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**RETAIL IMPACT AND
SEQUENTIAL ASSESSMENT TO
SUPPORT AN APPLICATION FOR
NEW STADIUM DEVELOPMENT**

**ON BEHALF OF OXFORD UNITED
FOOTBALL CLUB**

February 2024

RETAIL IMPACT AND SEQUENTIAL ASSESSMENT TO SUPPORT AN APPLICATION FOR NEW STADIUM DEVELOPMENT FOR OXFORD UNITED FOOTBALL CLUB

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1. INTRODUCTION

1.1. This Retail Impact and Sequential Assessment has been Prepared by Ridge and Partners LLP and Urban Shape Ltd on behalf of Oxford United Football Club (OUFC - the applicant) to accompany a full planning application for a new stadium development at Land to the east of Stratfield Brake and west of Oxford Parkway Station, known as The Triangle.

1.2. The application seeks permission for the following development:

'Full planning permission for the erection of a stadium (Use Class F2) with flexible commercial and community facilities and uses including for conferences, exhibitions, education, and other events, club shop, public restaurant, bar, health and wellbeing facility/clinic, and gym (Use Class E/Sui Generis), hotel (Use Class C1), external concourse/fan-zone, car and cycle parking, access and highway works, utilities, public realm, landscaping and all associated and ancillary works and structures'

1.3. The proposed hotel, retail and food and drink uses are defined as 'town centre uses' within planning policy. The Retail Impact and Sequential Assessment has been undertaken in line with the requirements of the National Planning Policy Framework and Cherwell Local Plan in order to justify the location of main town centre uses in an out-of-town location. The Retail Impact element of this assessment has been undertaken by Urban Shape, with the Sequential Test being undertaken by Ridge and Partners LLP. The assessment demonstrates that the application Site is the most sequentially preferable location for the proposed development.

2. PLANNING POLICY CONTEXT

National Planning Policy Framework (NPPF)

- 2.1 The National Planning Policy Framework (NPPF) was updated in December 2023 and sets out the government's planning policies for England and how these are expected to be applied.
- 2.2 **Paragraph 91** highlights that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 2.3 **Paragraph 92** states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 2.4 Main town centre uses are defined at Annex 2 as *'retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).'*
- 2.5 Edge of centre is defined at Annex 2 as *'a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.'*
- 2.6 Out of centre is defined as a *'location which is not in or on the edge of a centre but not necessarily outside the urban area'* and out of town is *'a location out of centre that is outside the existing urban area.'*
- 2.7 **Paragraph 94** of the NPPF confirms that when assessing applications for retail and leisure development outside of town centres, which are not in accordance with an up-to-date development plan, LPAs should require an impact assessment if the development is over a proportionate, locally set threshold. If there is no locally set floorspace threshold, the default threshold is 2,500 sq m of gross floorspace.

- 2.8 Impact assessments are required to assess:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
- 2.9 The NPPF directs that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

Planning Practice Guidance (PPG)

- 2.10 The National Planning Practice Guidance (PPG) adds further context to the NPPF, and it is intended that the two documents should be read together. The PPG provides further guidance for assessing proposals for out of centre development through within its guidance on town centres and retail.

- 2.11 The PPG identifies the use of the sequential test as follows in **paragraph 9**:

'The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.'

- 2.12 **Paragraph 11** adds further guidance on how the sequential test should be used in decision making:

'It is for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission). Wherever possible, the local planning authority is expected to support the applicant in undertaking the sequential test, including sharing any relevant information. The application of the test will need to be proportionate and appropriate for the given proposal. Where appropriate, the potential suitability of alternative sites will need to be discussed between the developer and local planning authority at the earliest opportunity. The checklist below sets out the considerations that should be taken into account in determining whether a proposal complies with the sequential test:

- *with due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.*
- *is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.*
- *if there are no suitable sequentially preferable locations, the sequential test is passed.*

In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be taken into account.

Compliance with the sequential and impact tests does not guarantee that permission will be granted – all material considerations will need to be considered in reaching a decision.'

2.13 **Paragraph 12** adds guidance on how locational requirements should be considered in the sequential test.

'Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.'

2.14 The PPG provides further guidance in respect of the retail and leisure impact test. **Paragraph 17** provides a step-by-step guide to applying the impact test in order to consider the potential impacts of the proposed development's turnover and trade draw. If applicable, impacts should be considered on existing, committed and planned investment within the given catchment area, town centre vitality and viability, and in centre trade and trade in the wider area.

2.15 Paragraph 17 adds that where the impacts of the proposed development are not likely to be significantly adverse, then the positive and negative effects should be considered alongside all other material considerations to determine the outcome of the application.

- 2.16 The following chapters will demonstrate that the main town centre uses in this case are key elements of the development that are intrinsically linked to the vitality and viability of the of the stadium. The interdependencies of the proposed uses within the proposals are vital to the long-term success of the stadium and are therefore material to the application of the sequential and impact test.

Cherwell Local Plan 2011-2031 (Part 1)

- 2.17 The Adopted Cherwell Local Plan 2011-2031 (Part 1) contains strategic planning policies for development and the use of land. It forms part of the statutory Development Plan for Cherwell to which regard must be given in the determination of planning applications.

- 2.18 **Policy SLE 2** concerns securing dynamic town centres, it states that:

'Retail and other 'Main Town Centre Uses' will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington in accordance with Policies Bicester 5, Banbury 7 and Kidlington 2. The Council will apply the sequential test as set out in the NPPF as follows:

- Proposals for retail and other Main Town Centre Uses not in these town centres should be in 'edge of centre' locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.*
- When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.*

The Council will consider if the proposals satisfy the sequential test and if they are likely to have a significant adverse impact on one or more of the factors in the NPPF.

All proposals should comply with Policy SLE 4.

An impact assessment will also be required in accordance with requirements in the NPPF. The Council will require an impact assessment if the proposal is over 2000 sq. metres (gross) in Banbury, 1500sq. metres (gross) in Bicester and 350 sq. metres (gross) elsewhere.

Evidence in the Council's Retail Study will also be considered in determining applications if information is not provided by the applicant which is considered to supersede this evidence.

Proposals should comply with Policy ESD15.

The Council will support the provision of new local centres containing a small number of shops of a limited size within the strategic housing allocations on strategic sites set out in this Local Plan.'

3. SEQUENTIAL TEST - RELEVANT CASE LAW

- 3.1 The following case law and appeal decisions provide clear guidance in the interpretation of national policy and the application of the Sequential Test. This list is not exhaustive but includes key decisions that are often cited by decision makers in making decisions on such assessments. Stadium specific permissions are also considered in the following chapter, where relevant.

Key Decisions

Tesco Stores v Dundee City Council [2012] UKSC 13 [2011] CS1H9, March 2012

3.2 The Supreme Court in *Tesco Stores Ltd v Dundee City Council* considered the meaning of 'suitable' when assessing whether alternative sites are suitable for the proposal in the undertaking of the sequential test. The Supreme Court judgment highlights that the site needs to be '*suitable for the development proposed by the applicant*'. It also established that in terms of the size of the alternative sites, provided that the applicant has demonstrated flexibility with regards to format and scale, the question is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit the alternative site. It also clarified that the sequential test should be applied in a real-world context (the world in which developers wish to operate) and not '*some artificial world in which they have no interest in doing so*'.

Secretary of State Decision Rushden Lakes, June 2014 (APP/G2815/V/12/2190175)

3.3 The Secretary of State endorses the approach taken in *Tesco* and *Dundee* regarding suitability and reiterates that the test is whether the alternative site is suitable for the proposed development, not whether the proposed development could be altered or reduced so that it can be made to fit an alternative site. It goes on to highlight that in applying the parameters of the sequential test, the proposal as a whole needs to be considered, and should not be disaggregated.

Secretary of State Decision Scotch Corner, December 2016 (APP/V2723/V/15/3132873 and APP/V2723/V/16/3143678)

3.4 In the *Scotch Corner* decision, the Secretary of State agreed with the Inspector that carrying out the sequential test it is acknowledged that whilst the NPPF indicates that applicants should demonstrate flexibility on issues such as format and scale, the Sequential Assessment does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e., what is proposed, can be accommodated on a town centre site or on sequentially preferable site.

Aldergate Properties Ltd v Mansfield District Council and Regal Sherwood Oaks Ltd [2016] WEHC1670 (Admin), July 2016

3.5 This confirms that 'suitable' and 'available' generally mean 'suitable' and 'available' for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in the NPPF and excludes the identity and personal or corporate attitudes of an individual retailer.

Land at the junction of A36 (Southampton Road) and New Petersfinger Road, Salisbury, August 2016 (APP/Y3940/W/15/3138442)

- 3.6 In this appeal decision, the Inspector clarifies the difference between disaggregation and the need to demonstrate flexibility in allowing a development for a hotel and ancillary bar/restaurant, a drive-thru restaurant, together with access, car parking, servicing arrangements, landscaping and ancillary works. In the decision the inspector, whilst identifying that there is a requirement to show some flexibility in terms of format and scale, is clear that the concept of disaggregation is disparate and not a requirement of the sequential test, as follows:

The Council's position that the sites put forward might be able to accommodate the development is in no small part predicated on the view that the hotel and drive-thru restaurant could be separated on different sites. Indeed, the formal refusal reason refers to the concept of disaggregation. This was a requirement in past national planning policy but does not feature within the Framework and is no longer a policy requirement. This view aligns with the position taken by the Inspector and endorsed by the Secretary of State in the case of Rushden Lakes, which refers to the legal precedent of Dundee [both above]. This position is also recognised in the Council's own legal advice. It is clear that there is no longer a requirement for disaggregation and that there should be no requirement to alter or reduce a proposal so as to fit onto an alternative site. Furthermore, if a site would not fulfil the commercial requirements of the developer, then it cannot be considered a suitable site.

- 3.7 Before commenting more specifically on the definition of 'flexibility':

I have had regard to the Council's view that separating the hotel and drive-thru restaurant units should be seen as 'flexibility' in the terms of paragraph 24 of the Framework but that is clearly not what is intended, having regard to the above cases. Paragraph 24 is specifically framed with reference to format and scale; it does not suggest disaggregation. Therefore, I prefer the appellant's position that the sequential test should be undertaken for the appeal proposal as a whole, notwithstanding that some flexibility in terms of format and scale is required.

Secretary of State Decision Cribbs Causeway, October 2018 (APP/P0119/V/17/3170627)

- 3.8 The Cribbs Causeway Decision and Inspector's Report confirms that there is no requirement to disaggregate proposals under the sequential test.

Key Considerations from Case Law

3.9 The above case law confirms the following:

Disaggregation

3.10 Disaggregation of a development into its component parts is not a requirement of the sequential test. As such, the approach to the sequential test should be to include all town centre uses proposed within the development and not to assess components on an individual basis.

Suitability/Availability

3.11 As demonstrated by the above case law, 'suitability' means '*suitable for the development proposed by the applicant, not whether the proposed development could be altered or reduced to that it can be made to fit the alternative site*'. It must be suitable and available for the broad type of development that is proposed in the application. Availability was clarified within the July 2018 revisions to the NPPF to mean sites which are expected to become available within a 'reasonable period'

Flexibility

3.12 The above case law highlights that whilst applicants are expected to show some flexibility on issues such as scale and format, this does not include a requirement to split up the development onto several sites (disaggregation). In addition, the sequential test is intended to operate in a 'real world' context.

4. SEQUENTIAL TEST PARAMETERS

- 4.1 As previously highlighted, policy at the national and local level seeks to direct town centre use proposals into town centres, promoting a 'town centre first' approach to development of these uses.
- 4.2 The Site is considered to be an 'out-of-centre' location given it is in excess of 300m from the Village Centre of Kidlington. However, it is noted that the Site is within 500m from a train station (Oxford Parkway) and Park and Ride and is therefore well connected to Oxford and other areas.

Proposed Development

- 4.3 The vision for the proposed development is to create a sustainable sports, entertainment and lifestyle landmark in Oxfordshire which is locally loved and internationally recognised. The stadium will set the benchmark for commercial innovation, environmental performance and community benefit, and put the visitor experience at the heart of everything it does.
- 4.4 OUFC comes from a proud heritage and rich history. The club has aspirations for a new, modern, sustainable stadium which is a significant community landmark that contributes meaningfully to the economy and society of Oxfordshire. This is a once in a generation opportunity to provide a new home for sport, entertainment, business, education and tourism which the whole county can be proud of.
- 4.5 The vision is to deliver on the key issues identified by local residents and fans, to ensure that this is both a stadium for elite sports and community use. The aim is for the development to provide significant and sustained benefits to Kidlington and Gosford and Water Eaton residents, OUFC's fans and the wider Oxfordshire community.
- 4.6 Key principles that have informed the development include:
- Visitor Experience at the heart – Construct a new landmark for Oxford which instils community pride, is accessible, welcoming and puts the visitor experience at the heart, not just for fans of the game, but for all who visit.
 - United with the community – be an active and positive part of the community, creating a sporting legacy and generating new employment, education opportunities and having a positive impact on the health and wellbeing of the communities the Club serves.
 - Sustainability at the core – ensure that environmental and commercial sustainability is at the core, to protect the long-term future of OUFC and our planet.

- Improving connectivity and access – ensure the Site and all facilities are a safe and inclusive place for all, with improved connectivity and access to the Site, creating a hive of activity and an atmosphere of community, removing barriers to the Site.
- Promoting innovation – utilise technology to improve the way things are done, nurturing a culture of collaboration and new ideas.

4.7 In determining the project brief, OUFC has engaged with Legends International who has undertaken demand analysis; this has identified an optimum stadium size of 16,000 capacity. Legends have also been working with Colliers International on the business case and financial appraisal and identified ideal facilities which benefit both the club and the community. This contributes to the financial sustainability of the stadium, whilst also enhancing the offering to the local and national community around Oxford and the surrounding area. The proposed stadium therefore looks to deliver the 16,000 capacity stadium, as well as a 180-bed hotel, and a variety of commercial/community spaces including public restaurant, café, health and wellbeing facilities, gym and OUFC Shop. These additional facilities are deemed to be necessary for the project to work. They contribute towards the financial sustainability of the stadium, through the provision of a year-round economy, whilst also enhancing the offering to the community around Oxford and the surrounding area.

4.8 In respect of main town centre uses, the proposed development includes:

- 2,313 sqm of Class E/Sui Generis development, broken down as follows:
 - 315 sqm Club Shop and Ticket Office
 - 197 sqm Sports Bar
 - 276 sqm Restaurant
 - 698 sqm Gym
 - 827 sqm Health and Wellbeing/Clinic Facility
- 180 bed hotel

Approach to Assessment and Site Search

4.9 Drawing on the above key considerations, the search parameters in this case are as follows:

Disaggregation and 'Locational Specific Development'

4.10 Disaggregation of a development proposal into its individual component parts is not requirement of the sequential test, as demonstrated above in the identified case law and appeal decisions.

4.11 In this instance the proposed development seeks to deliver a specific concept, with a mix of uses to facilitate and compliment the proposed stadium. The brief for the stadium has been informed by

a business case and financial appraisal which has defined the additional facilities required. The town centre uses are therefore considered as one, as these complement each other and without each the overall functionality and viability of the proposals would be severely compromised.

- 4.12 There the sequential assessment applies to the totality of the main town centre uses within the development and does not disaggregate the individual parts.
- 4.13 Furthermore, the above case law demonstrates that the sequential test should be applied in a 'real world' context and the PPG is clear that the sequential assessment should have regard to locational requirements.
- 4.14 The proposed main town centre uses in this instance are key elements which are intrinsically linked to the development of a new, modern, sustainable stadium which seeks to be a significant community landmark that contributes meaningfully to the economy and society of Oxfordshire. The town centre uses in this instance therefore have a clear specific locational requirement; in that they must be sited alongside the proposed stadium. As such the sequential assessment site search is based on sites which could facilitate the delivery the totality of the uses proposed i.e., including the stadium, as the proposed development could not realistically be delivered in an alternative location if these aspirations are to be achieved.
- 4.15 This is something that has been considered in relation to other stadium developments that have been proposed over the years. Whilst it is noted that some of these appeal schemes are prior to the adoption of the NPPF, similar policy was set out in PPS6 Planning for Town Centres and PPS4 Planning for Sustainable Economic Growth which superseded PPS6, and similar considerations apply.

Secretary of State Decision for Salford City Reds, November 2006 (APP/U4230/V/06/1197821)

- 4.16 The above appeal relates to a proposal for a 20,000 seat sports stadium for Salford City Reds Rugby League team. The proposed development included associated integrated facilities including a 208 bedroom hotel, gym, exhibition space (of 6,340 square metres), bars, restaurants, take-aways, museum, office, media/creche rooms, gym and free standing non-food bulk retail development of 21,367 square metres.
- 4.17 As part of the consideration of the proposed development against PPS6, the following is stated in Paragraphs 21-25:

The Secretary of State considers that the exhibition space and hotel development are main town centre uses, and so should also be assessed against PPS6. In this particular case the

Secretary of State accepts that the hotel as enabling development is in accordance with an up-to-date local plan. The Secretary of State has had regard to the fact that there has been no detailed assessment for the exhibition space (IR9.20). However, for the reasons set out in paragraph 31 below, the Secretary of State considers that it is appropriate in this particular case for the exhibition space to be located at this site, as part of the proposal as a whole.

The Secretary of State has had careful regard to paragraphs 3.13-3.19 of PPS6, which set out Government policy on applying the sequential approach to site selection in the context of development control. The Secretary of State considers that PPS6 expects applicants to demonstrate flexibility about their proposed business model when applying the sequential approach to site selection in terms of scale and format of development, car parking provision and the scope for disaggregation. The purpose of this approach is to explore the possibility that the development might fit onto more central sites by reducing its footprint.

The Secretary of State has had regard to the fact that the scheme is put forward as a single development which could not be disaggregated on economic grounds (IR9.24). Despite the scheme being put forward as a single development, the applicants and the Council have investigated other sites, and the Secretary of State agrees with the Inspector that none of these sites or premises would be suitable and available within a reasonable timescale to accommodate all the range of retail units and quantity of floorspace proposed on the application site.

The Secretary of State has had regard to the Inspector's conclusion that some of the floorspace put forward could be provided in a disaggregated form at other town centres or at a marginally edge of centre location at West One, Eccles. However, for the reasons set out in paragraph 31 below, the Secretary of State considers that it is appropriate in this particular case for the retail element to be located at this site, as part of the proposal as a whole. Further, since, as indicated in paragraph 23 above, the Secretary of State concludes that there are no suitable or available sites to accommodate all of the proposed retail floorspace, she does not agree with the Inspector's conclusion that the proposal does not fully meet the requirements of the sequential approach in PPS6.

The Secretary of State has had regard to the fact that neither the applicants nor the Council put forward evidence that the exhibition space, if disaggregated from the proposal, could not be located elsewhere within a town centre. She agrees with the Inspector that there is no reason to question that other sites could be found if they were separated from the stadium (IR9.29). However, as mentioned in paragraph 23 above, she considers that, when taken as a whole, the sequential approach is satisfied.

Secretary of State Decisions at Brighton and Hove Albion Football Club, July 2007 (APP/QI445N/02/1097287, APP/PI425/V/02/1099113, APP/QI445/V/03/1124634 and APP/PI425/V/03/1124635)

4.18 Brighton and Hove Albion sought planning permission for a Community Stadium at Falmer in October 2001, which was then called in the Secretary of State (alongside 3 other applications for ancillary infrastructure). Following the first Public Inquiry and Inspectors Report (IRa), the Secretary of State concluded that he needed further evidence concerning the suitability of alternative sites. A second inquiry took place in early 2005 and considered seven alternative sites, with the Second Inspector concluding that none were suitable for a new stadium (IRb). The Secretary of State granted planning permission for all 4 applications in October 2005. This decision was quashed in 2006 and following this, the Secretary of State invited further representations on the proposed development. The Secretary of State approved the development in July 2007, concluding that there was no available alternative site which would be a suitable location for the proposed community stadium.

4.19 In terms of the application of PPS6 specifically, the Secretary of State highlights the following at Paragraph 59:

The Secretary of State has considered whether the proposal falls to be considered against the policies set out in PPS6 Planning for Town Centres. She considers that the list of town centre uses to which PPS6 applies are those set out in paragraph 1.8 of that document. She does not consider that the reference to "the more intensive sport and recreation uses" is intended to apply to proposals for stadia, such as the one before her in this case. She has also borne in mind guidance in paragraph 3.30 of PPS6 and paragraphs 20 and 21 of PPG17 Planning for Open Space, Sport and Recreation in reaching her view on this. The Secretary of State considers that those elements to which PPS6 would normally apply, such as the proposed retail outlet and hospitality suites are ancillary to the stadium development. She therefore concludes that guidance set out in PPS6 does not apply to the proposals before her. She has taken into account the conclusions reached by the Inspector in relation to the now cancelled PPG6 (IRa18.111 to 18.114). Given her conclusions as to the lack of any suitable alternative site having been put forward for the proposed community stadium, she would in any event disagree with the Inspector's conclusion in IRa18.112.

Wakefield Trinity Rugby League Football Club, December 2012 (APP/X4725/V/1/2144563)

4.20 Planning permission was granted in December 2012 for a new community stadium (for Wakefield Trinity Rugby League Football Club as the main user), multi-use games area, B1b, B1c and B8 business units, a hotel and an A3 unit, by the Secretary of State for Communities and Local Government. In this case, Wakefield Metropolitan District Council was recommending approval of the application.

- 4.21 In consideration of the Sequential Test set out in the then PPS4, the Inspector highlights at Paragraph 7.95-7.98:

WMDC points out that the "town centre" uses put forward as part of the scheme would not be proposed unless they formed part of a holistic development proposal. It is claimed that there is a symbiotic relationship between the hotel, the A3 unit and the stadium as part of a holistic development. Furthermore, WMDC relies on paragraph 5.7 and 6.9 of the PPS4 Practice Guidance which it is argued requires a decision maker to consider the application as a whole (including the town centre elements) to consider their operational and market requirements and to take a view as to what the overall scheme is trying to achieve.[2.79-2.88, 3.56]

I appreciate that paragraph 5.7 must be read in the light of paragraph 5.4 of the PPS4 Practice Guidance which makes it plain that where sequential site assessment is required by Policy EC14, (as it is here) the policy requirements for that assessment are set out in Policy EC15. However, there is merit in WMDC's approach and it is abundantly clear that there would have been absolutely no utility in WMDC requiring stand-alone sequential assessments for the restaurant and hotel. Although WMDC accepts that sites in sequentially more favourable locations could be found for the hotel and A3 unit, I accept there is not a reasonable prospect of a sequentially preferable opportunity coming forward which is likely to be capable of meeting the same requirements as the application is intended to meet.

The Applicant also relies on paragraph 6.9 of the PPS4 Practice Guidance. The opening words of that paragraph indicate the sequential approach applies to all main town centre uses. Thereafter it suggests that LPAs should consider the relevant priorities and needs of different main town centre uses, particularly recognising their differing operational and market requirements. In this case no empirical evidence of need or demand for hotel accommodation is submitted. However, there is specific evidence in terms of the economic appraisal and the supporting information which indicates that the entire development is needed to provide the cross subsidy for the stadium and community elements. Plainly, without the entire development the finance simply would not exist to bring the development forward.

Overall, in relation to issue (d), I conclude that the proposal would not be in strict compliance with Government policies in PPS4 particularly in terms of the requirements of the sequential approach to town centre uses but I consider that an exception should be made to PPS4 on the basis that the hotel and A3 units are necessary components of a wider scheme all elements of which must be provided in order to enable the funding of the stadium.

- 4.22 This was agreed by the Secretary of State with Paragraph 15 of the decision stating:

15. For the reasons given in IR7.86-7.98 the Secretary of State agrees with the Inspector that the proposal would not be in strict compliance with policies for sustainable economic growth, particularly in terms of the requirements of the sequential approach to main town centre uses, but that an exception should be made to policies for ensuring the vitality of town centres on the basis that the hotel and A3 unit are necessary components of a wider scheme, all elements of which must be provided in order to enable the funding of the stadium and community elements (IR7.98).

Site Area

- 4.23 The Proposed Development looks to deliver a 16,000 capacity stadium for OUFC and associated facilities within a single building. The commercial and community uses within the stadium provide facilities for conferences, exhibitions, education and other events with a capacity for 1,000 guests. In addition to this the stadium building provides a Club Shop, public restaurant, bar, health and wellbeing/clinic facility and gym (approximately 2,300 sqm Class E/sui generis), as well a 180-bed hotel.
- 4.24 These latter elements make up the main town centre uses which are subject to the sequential test. However, as set out above the main town centre uses in this instance are key elements which are intrinsically linked to the development of the stadium which seeks to be a significant community landmark that contributes meaningfully to the economy and society of Oxfordshire. The town centre uses in this instance therefore have a clear specific locational requirement; in that they must be sited alongside the proposed stadium. As such the sequential assessment site search is based on sites which could facilitate the delivery the totality of the uses proposed i.e., including the stadium, as the proposed development could not realistically be delivered in an alternative location if these aspirations are to be achieved.
- 4.25 The Site area for the proposed development is 7.17ha. This allows for the provision of the stadium building (including the above elements), an external concourse, as well as a community plaza and fan zone to the north of the stadium, with an area of enhanced green infrastructure in the northern corner of the Site. The proposed development also includes car parking and SUDs drainage, as well as another area of public realm to the south-east which provides another arrival space from the south-east. Included within the red line boundary also includes improvements to pedestrian and cycle infrastructure along Frieze Way, Oxford Road and to Oxford Parkway Station.
- 4.26 However, it is noted that case law requires sites to be of '*sufficient size to accommodate the relevant parts of a broadly similar development proposal*'. It requires some flexibility when applying the sequential approach in terms of scale and format of development, the purpose of which is to

explore the possibility that the development might fit into more central sites by taking an alternative form of development.

- 4.27 The 16,000-capacity stadium has been designed in accordance with the relevant Regulations including the Green Guide and UEFA Stadium Infrastructure Requirements. The Green Guide is recognised worldwide as best practice for the design and planning, and the safety management and operation of sport grounds, and provides guidance on minimum space provisions for seating, concourses, toilets etc. The UEFA Stadium Infrastructure Regulations govern the minimum structural criteria to be fulfilled by a stadium in order for it to be classified as its retrospective UEFA category. The higher the category the more numerous the criteria. The aspiration for the new stadium is to meet Category 4, which will allow for growth of OUF, and allow the stadium to be considered as a venue for UEFA competitions in the future (e.g. European matches and international matches at the younger level).
- 4.28 Input from AFL Architects has confirmed that the minimum area required for a 16,000 capacity stadium is 24,750 sqm. This is based on:
- A field of play of 9,300 sqm (68m x 105m with a 6m buffer) in accordance with UEFA Regulations;
 - 8,750 sqm for spectator facilities calculated on ideal space utilisation and space factors for both General Admission and Premium General Admission;
 - 2,300 sqm of commercial space, and 600 sqm to provide entrances and stair cores to provide access to the hotel and hospitality above (as briefed by Legends International and Colliers to support the business case).
 - 800 sqm for players and officials.
 - 3,000 sqm of space required for plant and venue operations.
- 4.29 In addition to this, the following are deemed to be minimum requirements to deliver a stadium of this size:
- 6,500 sqm external concourse (a 10m wide zone around the perimeter of the stadium building – 650m x 10m)
 - 1,000 sqm for outside broadcasting, in accordance with the UEFA Regulations;
 - 4,000 sqm to provide 150 car parking spaces, which is the minimum required for Category 4 Stadiums;
 - 1,250 sqm for two access points to be provided.
- 4.30 Using the above information, the minimum site size that is required to construct a Category 4 Stadium, incorporating the town-centre uses, would be **3.8 ha**. However, it is important to note that whilst this figure includes the compulsory elements required for stadium design, this does not

include additional elements that would be expected to be delivered as part of any development of this scale, including areas of hard and soft landscaping, and areas to achieve biodiversity enhancement. Modern stadiums also generally include a Fan Zone which is an additional area to the external concourse and provides a meeting area/hub for fans before and after a match. These elements would demand additional land above and beyond the 3.8 ha. Whilst these elements are considered essential to deliver the vision for the Site, in order to demonstrate flexibility, the minimum 3.8 ha is utilised for the sequential assessment.

Area of Search

- 4.31 OUFC will need to obtain approval from the Board of the English Football League (EFL) for any relocation of the club's stadium to a new site, who will consider the location of the stadium before any consent is granted, against the EFL Regulations.
- 4.32 Under Regulation 13.6 of the EFL Regulations 2023-24, a Club is required to obtain prior approval for any relocation to a new stadium. The Regulations include a list of criteria that the League's Board must consider, and the Board be reasonably satisfied that the criteria are met before it can grant consent:
- *13.6.1 would be consistent with the objects of The League as set out in the Memorandum of Association;*
 - *13.6.2 would be appropriate having in mind the relationship (if any) between the locality with which by its name or otherwise the applicant Club is traditionally associated and that in which such Club proposes to establish its ground;*
 - *13.6.3 would not adversely affect such Club's Officials, players, supporters, shareholders, sponsors and others having an interest in its activities;*
 - *13.6.4 would not have an adverse effect on visiting Clubs;*
 - *13.6.5 would not adversely affect Clubs having their registered grounds in the immediate vicinity of the proposed location; and*
 - *13.6.6 would enhance the reputation of The League and promote the game of association football generally.*
- 4.33 In the case of OUFC, the EFL have confirmed that, in line with their regulations, there is a requirement for the Club to remain linked to the city of Oxford. The EFL have confirmed that if the Club proposed a site that was not within or within close proximity to the City of Oxford, they would unlikely give consent for the move. This would result in a position where the Club would have to be renamed, removed from the league, and would have to start again at the bottom of the football pyramid. This would not be a viable option for the Club.

- 4.34 The Case Study of Bolton has been used as a precedent to inform the area of search. Under the current regulations, the furthest a club has been provided consent by the EFL to relocate its stadium was in the case of Bolton. The University of Bolton Stadium in Middlebrook was completed in 1997, replacing the club's old ground, Burnden Park. This was approximately 7 miles from the old ground site and 5 to 6 miles from the city centre of Bolton.
- 4.35 Whilst the suitability of sites from the EFL perspective is more to do with the relationship and links to Oxford, a search radius of 7 miles from Oxford City Centre was deemed appropriate in the context of the above as the starting point for the search. Further discussions which the EFL have confirmed that the 7-mile search area is extensive and not all sites within the 7-mile radius would be appropriate as the proximity and relationship to Oxford City will be key considerations. As such, 7 miles is considered to be comprehensive.

Assessment Criteria

- 4.36 The above criteria have been utilised within the Alternative Site Assessment work that has been undertaken as part of the application. The conclusions of this report are set out below.

5. SEQUENTIAL TEST - ALTERNATIVE SITE ASSESSMENT

5.1 Based on the above findings on disaggregation, site area and area of search, the Alternative Site Assessment that has been undertaken as part of (and accompanies the submission of) this application also fully satisfies the requirements of the sequential assessment. The following assessment criteria have been applied as part of this comprehensive assessment.

Approach to Assessment

5.2 There is currently no relevant planning policy regarding the location of sports stadiums, and there is no policy guidance for undertaking an assessment of alternative sites. However, relevant case law in respect of stadium development has been reviewed as the availability of alternative sites is often a material consideration in the determination of those cases. Whilst there is no consistent approach taken by Appellants in the cases, the Brighton and Hove Albion appeal decision provides a useful benchmark for assessing alternative sites. It provides the most in-depth analysis of all case law, and an Inquiry took place solely on the approach to assessing alternative sites, with the Secretary of State setting out key criteria to be considered. Whilst these criteria do not form planning policy or guidance, they are useful in providing a benchmark for undertaking a similar exercise. As such, key questions that have been asked within this assessment are as follows:

1. Is the site acquisition a realistic proposition?
2. Is the site large enough for the stadium and required parking/circulation?
3. Can a stadium be built without incurring unaffordable development costs?
4. Any overriding site specific planning issues?
5. Is the site accessible by sustainable modes of transport?
6. Can a stadium be built without any unacceptable environmental or visual impact?

5.3 These questions informed the assessment and helped to understand whether there are any alternatives sites that are practical, realistic and feasible to accommodate a proposed stadium development.

Area of Search

5.4 As above, the area of search was developed following discussions with the EFL and was set as 7 miles from the centre of Oxford. It must be noted that the ASA included a number of sites that would be defined as 'edge-of-centre' or 'out-of-centre' locations.

Assessment Phases

- 5.5 A phased approach to assessing alternative sites was undertaken. An initial assessment was undertaken by Savills which provided an initial review of sites within the 7-mile radius. This assessed a total of 64 sites (42 non-allocated and 22 allocated sites) and considered the site area, landowner intention, accessibility, viability and any key constraints. An initial planning appraisal was then undertaken of these sites which reviewed the planning policy context and planning history of each site. Where specific constraints were identified, further assessment work was undertaken by specialist consultants in respect of these issues, namely landscape and visual impact, heritage impact and flood risk.
- 5.6 Finally, the assessment work has been pulled together with a conclusion made in respect of a series of questions, informed by the Brighton and Hove Albion case highlighted above. An overall conclusion as to the suitability and availability of each site is also made, which also includes a comparison to the application Site.

Summary of Assessment

- 5.7 Based on the methodology adopted, the ASA demonstrates that there are no other feasible, practical and realistic alternatives to accommodate a proposed stadium development within the area of search identified through discussions with the EFL. There is an existential need to deliver a new stadium by 2026 and the only viable option which may be available to acquire and is capable of delivering a well-connected, sustainable stadium within the necessary timeframe for OUFC is the Site.

Relationship with the requirements for a Sequential Test

- 5.8 It is considered that the Alternative Site Assessment undertaken meets the requirements of a sequential test. The Assessment considers whether the sites are suitable and available (i.e. immediately available or within a reasonable period of time) for the broad type of development that is proposed within the application. The proposed development includes a stadium set within a landscaped setting with a fan-zone, which helps to deliver a community asset and the Club's vision for a new stadium. However, in order to demonstrate flexibility, this assessment excludes these additional elements and is based on the minimum site area that would be required to deliver a stadium of this size against Regulations and guidance.
- 5.9 In terms of availability, the PPG notes that whilst particular market and locational requirements can be considered as part of the sequential test, land ownership itself does not provide a justification. The ASA accounts for this by considering landowner willingness to dispose of the land for all the identified sites. The landowner is identified, and commentary is made regarding whether the site is

available, from a landownership perspective, in order to assess whether the acquisition of the land would be realistic. This includes a summary of discussions that OUFC have had with the landowners directly.

- 5.10 The Alternative Site Assessment is an extensive piece of work that includes a review of sites that would be defined as 'edge-of-centre' or 'out-of-centre'. In this respect, the majority of the sites would not be sequentially preferable, even if they were available for development.
- 5.11 Overall, it is considered that the Alternative Site Assessment undertaken for the proposed development is consistent with the above findings on disaggregation, site area and area of search as well as the identified NPPF, PPG and Local Plan policy guidance on the requirements of a sequential assessment identified above.

6. IMPACT ASSESSMENT

6.1 This section considers the impact of the proposed retail and leisure floorspace on the network of nearby town centres. As confirmed earlier in this report, the Site is out-of-centre and not allocated for development in the Local Plan. The proposed floorspace (Table 6.1 below) is above the locally set threshold of 350 sqm gross, and a retail and leisure impact assessment is therefore a requirement of the planning application. This section presents the evidence and concludes with an impact ‘policy assessment’.

Proposed Floorspace

6.2 The Proposed Development seeks to deliver a 16,000 capacity stadium for OUFC and associated facilities within a single building. The commercial and community uses within the stadium will provide for conferences, exhibitions, education and other events with a capacity for 1,000 guests. In addition to this the stadium building provides a Club Shop, public restaurant, bar, health and wellbeing/clinic facility and gym, as well a 180-bed hotel.

6.3 For the purposes of the retail and leisure impact assessment, the Proposed Development includes the following retail and leisure floorspace:

Table 6.1 – Land Use and Quantum

Use	Use Class	Quantum/Amount Sq m Gross
Club Shop and Ticket Office	E	315m ²
<i>Total Retail Floorspace</i>		<i>315m²</i>
Sports Bar	Sui Generis	197m ²
Restaurant	E	276m ²
Gym	E	698m ²
<i>Total Leisure Floorspace</i>		<i>1,171m²</i>
<i>Total Retail and Leisure Floorspace</i>		<i>1,486m²</i>

*Note: Retail floorspace includes Use Class E ‘club shop and ticket office’ (total 315 sq m gross)
Leisure floorspace includes ‘sports bar’, ‘restaurant’, and ‘gym’ (total 1,171 sq m gross)*

Proposed Operation and Vision

6.4 When considering the impact of the floorspace, it is necessary to first understand the usage, operation and vision for the stadium, including its relationship within the local community. This will provide the context for the role of the retail and leisure floorspace, the customer profile, and also visitor patterns and catchment area.

- 6.5 The stadium will hold mens first team football matches, as well women's league and cup fixtures and full stadium hire events for sporting events such as junior international or university matches. In total 43 games are anticipated and each game could attract up to 16,000 spectators at full capacity. There will be activity on site 24 hours a day. At this stage, end users for the commercial and community uses have not been defined but it is anticipated that the hours of use, with the exception of the hotel use which will be 24 hours, will be between 06:00-00:00. The specific hours will vary depending on the use but are likely to fall within these broad parameters. Security will be on site 24-hours.
- 6.6 In terms of events, it is not proposed that the stadium will host concerts. However, it will be utilised for a wide range of activities including conferences, meetings, trade shows, corporate events and dinners. Over the course of a year, it is anticipated that around 580 events will be hosted. These will be of differing scales, with the majority being smaller events with an average attendance of 10 or 30 people. The stadium has capacity to host events for up to 1,000 attendees and initial projections anticipate that there will be approximately 85 events with an average of 150 people, and 68 large events with an average number of 700 people. This includes Christmas parties.
- 6.7 The vision is to create a sustainable sports, entertainment and lifestyle landmark in Oxfordshire which is locally loved and internationally recognised. Oxford United comes from a proud heritage and rich history, and the club has aspirations for a new, modern, sustainable stadium which is a significant community landmark that contributes meaningfully to the economy and society of Oxfordshire. The EIA explains that this is a once in a generation opportunity to provide a new home for sport, entertainment, business, education and tourism which the whole county can be proud of.
- 6.8 The vision is to deliver on the key issues identified by local residents and fans, to ensure that this is both a stadium for elite sports and community use. The aim is for the development to provide significant and sustained benefits to Kidlington and Gosford and Water Eaton residents, OUFC's fans and the wider Oxfordshire community, performing as an active and positive part of the community. The planned intention is for a strong relationship and integration with the local community.

Spatial Context

- 6.9 The Site is approximately 7.17 ha, comprising undeveloped land approximately 6 km to the north of Oxford and at the gateway of Kidlington. Located around 4 miles north of Oxford City Centre (c.10 minute drive time) and 9 miles south of Bicester Town Centre (c.15 minute drive time), the closest large centre to the Site is Kidlington, around 1.5 miles to the north (c.4 minute drive time). The location of the Site relative to the network of town centres is illustrated on Plan 6.1 below.

Plan 6.1: Site Relative to Oxford, Bicester and Kidlington

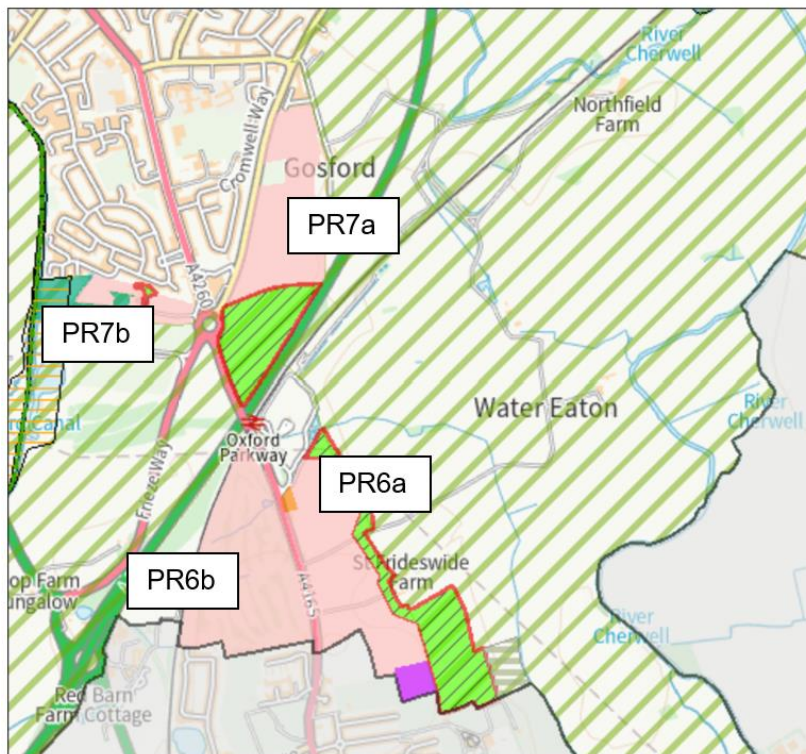


- 6.10 The Site includes stretches of Oxford Road along its north-eastern boundary, and Frieze Way along the north-western boundary. Kidlington Roundabout is located to the north of the Site, and woodland forms the southern boundary of the Site, beyond which is agricultural land. Beyond the south-eastern boundary of the Site Oxford Parkway Railway Station and the Park and Ride, and to the west of the Site is Stratfield Brake Sports Ground. The Site occupies a highly accessible location and is well related to existing and proposed development.
- 6.11 Substantial new housing development is planned near the proposed stadium. Cherwell Local Plan Part 1 states that the southernmost edge of Cherwell District – to the south of the A34 – has the perception of being part of Oxford. Paragraph 5.76 adds that the existing urban environment of the Cutteslowe and Wolvercote areas, the heavily urbanising influence of the Park and Ride, new railway station and other transport infrastructure contribute to this perception.
- 6.12 In this context, the Local Plan presents the area’s immediate relationship with Oxford as providing the most sustainable opportunity to create a new gateway neighbourhood either side of the A165 Oxford Road with direct access to central Oxford and Summertown to the south. In this location, adjoining the proposed stadium, the Local Plan states that sustainable travel choices can be strongly

encouraged, and car use for local journeys discouraged. There is a clear opportunity to integrate with the existing north Oxford communities.

- 6.13 Site Allocations will deliver an additional 1,910 new homes on land adjoining the Site to the south. These include Site Allocation PR6a (690 new homes, primary school and a Local Centre); PR6b (670 new homes), PR7a (430 new homes) and PR7b (120 new homes).

Plan 6.2: Site Allocations



Health Checks

- 6.14 To explore the impact of the proposed retail and leisure floorspace in more detail, it is necessary to understand the role, composition and health of the nearby town centres. We utilise the Council’s evidence base to undertake this analysis, and focus on the larger centres of Oxford City Centre, Bicester Town Centre, and Kidlington Town Centre, and the smaller Summertown District Centre (Oxford CC). Whilst the Cherwell Local Plan does not set out a clear town centre hierarchy below the three larger centres, the ‘Theme Map – Retail’ (page 367 Local Plan Part 1) identifies The Broadway Local Centre as being in close proximity to the Site; we consider this as part of our assessment.
- 6.15 Oxford City Council prepared a Health Check of **Oxford City** in 2017, and – whilst somewhat out-of-date – the analysis highlighted the City’s role as a Regional Shopping Centre with over 1 million

sq ft of floorspace and 419 retail, service and leisure units. The overall offer includes major department stores, a strong representation of comparison clothing and footwear retailers and mid to high end operators, and a strong eating/drinking leisure economy.

- 6.16 At the time, Oxford City was experiencing significant new investment including the completion of the redevelopment of Frideswide Square, the redevelopment of Westgate Shopping Centre, the Oxpens redevelopment and the Station redevelopment as part of the West End strategic allocation. The analysis concluded the city to be a strong, vital and viable centre, benefiting from substantial investment, and further planned development and regeneration over time. Today, Oxford continues to perform a regional shopping role of substantial mix and scale.
- 6.17 Cherwell District Council published their Town Centre and Retail Study (TCRS) in September 2021, including the presentation of town centre health checks. **Bicester** is the second largest town within the District, located around a 15 minute drive north of the Site. The TCRS highlights its role as a traditional market town with 223 units, and having experienced substantial investment in 2013 with the redevelopment of Pioneer Square and the introduction of Sainsbury's and the Vue Cinema – both now key anchors in the town centre.
- 6.18 The recorded vacancy level is below the national average, and there is a strong range of retail and leisure service operators. Key national comparison goods operators include Argos, Boots, Lloyds Pharmacy, Wilko, Card Factory, Poundland, B&M Bargains, New Look, WHSmith, Sports Direct, Vodafone and Superdrug. The TCRS noted the loss of the M&S department store since the 2012 Retail Study, and a general lack of fashion stores.
- 6.19 The market performs a key role, but the location of Bicester Village presents challenges to the town centre and a commercial strategy and Masterplan are report recommendations. Nevertheless, Bicester continues to present a large and well occupied town centre, with important everyday retail and service functions for the local catchment population. The retail and leisure service role is important to the vitality and viability of the centre.
- 6.20 **Kidlington** is the closest large town centre to the Site, defined as a Village Centre in the Local Plan and located just 1.5 miles to the north west, around a 4 minute drive time. The TCRS describes it as a large village located to the north of Oxford, and the smallest designated centre in Cherwell DC. The centre comprises 71 units, with a heavy focus on convenience retailing and retail/financial services, and anchored by two supermarkets: Co-op and Tesco Metro. Other national operators include Card Factory, Superdrug, Greggs, Iceland, Barclays, Lloyds, Costa, and Dominos. The majority of other operators are independent.

- 6.21 The vacancy rate is recorded as being low, and there is a strong representation of retail services and financial and business services, and a good selection of convenience goods operators. The importance of the centre to the local population is affirmed by the strong walk-in catchment who are visiting regularly – either daily or once to twice a week for various services and provisions. Overall, the centre is well occupied and performing an important role for a localised catchment area.
- 6.22 Kidlington centre has a limited selection of gym and exercise class type facilities, including Ladypace offering gym and exercise classes in the Kidlington Centre; and Pole Fitness niche classes nearby. The Kidlington & Gosford Leisure Centre is outside the town centre. The breadth and range of gyms in the vicinity of the stadium site is limited.
- 6.23 The **Broadway Local Centre** is located in Cherwell District on the northern side of Kidlington roundabout. It currently comprises a parade of 13 shop units including a dance studio, chiropractor, pharmacy, Post Office and newsagent, tech and mobile phone repair shop, a convenience store supermarket, funeral directors, pet shop, hair and beauty, barbers, blinds showroom, and kitchen showroom. The centre is fully occupied and vibrant, providing an important and useful destination for the local walk-in catchment. A large Sainsbury's superstore is located opposite, also to the north of Kidlington roundabout.
- 6.24 **Summertown District Centre** is located in Oxford City Council administrative area, around 2 miles to the south of the Site (c.5-6 minute drive time). Summertown is located in the relatively affluent area of north Oxford, 3km to the north of the City centre and in close proximity to the ring-road. The district centre has 104 shop units and key attractor the local authority run Ferry Leisure Centre that includes a gym and swimming pool. Vacancy rates are well below the national average and anchor retailers include Oliver Bonas and Boots Pharmacy.
- 6.25 There is good range of small convenience stores, including M&S Simply Food, Co-op, Tesco Express, Sainsbury's Local and Majestic (wine store). The proportion of comparison goods operators is well above the national average, offering 36 businesses, most of which are independent operators occupying small units. The weekly Farmers Market supplements the retail and leisure offer. The evidence-based study concludes that Summertown District Centre is well located with good accessibility and is performing well against the health check key performance indicator (KPI) criteria.

Policy Assessment

- 6.26 In this section, we consider the evidence and analysis set out above to inform our assessment of impact.

- 6.27 The proposed retail floorspace is only 315 sqm, and the proposed leisure floorspace 1,171 sqm; totalling 1,486 sqm gross (15,989 sq ft).
- 6.28 This is minimal compared to that identified in Oxford City (over 1 million sq ft), Bicester town centre (740,000 sq ft) and Kidlington town centre (200,000 sq ft). The scale of the club shop will equate to around only 2-3 shop units on nearby high streets. The proposals also comprise only 4 retail and leisure businesses in total, compared to 419 in Oxford, 223 in Bicester, 71 in Kidlington, 104 in Summertown and 13 in The Broadway Local Centre.
- 6.29 Proposed development of this small-scale – in both floorspace and number of units – is unlikely to have a significant adverse impact on such a large scale of floorspace represented in this network of town centres. The scale is inconsequential.
- 6.30 The stadium will incorporate one club shop selling Oxford United and football related products of a very specific nature and not replicated elsewhere in the catchment area. The shop will not provide direct competition to the network of town centres; and even if it did, it would not be sufficient to lead to a significant adverse impact on those larger scale town centres. The majority of customers will visit on match days and from a substantial regional catchment area; only a very small proportion of turnover is likely to be derived from the local catchment area.
- 6.31 Similarly, the stadium will incorporate one bar and one restaurant, again providing a service primarily for stadium employees located at the venue, and visitors to the stadium throughout the calendar year.
- 6.32 Paragraph 6.6 above states that there could be around 580 events per year, with visitors being drawn to conferences, exhibitions, education, meetings, trade shows, corporate events and dinners. This customer base, from a regional and UK catchment, will support the stadium bar and restaurant without having any impact on the network of town centres. Permanently based office workers within the stadium will also use and support the facilities.
- 6.33 The planning consultation process identified a desire for the stadium to be well integrated with the local community, and the restaurant and bar will also therefore be open to the public. The proposals will have a wider positive impact on the local community, and an ad hoc occasional visit to one restaurant or one bar would not have a significant adverse impact on the larger network of town centres which offer a more varied restaurant, bar and pub mix.
- 6.34 The gym will be open to members of the public and contribute to the limited range of facilities in this local area. A number of facilities – including the Kidlington & Gosford Leisure Centre are located

outside of the town centres, and any new offer at the stadium will consequently have a negligible impact on those town centres. The increase in population resulting from substantial planned housing growth will also support the new gym and contribute to place-shaping in their local community.

- 6.35 The local authority run Ferry Leisure Centre is located in Summertown District Centre, offering a wide range of sport, leisure and swimming facilities. Such leisure centres serve wider local communities seeking more affordable and family options, and will continue to function alongside more specialist and niche gyms such as that being proposed. Oxford and Bicester are a considerable distance from the proposed stadium gym, and a new facility here will serve a different more local community who do not currently have good access to this type of leisure destination.
- 6.36 The health check analysis has demonstrated that all nearby town centres are performing strongly with identified niche roles; they are well occupied with low vacancy rates. Oxford City and Bicester serve wider regional and sub-regional catchment areas with strong turnovers and range of goods and services; whilst Kidlington, Summertown and The Broadway serve more localised walk-in catchment areas, offering important everyday services and retail goods that will not be on offer in the stadium. The network of town centres will continue to perform very different roles to that being proposed.
- 6.37 In terms of expenditure analysis, the comparison goods turnover of the stadium retail and leisure floorspace will be negligible compared to that achieved in Bicester (£117.5m), Kidlington (£24.3m), and Oxford City which is substantially greater. Assuming a net floorspace of 252 sq m (80% net:gross) and a sales density of £5,700 per sq m net¹, the proposed retail floorspace (club shop) will have a turnover of around £1.45m, with the majority expected to be derived from the wider region and UK as visitors arrive on match days and stadium tours. The high-end quality of goods may drive a higher turnover, but based on the visitor profile any quantitative retail impact will be negligible.
- 6.38 Any retail and leisure impact will, in any event, be mitigated by the delivery of substantial planned new housing adjoining the Site. A total of 1,910 new homes will be delivered, leading to an additional £8.8m of comparison goods expenditure and £4.8m convenience goods expenditure, and similar levels of leisure expenditure. The wider regeneration of the area will mitigate any minimal impact arising from the stadium and also contribute positively to a well balanced, sustainable and inclusive community. In any event, we conclude impact to be negligible.

¹ Cherwell TCRS 2021, Table 7a, Appendix A

- 6.39 The facilities proposed are appropriate in scale to the development, are ancillary and related to the development, and are needed to effectively serve the visitor profile at the new stadium. The open door policy to the wider community will contribute positively to the local area and respond to the application consultation feedback.

7. CONCLUSIONS

- 7.1 Planning policy recommends a town centre first approach, with the sequential test guiding main town centre uses towards town centre locations first, then to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of town centre locations, with preference for accessible sites which are well connected to the town centre.
- 7.2 The above assessment identifies that there are no sites within 7 miles of Oxford City Centre² that are located in the City Centre or other town or local centres that could accommodate the proposed development. There are also no edge-of-centre sites that are suitable or available for the proposed development, even when flexibility of scale and format has been taken into account.
- 7.3 As such, there are no sequentially preferable sites for the proposed development, and the proposed development therefore meets the test set out within the NPPF and the Local Plan. It is also worth noting that, whilst the site is defined as an 'out of centre', the site is extremely accessible and well connected to Oxford City Centre and elsewhere due to its proximity to Oxford Parkway train station and Park and Ride.
- 7.4 The stadium proposals will not have a significant adverse impact on the network of town centres. The floorspace and turnover will be small in scale and negligible compared to the wider mix and choice in the town centres, which are all found to be performing well with clearly identified roles and niche functions. The retail and leisure floorspace will not compete directly with the town centres and will primarily be served by on-site staff and a very different visitor profile travelling from the wider region and UK.
- 7.5 The substantial amount of new housing planned on adjacent sites will positively reinforce the spending catchment for the network of town centres, leading to long-term positive impacts. The Proposed Development will provide significant and sustained benefits to Kidlington and Gosford and Water Eaton residents, OUFC's fans and the wider Oxfordshire community, performing as an active and positive part of the community.

² Required in order to meet the EFL Regulations



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