

Memorandum

To: Erica Buchanan

From: Development Strategy - Peter Heath Ext. 3735

Location: Coventry Stadium, Rugby Road

Proposal: Outline for 137 dwellings, means of access, car parking and sports provision. Now amended to 124 dwellings.

Date: 3<sup>rd</sup> December 2021

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1. National Planning Policy Framework (Jul '21) is clear in para 11 that where there is an up to date development plan applications should be determined in line with that development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted"*. Paragraph 90 of the NPPF states that sports buildings should not be built on unless an assessment has been undertaken to show it is surplus to requirements; or the loss resulting from the development would be replaced by equivalent or better provision; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
2. Local Plan - The Local Plan for Rugby was adopted on the 4<sup>th</sup> June 2019. On adoption, the authority had a five-year supply of housing. The latest AMR, published in October 2021, confirms this position. The Local Plan is considered fully up to date and in compliance with the NPPF and therefore is the starting point for decision making. All planning policies are relevant and are supported by a robust and up-to-date evidence base.
3. GP2 Settlement Hierarchy – The application is located outside of the settlement boundary of Binley Woods in the Green Belt where new development will be resisted; only where national policy on Green Belt allows will development be permitted. NPPF para 149 allows the redevelopment of previously developed land in the Green Belt in certain circumstances, however to be judged acceptable the applicants would need to demonstrate to the satisfaction of the case officer that the impact on the openness of the Green Belt is less than that caused by the current stadium.
4. GP3 Previously Developed Land and Conversions – This policy supports the use of previously developed subject to compliance with other policies in the plan. Particular consideration will need to be given to the visual impact on the surrounding landscape and properties; the impact on existing services if an intensification of the land is proposed; and the impact on any heritage or biodiversity assets.

5. DS1 Overall Development Strategy – The last authority monitoring report, published in October 2021, shows that the authority has more than a 6 year supply of dwellings so although any permission would contribute to supply the authority does not ‘need’ this contribution to meet its requirement to have a five year supply.
6. H1 Dwelling Mix Private Units – H1 sets out a preferred dwelling mix as shown in the table below. It shows that the proposed dwelling mix for 99 private units fails to comply with H1 as it would over provide 3 beds while underproviding both 2 bed and 1 bed units.

Dwelling type	LP Requirement	Proposal	Dwellings
1 bed	5-10%	0%	0
2 bed	25-30%	20%	20
3 bed	40-45%	54%	54
4+ bed	20-25%	25%	25

7. H2 affordable housing provision/mix – Overall the provision at 20% does comply with requirement for 25 affordable dwellings but the dwelling mix does not. The absence of any affordable 1 or 4 bed provision, especially for affordable 1 beds is a major shortfall that would need to be addressed for the scheme to be considered policy compliant.

Dwelling type	LP Requirement	Proposal	Dwellings
1 bed	30%-35%	0%	0
2 bed	30%-35%	56%	14
3 bed	20-25%	44%	11
4+ bed	5-10%	0%	0

8. Policy HS1: Healthy, Safe and Inclusive Communities - This policy seeks to ensure that healthy, safe provides support to proposals which (amongst other things) provide good access to local shops, employment opportunities, services, schools and community facilities. The location of the scheme would not be remote from shops and community facilities and thus complies with the requirements of this policy.
9. Policy HS4: Open Space, Sports Facilities and Recreation – Part A requires new developments to provide a certain level of open space provision for each category of open space including sports provision. The Planning Statement does not set out how the application is contributing to each typology of open space so the case officer will need to satisfy themselves that proposed provision meets the Part A requirements of the policy, using the Open Space Calculator. That calculator has a provision element that sets out the space requirements for each typology. If typologies are missing then a off-site payment for that typology should be sought. The typologies being provided need to be compared with the space requirements of the Open Space Calculator to check against the policy requirements.

Part B of the policy sets out the criteria for new open space in terms including its design, and its accessibility. Part of this consideration relates to the need to ensure that any open space provided on site should be maintained by an appropriate open space maintenance contribution. The Open Space calculator will specify the maintenance amount for on site open space for each typology and the amount

specified should be included in the S106 should the proposal be otherwise acceptable. If off-site payments for missing typologies which are not provided on site are required, then the maintenance payment for off-site elements are also necessary.

Part C of the policy also requires an assessment to be undertaken which clearly shows the open space, building or land is surplus to requirements. It also has to be demonstrated that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of the quantity or quality in a suitable location, or that the development is for alternative sports and recreation provision. The proposal is not for a replacement speedway but alternative open space is proposed, which requires a judgement as to whether or not the quality and the accessibility of that open space is judged as being an acceptable replacement. One element of measuring this is to compare this with the Open Space calculator to see if the Sports Pitch is equivalent to the space requirement for sports pitches. The WYG assessment has shown that the stadium is not surplus to requirements and the proposal is not for a replacement stadium. This element therefore does not conform with the policy. A key consideration that the report to planning committee will need to weigh up is whether the proposed provision of a sports pitch and pavilion clearly outweighs the loss of the speedway in line with the policy.

10. Policy HS5: Air Quality - This policy states that development proposals should promote a shift to the use of sustainable transport modes and low emission vehicles to minimise the impact upon air quality. As this is a major development, the proposal should achieve or exceed air quality neutral standards and if not met, measures to offset any shortfall will required, in line with the adopted Air Quality Supplementary Planning Document, should the proposal otherwise be acceptable. A condition requiring ultra-low emission boilers, landscaping, cycle parking, electric vehicle charging would be required, but it needs to be recognised that this provision would be enacted only if the principle of the development is accepted.
11. Policies NE1-NE3: Biodiversity Policies – WCC Ecology will be best placed to advise on whether proposed scheme will comply with aims and objectives of these policies. Likewise, they are better placed to judge contribution towards compliance with SDC3. A net gain in biodiversity will be required to comply with this policy.
12. Policy SDC4: Sustainable Buildings - This policy refers to the need to ensure that all new dwellings should meet the Building Regulations requirement of 110 litres of water per person a day unless it can be demonstrated that it is financially unviable. A condition to secure compliance with this policy is necessary should the proposal be otherwise acceptable. The policy also encourages the re-use and recycling of surface water and domestic waste water within new development and it is requested that the applicant/agent clarifies how this can be achieved in this development. Paragraph 148 of the NPPF seeks to shape places in ways that contribute to radical reductions in greenhouse gases, improve resilience and support renewable and low carbon energy. As a result, an energy statement as part of policy SDC4 would be recommended should the development be otherwise acceptable.
13. Policy SDC6: Sustainable Drainage – This policy requires sustainable drainage systems in all major developments (and all development in Flood Zones 2 and 3). It should be ensured these are provided on-site, unless they meet the criteria as listed

in the policy. Infiltration SuDs is the preferred way of managing surface water. The developer should carry out infiltration tests where possible and a groundwater risk assessment to ensure that this is possible and that groundwater would not be polluted. Where it is proven that infiltration is not possible, surface water should be discharged into a watercourse (in agreement with the Lead Local Flood Authority (LLFA)) at pre-development greenfield run off rates or into a surface water sewer if there is no nearby surface water body. Appropriate conditions would be required to facilitate this.

14. Policy SDC9: Broadband – Policy SDC9 relates to the need to ensure that new development facilitates and contributes to the provision of broadband infrastructure. It is recommended that the agent/applicant clarifies that this will be provided as part of the proposals and provision secured by condition should the proposal be otherwise acceptable.
15. Policy D2 Parking – Policy D2 seeks to ensure adequate car and cycle parking can be achieved on site in line with Appendix 5 of the Local Plan. Car and cycle parking should be provided in line with the standards if the proposal is otherwise acceptable. Minimum levels of cycle parking in line with the standards are required. If space is limited vertical cycle parking could comply with the policy, although ideally it should be covered and secure.
16. The Brandon and Bretford Neighbourhood Plan, adopted June 2019, contains a number of relevant policies. Policy BNE2 contains a number of design principles that should be adhered to in the Neighbourhood Area. Policy BNE6 requires that developments identify, assess and address impacts on the valued rural character and setting of the Neighbourhood Area. Policy H3 defers consideration of levels of affordable housing provision to the adopted Local Plan. Policy LF2 seeks to ensure that when new development occurs that development provides for cycling, equestrian and walking routes, the case officer can assess this. Policies H2 on development of brownfield land and LF1 on loss of community facilities both hinge on the assessment of the likelihood of the stadium use being viable and returning. The proposal should be judged against both H2 and LF1 of the Neighbourhood Plan.