be granted that would result in a reduction in the amount of on-site car parking. *Opportunities should be sought to enhance and promote sustainable travel to and from the site, in line with Policies M1 to M5.*

~~As part of any planning application a legally enforceable commitment will be required to modernise and to refurbish the existing Oxford Stadium to facilitate recommencement of its former uses or for alternative community and leisure uses, in accordance with this policy.~~

