

Planning Committee

Bodicote Park

27 January 2011

Joint Report of the Head of Legal & Democratic Services and Strategic Director – Planning, Housing & Economy

PURPOSE OF REPORT

To inform Members of future plans for Bodicote Park and note the position regarding the Section 106 Agreement currently on the site.

This report is public

Recommendations

The Committee is recommended:

- (1) To note that Bodicote Park has been acquired by the Council.
- (2) To acknowledge that public ownership of the site will facilitate community initiatives to fulfil the original planning intent - to provide improved sports pavilion and make the site available for public sporting use.
- (3) To note that the outstanding planning obligation requirements contained in the Section 106 Agreement dated 25 June 2003 will be held in abeyance pending formal discharge or variation when a new scheme for the site is brought forward.

Executive Summary

Introduction

- 1.1 The Council acquired Bodicote Park in December 2010. This included the freehold of the rugby pitches and a long lease of part of the car park, some changing rooms, players' bar and grandstand. The Health & Fitness Centre is still owned and operated by Bannatyne's. Banbury Rugby Football Club uses the site by way of a licence.

- 1.2 The site is still subject to a Section 106 Agreement dated 25 June 2003, which requires a pavilion and other facilities to be provided for wider community use. As the Council is now both landowner and Local Planning Authority, the Agreement is unenforceable and will be held in abeyance.

Proposals

- 1.3 The Council's Head of Regeneration & Estates has opened negotiations with the Rugby Club with a view to securing their long term future on the site.
- 1.4 The Council is looking to secure long term the sport facilities on the site for the benefit of Banbury and surrounding area.
- 1.5 The Council recognises the need to improve the sporting facilities on the site and to create permanent rather than temporary facilities. The Council will work with the Rugby Club and other users of the site to decide what facilities are required. The Council would look to local clubs, Sport England, National Lottery and potential local sponsors to pay for the new facilities.

Conclusion

- 1.6 Members are asked to acknowledge that public ownership of the site will facilitate community initiatives to fulfil the original planning intent - to provide improved sports pavilion and make the site available for public sporting use.
- 1.7 The remaining obligations in the Section 106 Agreement dated 25 June 2003 will be held in abeyance. The Council cannot enforce against itself. As set out above, the Council needs to decide what facilities are required in discussion with users of the site and find the funding to provide the facilities. An application will then be made, which will include the discharge/variation of the Section 106 Agreement.

Background Information

- 2.1 Bodicote Park is on the southern edge of Banbury. It is the home of Banbury Rugby Football Club. The site also contains the Bannatyne's Health & Fitness Club.
- 2.2 Banbury RFC moved to Bodicote Park when they sold their old site on the Oxford Road in Banbury to Sainsbury's. In 2002, they submitted a planning application to the Council to build a commercially run Health &

Fitness Centre together with car parking on the northern part of the site. The Health & Fitness Centre was to be located on the site of the Rugby Club's then existing clubhouse, with the Rugby Club to share the new Centre's facilities.

- 2.3 The application was approved in 2003 to enable wider community use of the whole site. The community uses included the provision of football pitches, pavilion, car parking and other ancillary uses. The community uses were secured by a Section 106 Agreement. The pavilion and other facilities had to be provided within 3 years of implementation.
- 2.4 The Health & Fitness Centre has been built and is now owned and operated by Bannatyne's. The rest of the site (i.e. the rugby pitches) was retained by the Rugby Club. When they got into financial difficulty, the site was sold to a third party.
- 2.5 The Rugby Club has remained on the site by way of a licence.
- 2.6 The pavilion and other facilities to enable the wider community use of the site were never implemented.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

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|-------------------|---|
| Option One | To accept the recommendations set out at the top of the report. |
| Option Two | Not to accept the recommendations. |

Implications

Financial: There are no immediate financial implications of this report. In time, the Council may or may not contribute towards the facilities on the site. This would be the subject of future capital bids.

Comments checked by Joanne Kaye, Service Accountant, 01295 221545

Legal: The site is still subject to the obligations contained in the Section 106 Agreement but these are unenforceable whilst the Council is both landowner and Local Planning Authority.

Comments checked by Nigel Bell, Team Leader – Planning & Litigation, 01295 221687

Risk Management: See legal and financial comments above.
Comments checked by Rosemary Watts, Risk Management & Insurance Officer, 01295 221566

Wards Affected

Bloxham & Bodicote

Document Information

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