



STATEMENT OF COMMON GROUND

BETWEEN BRANDON ESTATES LIMITED AND SAVE COVENTRY SPEEDWAY & STOX CAMPAIGN GROUP

APPEAL AGAINST THE REFUAL OF PLANNING APPLICATION REFERENCE R18/0186 FOR THE DEMOLITION OF EXISTING BUILDINGS AND OUTLINE PLANNING APPLICATION (WITH MATTERS OF ACCESS, LAYOUT, SCALE, AND APPEARANCE INCLUDED) FOR RESIDENTIAL DEVELOPMENT (USE CLASS C3) INCLUDING MEANS OF ACCESS INTO THE SITE FROM THE RUGBY ROAD, PROVISION OF OPEN SPACE AND ASSOCIATED INFRASTRUCTURE AND PROVISION OF SPORTS PITCH, ERECTION OF PAVILION AND FORMATION OF ASSOCIATED CAR PARK (DETAILS TO BE CONFIRMED).



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On behalf of: BETWEEN BRANDON ESTATES LIMITED AND SAVE COVENTRY SPEEDWAY & STOX

In respect of: APPEAL AGAINST THE REFUAL OF PLANNING APPLICATION REFERENCE R18/0186 FOR THE DEMOLITION OF EXISTING BUILDINGS AND OUTLINE PLANNING APPLICATION (WITH MATTERS OF ACCESS, LAYOUT, SCALE, AND APPEARANCE INCLUDED) FOR RESIDENTIAL DEVELOPMENT (USE CLASS C3) INCLUDING MEANS OF ACCESS INTO THE SITE FROM THE RUGBY ROAD, PROVISION OF OPEN SPACE AND ASSOCIATED INFRASTRUCTURE AND PROVISION OF SPORTS PITCH, ERECTION OF PAVILION AND FORMATION OF ASSOCIATED CAR PARK (DETAILS TO BE CONFIRMED).

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Date: 23/08/2023

Contents

<u>SIGNATURES</u>	3
<u>1.0 INTRODUCTION</u>	5
<u>2.0 MATTERS IN AGREEMENT</u>	6
<u>4.0 MATERIAL PLANNING CONSIDERATIONS NOT IN DISPUTE - HOUSING SUPPLY AND MIX</u>	11
<u>5.0 MATERIAL PLANNING CONSIDERATIONS NOT IN DISPUTE - DESIGN AND AMENITY</u>	12
<u>6.0 MATERIAL PLANNING CONSIDERATIONS NOT IN DISPUTE - NATURAL ENVIRONMENT</u>	13
<u>7.0 MATERIAL PLANNING CONSIDERATIONS NOT IN DISPUTE - ENVIRONMENTAL HEALTH</u>	14
<u>8.0 MATERIAL PLANNING CONSIDERATIONS NOT IN DISPUTE - HISTORIC ENVIRONMENT</u>	15
<u>10.0 MATERIAL PLANNING CONSIDERATIONS NOT IN DISPUTE – HIGHWAYS</u>	16
<u>11.0 MATTERS NOT IN AGREEMENT</u>	17

1.0 Introduction

1.1 This Statement of Common Ground (SoCG) between Brandon Estates Limited (the “appellant”) and the Save Coventry Speedway & Stox Campaign Group (SCS) as part of a Section 78 appeal (‘the Appeal Application’) against the refusal of planning permission ref. R18/0186 by Rugby Borough Council dated the 16th November 2022 for the following proposal (‘the Appeal Proposal’) at Coventry Stadium, Rugby Road, Coventry, CV8 3GJ.

“Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park.”

1.2 This SoCG has been prepared in accordance with PINS Procedural Guide.

1.3 The SoCG sets out matters agreed between the Appellant and the Campaign Group, together with areas of disagreement.

1.4 The SoCG covers the following matters:

- Matters in agreement
- Matters not in agreement
- Draft planning conditions

2.0 Matters in Agreement

Site Description

- 2.1 The proposed development is located at Coventry Stadium, Rugby Road (A428). The site is situated to the east of the rural settlement of Binley Woods and within Brandon Parish. The settlement of Brandon is also situated broadly to the south of the site. The site location plan is provided in **Core Document CD01.4**
- 2.2 In terms of the site's immediate surroundings, the site lies on the north side of Rugby Road (A428) which is the main route from Rugby to Coventry.
- 2.3 To the southeast, the site is bordered by Speedway Lane, which accommodates a number of existing dwellings and which face onto the site. Likewise, the southwest boundary of the site is bordered by residential properties located on the north side of Rugby Road. There is a group of trees along the southern boundary of the site, the majority of which are protected by a Tree Preservation Order.
- 2.4 The site is bordered to the north predominantly by New Close/Birchley Wood, which comprises Ancient and Semi-ancient natural woodland.
- 2.5 There are no public rights of way across the site, however there are public rights of way adjacent to the boundary of the site.
- 2.6 The site itself comprises a 10.86 hectare parcel of land. The entire site lies within the Green Belt.
- 2.7 Coventry Stadium is located within the site, and comprises the race track, dog racing track, a grandstand, covered terracing, open terracing, and various ancillary structures. The stadium was opened in 1928 and was used for the hosting of speedway and stock car racing and for some periods, greyhound racing. The use of the site for racing events ceased in 2016. The site and buildings have since been subjected to vandalism and a number of arson attacks. Some assets such as tracklights and grandstand seats, were removed by the former owner prior to the appellant taking possession.
- 2.8 The remainder of the site, namely the western section, comprises a large area previously used for vehicle parking associated with events.
- 2.9 Access into the site is gained via two access points located from Speedway Lane and Rugby Road respectively.
- 2.10 There is direct pedestrian access to Binley Woods which is connected via an illuminated footway located on Rugby Road. Binley Woods is served by the number 86 Stagecoach bus, which runs between Coventry and Rugby, and provides access to various employment, leisure, commercial and education centres. There are a number of bus stops located within the vicinity of the site, that

runs along Rugby Road to both Coventry and Rugby, and provides access to both Coventry and Rugby railway station (CD15.5.16).

Planning History

2.11 The site has been the subject of numerous planning applications over the years, the majority of which relate to the established use as a sports stadium used primarily for motorsports. The most relevant applications are listed as follows:

- 2212 – Proposed grandstand – Approved 06/05/1929
- 1038/7 – Proposed floodlighting tower on car park – Approved 29/09/1952
- 878/10 – Proposed covered area to spectators’ terrace – Approved 17/07/1961
- 901/12 – Greyhound kennels and paddock – Approved 31/01/1966
- 1243/12 – Grandstand and sewer – Approved 31/01/1966
- 987/13 – New turnstiles and supporters shop – Approved 06/11/1967
- 1105/13 – Grandstand with bar buffer and toilets – Approved 08/01/1968
- 140/14 – Grandstand extensions – Approved 28/10/1968
- 695/14 – Construction of road and footpath and improvements to access to car park – Approved 06/10/1969
- 989/14 – Lighting of car park – Approved 13/04/1970
- 1425/14 – Public Grandstand – Approved 16/11/1970
- R03/0055/6592/P – Cladding of two existing workshops and refurbishment of existing turnstiles – Approved 04/03/2003
- R03/0684/6592/P – Erection of two storey brick building with tiled pitched roof offices and veterinary treatment rooms – Approved 22/10/2003
- R03/1085/6592/P – Erection of kennel building – Approved 18/02/2004
- R04/1252/6592/P – Outline Application for erection of two storey building to accommodate hospitality/training & restaurant facilities, office and retail unit – Refused 03/02/2005
- 07/1268/PLN – Change of use of the car park to use as a Sunday Market – Refused
- R22/0071 - Change of use of hangar 1 to museum (Use Class F1). Change of use of understand bar area into a gymnasium and training centre (Use Class E(d)). Change of use of the existing dog kennels into a bar and catering outlet (Use Class E(b)). – Extension of time granted until 30/11/23.

The Appeal Proposal

2.12 This Appeal Application seeks the grant of outline planning permission for the following description of development:

“Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park.”

- 2.13 The total number of dwellings proposed as part of this appeal is 124. The dwellings will comprise 34 two-bedroomed dwellings, 65 three-bedroomed dwellings and 25 four-bedroomed dwellings. The proposed dwellings are all two-storey in scale and a mix of detached, semi-detached and terraced.
- 2.14 25 (20%) of the dwellings proposed will be affordable, the provision of which is controlled through the submitted S106 Agreement.
- 2.15 A range of housing styles are proposed including a range of materials (brick and render) and features (canopy porches, bay windows). Some of the dwellings have integrated garages whilst others have detached single and double garages.
- 2.16 The proposed development include green open spaces, including an area of public open space to the north of the site adjoining the existing woodland. This is proposed to be accessible to all. The open space contains an area for play and additional tree planting in the northern section of the site, as well as along the eastern and southern boundaries.
- 2.17 The proposed development includes a new access off Rugby Road (A428), to the south of the site's boundary. The access will take the form of a T-junction. The two existing accesses along Rugby Road will be stopped up. Additional pedestrian links are proposed across the site.
- 2.18 The proposal also includes the provision of a sports lit 3G football pitch with a pavilion and the formation of a car park. This dedicated car park will serve the pitch and the pavilion, and will be accessed from the primary access road into the wider development.

The Reason for Refusal

- 2.19 The reason for refusal as listed on the Decision Notice is as follows:

"The development would result in the loss of a sporting facility that has both local and national significance and although an alternative sporting provision is proposed there is not a clearly identified need for the alternative sporting provision and therefore it is considered that the proposed benefits of the new facility do not clearly outweigh the loss of the stadium. The proposal would therefore be contrary to Policy HS4(C) of the Local Plan (2019), Policy LF1 of the Brandon and Bretford Neighbourhood Development Plan (2019) and Paragraph 99(c) of the National Planning Policy Framework (2021)."

Planning Policy

- 2.20 The relevant planning policies for this appeal as a whole are as follows.

National Planning Policy Framework (July 2021)

- 2.21 It is common ground that the following sections of NPPF are of particular relevance to the Proposed Development:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting Sustainable Transport
- Section 11: Making effective use of land
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt Land
- Section 16: Conserving and enhancing the natural environment
- Section 17: Conserving and enhancing the historic environment

2.22 The NPPF is included at **Core Documents CD08.1**.

The Development Plan

2.23 It is agreed between the Parties that the adopted Development Plan for the Site comprises the Rugby Borough Local Plan 2011-2031 and the Brandon and Bretford Neighbourhood Plan. Both plans were adopted in June 2019 and are considered to be up-to-date.

2.24 The policies relevant to the determination of the Proposed Development are:

Rugby Borough Local Plan 2011-2031, June 2019

- Policy GP1: Securing Sustainable Development
- Policy GP2: Settlement Hierarchy
- Policy GP3: Previously Developed Land and Conversions
- Policy GP5: Neighbourhood Level Documents
- Policy DS1: Overall Development Needs
- Policy H1: Informing Housing Mix
- Policy H2: Affordable Housing Provision
- Policy HS4: Rural Exception Sites
- Policy HS6: Specialist Housing
- Policy HS1: Healthy Safe and Inclusive Communities
- Policy HS3: Protection and Provision of Local Shops, Community Facilities and Services
- Policy HS4: Open Space, Sports Facilities and Recreation
- Policy HS5: Traffic generation and Air Quality
- Policy NE1: Biodiversity
- Policy NE2: Blue and Green Infrastructure
- Policy NE3: Landscape Protection and Enhancement
- Policy SDC1: Sustainable Design
- Policy SDC2: Landscaping
- Policy SDC4: Sustainable Buildings
- Policy SDC5: Flood Risk Management
- Policy SDC6: Sustainable Urban Drainage

- Policy SDC7: Protection of the Water Environment and Water Supply
- Policy D1: Transport
- Policy D2: Parking Facilities
- Policy D3: Infrastructure and Implementation
- Policy D4: Planning Obligations

2.25 Full details of the Rugby Borough Council LDP policies included below are available at **Core Documents CD08.2**.

Brandon and Bretford Neighbourhood Plan June 2019

- Policy H2: Development of Brownfield Land
- Policy H3: Affordable Housing
- Policy E1: Protecting and Supporting Existing Businesses
- Policy CON2: Environmental Heritage Assets
- Policy BNE1: Respecting Local Character
- Policy BNE2: Design Principles
- Policy BNE4: Protection of Natural Features
- Policy BNE6: Valued Rural Character and setting
- Policy LF1: Community Facilities
- Policy LF2: Safe Walking, Cycling and Horse Riding

2.26 Full details of the Brandon and Bretford Neighbourhood policies included below are available at **Core Documents CD08.3**

Supplementary Planning Guidance (SPG)

2.27 The SPG's relevant to the determination of the Proposed Development are:

- Planning Obligations March 2012
- Housing Needs July 2021
- Sustainable Design and Construction February 2012

3.0 Material Planning Considerations not in Dispute - Housing Supply and Mix

- 3.1 **Housing Supply** – The latest Housing Land Supply Assessment (2022-2027) demonstrates a 5.6 year housing land supply.
- 3.2 **Affordable Housing** – The Appeal Proposal includes 25 affordable units on site. The tenure of affordable housing proposed is 56% social rent and 44% shared ownership.

4.0 Material Planning Considerations not in Dispute - Amenity

- 4.1 **Residential Amenity** – with the potential exception of the Proposed 3G sports pitch (including sports lighting) and associated pavilion and car parking, it is agreed that the Appeal Proposal will not have a detrimental impact upon the residential amenity of existing neighbouring dwellings. Subject to this caveat, it is agreed that the proposed development is compliant with Policy SDC1 of the Local Plan.

5.0 Material Planning Considerations not in Dispute - Natural Environment

- 5.1 **Ecology** – SCS does not object to the appeal proposals in respect of ecology but only because it has no relevant expertise.
- 5.2 **Biodiversity** - SCS agrees that the proposed development seeks to achieve a biodiversity net gain but has no relevant expertise.
- 5.3 **Flood Risk** – SCS notes there is no objection from the Lead Local Flood Authority subject to conditions.

6.0 Material Planning Considerations not in Dispute - Environmental Health

6.1 **Air Quality** – SCS does not object to the Appeal Proposal in respect of air quality.

7.0 Material Planning Considerations not in Dispute - Historic Environment

- 7.1 **Heritage** – Whilst Coventry Stadium can be considered a significant structure, which has played an important role not only in the history of the surrounding area but also the sports of speedway and stock car racing so the site has a rich heritage, it is a matter of agreement that this is not a designated heritage asset.
- 7.2 **Archaeology** – SCS note that WCC Archaeology do not object to the principle of development. They have requested that some archaeological work in the form of a building recording is undertaken prior to the demolition of any buildings.

8.0 Material Planning Considerations not in Dispute - Highways

- 8.1 **Highways** – SCS understand that the proposed site access would not have a highway safety impact and that the relevant public bodies do not object to the proposals in respect of parking and Public Rights of Way

9.0 Matters Not in Agreement

9.1 The Principle of the development;

1. It is not agreed that the appeal proposal is contrary to the provisions of Policies HS3: Protection and Provision of Local Shops, Community Facilities and Services and HS4: Open Space, Sports Facilities and Recreation of the Rugby Local Plan, the provisions of the Brandon and Bretford Neighbourhood Plan and the Government's National Planning Policy Framework (paragraphs 93 and 99),
 - (i) It is not agreed that there is not a clearly identified need for the alternative sporting provision in this location, which takes the form of the proposed 3G pitch
 - (ii) it is not agreed that the use of the site for speedway and stock car racing has not been demonstrated to be surplus to requirement in accordance with paragraph 99a of the NPPF
 - (iii) it is not agreed that the proposed benefits of the new facility do not clearly outweigh the loss of the former use of the site and therefore the application is not accordance with paragraph 99 criterion (c) of the Framework, bullet point 3 of Policy HS4 (C) of the Local Plan, and Policy LF1 of the Brandon and Bretford Neighbourhood Development Plan (2019).
2. It is not agreed that the appeal proposal would have a greater impact on the openness of the Green Belt than the existing development nor cause substantial harm to the openness of the Green Belt contrary to the objectives of Green Belt to the General Principles and Development Strategy set out in the Rugby Local Plan and provisions of the Government's National Planning Policy Framework (Paragraphs 137, 138, 140, 141, 142, 143, 144, 145, 147, 148 and 149) and very special circumstances have not been demonstrated to justify inappropriate development.
3. It is not agreed that there is a need for the market or affordable housing proposed on the appeal site to meet local plan requirements. The mix of housing types, both market and affordable, and the tenure split for affordable housing is not agreed. The suitability of the location of the affordable dwellings within the site is not agreed.
4. It is not agreed that the site has considerable heritage value and should be considered a non-designated heritage asset as a place which has witnessed many major championships and events over many years and these have imprinted memories on the minds of many people. It is not agreed that the heritage value of the site should be recognised and this has much greater value than a piece of public art, as proposed.
5. It is common ground that the proposed S106 has not yet been shared.