



**PLANNING STATEMENT
TO ACCOMPANY AN OUTLINE PLANNING APPLICATION FOR**

**DEMOLITION OF EXISTING BUILDINGS
AND OUTLINE PLANNING APPLICATION
FOR RESIDENTIAL DEVELOPMENT OF UP
TO 137 DWELLINGS (USE CLASS C3)
INCLUDING MEANS OF ACCESS INTO THE
SITE FROM THE RUGBY ROAD (NOT
INTERNAL ROADS), NEW OPEN SPACE
AND ASSOCIATED INFRASTRUCTURE. ALL
OTHER MATTERS RELATING TO
APPEARANCE, LANDSCAPE, LAYOUT AND
SCALE RESERVED**

**AT COVENTRY STADIUM, RUGBY ROAD,
BRANDON,**

**ON BEHALF OF
BRANDON ESTATES LIMITED**

**JANUARY 2018
OUR REF: PF/9189**

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of Brandon Estates Limited to accompany an application for outline planning permission on land at Coventry Stadium, Rugby Road, Brandon, for:

“Demolition of existing buildings and outline planning application for residential development of up to 137 dwellings (Use Class C3) including means of access into the site from the Rugby Road (not internal roads), new open space and associated infrastructure. All other matters relating to appearance, landscape, layout and scale reserved.”

1.2 The application site is identified in red on the Location Plan attached to this submission as drawing number 27510/9000 Rev. B. The proposals include new open space, landscaping and other associated works such as SUDs measures and one new means of access. Access is not reserved and an access is proposed onto Rugby Road (A428). This is shown on drawing number 16115-04A. Two parameter plans are also submitted which are fixed and for which planning permission is sought: Land Use Parameter Plan (drawing number 27510 9600 Rev B) and the Building Heights Parameter Plan (drawing number 27510 9601 Rev C).

1.3 National and local planning policy has been reviewed in the preparation of this application. This planning statement focusses particularly on the main planning policies considered appropriate to the issues raised by the proposal:

- National Planning Policy Framework policies
- Rugby Borough Council Core Strategy policies
- ‘Saved’ policies from the Local Plan 2006

1.4 This planning statement is accompanied by, and is to be read in conjunction with, the following supporting documentation:

- Application Drawings;
- Design and Access Statement;
- Sustainability and Energy Statement;
- Landscape and Visual Assessment;
- Noise Assessment;
- Ecological Appraisal, Bat Report and Biodiversity Impact Assessment Calculator;
- Transport Assessment (and draft Travel Plan);
- Statement of Community Involvement;
- Tree Survey;
- Archaeology Desk Based Assessment and Trenching Results;
- Flood Risk Assessment;
- Foul Sewage & Utilities Assessment;
- Site Investigation;
- Air Quality Assessment; and
- Financial Assessment Non-Technical Summary.

1.5 The key features of the proposed development are:

- Demolition of the existing stadium and its associated buildings on the site and their replacement with the provision of a wide range of new open market and affordable housing in accordance with policy requirements.
- The site is located in the Green Belt. The site is in a sustainable location to

accommodate additional housing growth, as advocated by the Framework. The site is well related to the existing settlement of Binley Woods and its local facilities, a number of which are within a reasonable walking distance.

- Up to 137 dwellings that can provide a range of housing primarily directed towards accommodation for families.
- Provision of 40% affordable housing (up to 55 units).
- Provision of green public open space that contains an area for formal play, tree planting in the northern section of the site to adjoin the existing woodland, as well as tree planting along the eastern and southern boundaries to allow visual and wildlife integration. The provision of on-site public open space will be transferred to the Local Planning Authority (or other such body) or to a private management company to retain its use as open space.

1.6 The remainder of this Statement is structured as follows:

- Section 2: describes the site and its location;
- Section 3: describes the proposed development;
- Section 4: is a summary of the pre-application consultation;
- Section 5: provides a planning policy summary;
- Section 6: provides an assessment of the proposals; and
- Section 7: summarises the proposals and the planning balance.

2.0 SITE DESCRIPTION

- 2.1 This section provides an overview of the site's characteristics and that of the surrounding area. The accompanying Design and Access Statement (DAS) also provides a more detailed assessment of these matters.
- 2.2 The development site is an irregularly shaped 10.86 hectare parcel of land located on land at Brandon Stadium, Rugby Road (A428). The Rugby Road provides the main access route to Binley Woods to the west and Brandon to the east.
- 2.3 The site is currently occupied by a disused stadium, which has previously been used for stock car racing, speedway and greyhound racing. The site comprises a racing circuit with a grandstand providing visitor viewing and dining, bar and toilet facilities, ancillary buildings (storage areas, dog kennel, shop, laundry room, officers, first aid room and smaller buildings housing a score boards and food outlets); and a substantial area of car parking comprising gravel and hardstanding. The track is surrounded by viewing platform on each side. The site is secured by barriers and a gate. The site and premises are not currently operational.
- 2.4 The site and the surrounding area falls within the administrative boundary of Rugby Borough Council. The southern and western boundary of the site is defined by existing residential development, the north, north-western boundary of the site is bounded by Binley Woods, and the north-east boundary of the site is bounded by built form.
- 2.5 The site is generally flat. A number of hedgerows and trees exist along the boundaries of the site, the majority of which are protected by a Tree Preservation Order. The proportion of the site that has previously been used as a car park is devoid of substantial vegetation.
- 2.6 There are no public rights of way across the site, however there is a public right of way adjacent to the boundary of the site. The application site is located within Flood Zone 1 (i.e. is not expected to flood unless a 1:1000 year event takes place). The accompanying Design and Access Statement (DAS) and Landscape and Visual Assessment (LVA) includes a more detailed site description and a number of site photographs.
- 2.7 The site is located within the Green Belt. The site is not located within or abutting a Conservation Area (CA), and there are no listed buildings on the site.
- 2.8 The existing means of access to the site is via two accesses off Rugby Road, to the south and south east of the site.
- 2.9 The existing physical features around the site boundaries make the site well defined and discrete. The site sits well within the surrounding landscape and is well-screened by the existing vegetation which form defined site boundaries.

Surroundings

- 2.10 The site is located adjacent to the village of Binley Woods.
- 2.11 Coombe Abbey a Grade II* Registered Park and Garden is located approximately 800m to the north of the site. In the 18th century the 500 acres of land surrounding the abbey was designed by Lancelot 'Capability' Brown making it a historically important site in the

region. Coombe Pond, within the Coombe Abbey Registered Park and Garden is also covered with a site of Special Scientific Interest (SSSI) Designation.

- 2.12 Within a 5km radius of the site there are a number of other SSSI's: Herald Way Marsh (SSSI) is located approximately 2.2km to the west of the site adjacent to the A46 and Binley Industrial Estate; Ryton and Brandon Gravel and Brandon Marsh are located approximately 2.2km to the west-southwest of the Site; Wolston Gravel Pit located approximately 2.3km of the site; and Ryton Wood which is located approximately 4.8km to the south-southwest of the site at its closest point.
- 2.13 There are a number of Local Nature Reserves (LNR) located within the A46 ring road around Coventry, the closest Herald Way Marsh is located approximately 2.3km to the west of the Site. Other LNR's located within a 5km radius of the site include; Stoke Floods, Willenhall Wood and, Stonebridge Meadows.
- 2.14 Blocks of Ancient Woodland, both Ancient and Semi- Natural woodland are notable features scattered across the landscape. The closest areas of Ancient and Semi-natural woodland are New Close/ Birchley Woods which is located adjacent to the site to the north, Brandon Little Wood is located approximately 300m to the west-southwest of the site and a larger block of woodland Brandon Woods Ancient Replanted Woodland is located approximately 600m to the west-southwest of the site.
- 2.15 In the vicinity of the site there are a number of listed buildings which are predominately of Grade II status with the exception of the Grade I, Church of St Margaret which is located 1.3km to the south of the site. Grade I listed Coombe Abbey and Moat which is located approximately 2.3km to the north of the site. There are also a few Grade II* listed buildings within a 5km radius of the site. These include The Priory (II*) which is located approximately 1.4km to the south south-east of the site, West Lodge (GII*) located 1.8km to the north northwest of the site, The Woodlands (GII*) located approximately 2.4km to the northwest of the site and, the Grade II* listed Tennis Court at Coombe Abbey.
- 2.16 The closest Scheduled Monument, Brandon Castle is located just over 1km to the south of the site.

Sustainable Location

- 2.17 The site is well related to the existing settlement area of Binley Woods and Brandon and their local facilities. The site is located in Brandon and Bretford Parish. There is a continuous footway provision between the site on Rugby Road to Binley Woods.
- 2.18 The site is located:
- 400m from Binley Woods Primary School;
 - 600m from a supermarket;
 - 1100m from Binley Woods Village Hall; and
 - 1200m from a post office.
- 2.19 Binley Woods also contains:
- Allotments;
 - Recreational areas;
 - Blue Bell Woods Day Nursery;

- Ivor Preece Conference Centre (a Rugby Club and conference centre);
 - A church;
 - A pub;
 - A parade of shops at woodlands road; and
 - Cricket and football pitches.
- 2.20 Brandon and Binley Woods are located close to Coventry, the suburbs of Coventry are found within approximately 3km of the site and provide a wide range of employment, leisure, commercial and educational opportunities.
- 2.21 Binley Woods is served by the number 86 Stagecoach bus, which runs between Coventry and Rugby. This is a half-hourly service that runs along Rugby Road to both Coventry and Rugby. Bus stops are situated at regular intervals along both the north and south sides of Rugby Road.
- 2.22 The proposals do not require major off-site highway infrastructure improvements and would not have an adverse impact on the local highway network. The closest bus stops to the site are located on Rugby Road, approximately 300m walking distance from the centre of the site. Two of these bus stops are located adjacent to the north-west of the proposed development and two bus stops to the south-east.
- 2.23 The closest railway station to the proposed development is Coventry Railway Station, which is located approximately 12km to the west of the site in Coventry City Centre.
- 2.24 Connections to local and national destinations are provided from the station, including services to London Euston every 10 minutes, and Birmingham New Street every 10 to 20 minutes. Direct connections to Manchester Piccadilly, Bournemouth, Nuneaton and Glasgow are also available from this station.

Planning History

- 2.25 The previous use of the site is a stadium with ancillary buildings and area of hardstanding used as a car park. It is understood that the stadium was first built in the 1920's.
- 2.26 There is limited planning history on the site. Approved applications relate to:
- Three sided freestanding non-illuminated signs (ref. R04/0300/6592/A, dated 28th July 2014);
 - Single storey kennel block (ref. R04/6392/6592/B, dated 6th August 2004);
 - Construction of external lift shaft and housing (ref. R04/0226/6592/P, dated 6th May 2004);
 - Erection of kennel building (ref. R03/1085/6592/P, dated 18th February 2004);
 - Erection of boundary fence (ref. R03/0820/6592/P, dated 4th December 2003);
 - Erection of two storey brick building with tiled pitched roof offices and veterinary treatment room (ref. R03/0684/6592/P, dated 22nd October 2003);
 - Cladding of two existing workshops and refurbishment of existing turnstiles (ref. R03/0055/6592/P, dated 4th March 2003);
 - 6 no. TV commentary positions (ref. R99/5343/6592/B, dated 29th June 1999);
 - 3 sets of steal staircases (ref. R98/5028/6592/B, dated 16h February 1998);

- Erection of additional section of perimeter fencing to enable to enlargement of the internal stock car paddock area (ref. R95/0841/6592/P, dated 31st January 1996); and
- Erection of 10m high lighting stands to perimeter of greyhound racing track (ref. R77/1534/6592/P, dated 29th March 1978).

2.27 Numerous planning permissions were sought in the past for the improvement of the stadium facilities. These include three applications for hosting a regular market within the car parking area (R95/0874/6592/P, R03/0677/6592/P, R07/1268/PLN); three applications relating to the extension of the restaurant area (R04/5228/6592/B, R04/5675/6592/B, R4/6031/6592/B); and two applications for the development of a mixed-use restaurant, retail and conference space (R04/0822/06592/OP; R04/252/6592/P). The majority of these applications were refused and the remainder were withdrawn.

3.0 THE PROPOSED DEVELOPMENT

3.1 This planning application seeks outline permission with all matters reserved apart from access. The full description of development is as follows:

“Demolition of existing buildings and outline planning application for residential development of up to 137 dwellings (Use Class C3) including means of access into the site from the Rugby Road (not internal roads), new open space and associated infrastructure. All other matters relating to appearance, landscape, layout and scale reserved.”

3.2 The anticipated urban form is set out in the Illustrative Masterplan within the submitted Design and Access Statement. The precise number of dwellings would be part of any reserved matters submission but would not exceed 137 dwellings.

3.3 The illustrative masterplan shows proposals for up to 137 dwellings. The gross density of the site is 13.7 dwellings per hectare. The net density is 39 dwellings per hectare.

3.4 The indicative proposal is for a mixture of housing types, sizes and tenures. The site will provide 40% affordable housing (up to 55 units).

3.5 As shown on the illustrative masterplan the development will be formed from a mix of housing which will include 2, 3 and 4 bedroom dwellings with adequate parking and garden provision. The illustrative masterplan also shows where up to 8 bungalows could be located.

3.6 As this is an outline proposal, the details of the types of housing are not included. The details of the type, scale and appearance of the homes to be provided on site will be agreed with Rugby Borough Council as the reserved matters stage and will reflect the housing needs of the Borough at the time.

3.7 Although a reserved matter, details of the proposed appearance and character of the proposed residential areas are illustrated in the Design and Access Statement. The scheme proposed will bring a significant improvement to the quality of the built form in the area, creating a sense of place and a safer environment for existing and new residents.

3.8 The proposals include the creation of green open spaces, including a large area of open space to the north of the site to adjoin the existing woodland which will be accessible to all. The open space contains an area for play, tree planting in the northern section of the site, as well as along the eastern and southern boundaries to allow visual and wildlife integration. Attenuation ponds are located across the site.

3.9 Throughout the site is the creation of open spaces, formal play provision and tree planting across the site, integrated within a varied development layout. The provision of ecological enhancement features that will provide environmental gains for the area can be discussed further during the determination of the application.

3.10 The proposed development will be accessed off Rugby Road (A428), to the south of the site's boundary. The access will take the form of a T-junction. The existing accesses will be stopped up. The internal highway network incorporates an access for Rugby Road and roads running through the site to ensure that the site is permeable for pedestrians, cyclists and vehicles.

- 3.11 A sustainable drainage system including an attenuation pond is proposed on the site. This will ensure that water is properly managed and that the development does not adversely affect or result in flooding on site. The attenuation pond will manage surface water runoff, temporarily storing water before it is slowly released. Further details are contained in the Flood Risk Assessment submitted in support of the application.
- 3.12 It is acknowledged that the site is in the Green Belt and the previous use of the site will not continue, however, the proposal will deliver the following benefits:

Economic Benefits

- Benefits set out in the draft Section 106 heads of terms include contributions to local social infrastructure where justified, such as education, public transport, libraries and leisure facilities;
- Jobs created during construction;
- Economic benefits during construction (direct and indirect positive impacts resulting from new housing construction). A study by the Confederation of British Industries (CBI) demonstrates that construction projects have a significant benefit on the local and wider economy. The report concludes that for every £1 of construction spend, £2.84 is injected into the economy; and
- The development will enhance the viability of local businesses and services within the settlement by increased user quantum.

Social Benefits

- A deliverable residential development in a sustainable location to meet local housing need;
- Affordable housing in an area of need as identified in Rugby Borough Council's Housing Market Area Assessment;
- Delivery of over 6 hectares of green open space with opportunity for formal play space, public amenity space, tree planting in the north of the site to adjoin the existing woodland and meadow grassland;
- Enhanced vegetation along the boundaries of the site for visual integration;
- Provision of new public footpaths across the site, which will tie into the existing footway network; and
- Opportunity for pedestrian and cycle links across the site.

Environmental Benefits

- The proposals represent a considerable opportunity to provide sustainable habitat and faunal enhancements within the site which will in turn give rise to considerable gains for biodiversity;
- Achieving development in a sustainable location, with easy access to pedestrian routes, local facilities and amenities, and close to public transport bus routes, minimising the need to travel by car;
- The development proposal will deliver energy efficient new homes seeking to reduce the carbon footprint;
- Provision of Sustainable Drainage System (SuDS);
- Provision of a high standard of design and construction enabling an enhanced residential amenity; and
- Use of sustainable construction methods.

3.13 In summary, the proposed development delivers new housing to assist Rugby Borough Council's housing land supply including the provision of much needed affordable housing, meeting housing needs of the Borough over the plan period.

4.0 PRE-APPLICATION CONSULTATION SUMMARY

- 4.1 A Statement of Community Involvement is submitted alongside this planning statement in support of the outline planning application. The statement describes the methods used to publicise the exhibition, the information provided to the public at the exhibition, the method used to gather feedback on the proposal, and a summary of responses received during the exhibition.
- 4.2 Two public exhibitions have been held, the first on 18th October 2014 and the second on 19th October 2017. Full details of attendance and responses can be found in the Statement of Community Involvement which is submitted alongside this planning statement.
- 4.3 The intention of the exhibition was to provide local residents with an early opportunity to view the development proposals and to make any comments on the contents of the proposals.
- 4.4 Pre-application meetings and discussions have also taken place with officers of the Council and Warwickshire County Council and Highways England relating to, inter alia, planning, transport, housing, ecology and heritage/archaeology.
- 4.5 The applicant has carefully considered the feedback received, including as part of the full suite of supporting technical work in support of the application, to ensure all the issues raised are addressed as part of the application submission. However, given the nature of the application being in outline form, a number of detailed mitigation points necessarily cannot be addressed until the detailed design and layout of the scheme is fixed. However, the amendments made following the consultation exercise have included:
- Reducing the number of dwellings by 50%;
 - Moving the access to the proposed site slightly north;
 - The inclusion of bungalows in the scheme;
 - Restricting the proposed heights of the dwellings to two storeys;
 - Retention of the access to the rear of the properties on Rugby Road which are directly adjacent to the site; and
 - Provision of significant green/open space.
- 4.6 The Parameter Plans accompanying the application have been prepared by the applicant to show the maximum parameters of the extent of the proposed development, in particular relating to height and the extent of development.
- 4.7 The applicant has prepared a ‘worst case’ assessment based on the Parameter Plan accompanying the application, but it should be understood that changes to the illustrative masterplan layout can be made at future stages to address the points raised. The applicant is committed to continuing to engage with the local community and those most affected by the proposals at future stages of the project, and detailed matters can nonetheless be controlled via standard planning conditions attached to the grant of any subsequent planning permission.

5.0 PLANNING POLICY SUMMARY

- 5.1 The development proposals take into account a wide range of planning policies at national and local level.
- 5.2 This section provides an overview of the planning policies and guidance which have been identified to be of relevance to the proposals.
- 5.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. This section sets out the broad planning policy framework against which the proposals must be assessed.
- 5.4 This section sets out the relevant policies of the National Planning Policy Framework (the Framework) and the Development Plan which consists of the policies of the adopted Rugby Borough Core Strategy (2011), the 'Saved' policies from the Rugby Borough Local Plan 2006 and the emerging Rugby Borough Council Local Plan.

Policies of the Rugby Borough Council Core Strategy 2011

- 5.5 The Rugby Borough Council Core Strategy was adopted in 2011 and covers the period up until 2026. The Core Strategy provides the policy framework against which to assess this outline planning application.
- 5.6 The following policies from Core Strategy policies that are considered to be relevant to this application are listed below:
- CS1: Development Strategy
 - CS10: Developer Contributions
 - CS11: Transport and New Development
 - CS12: Transport and New Development
 - CS13: Local Services and Community Facilities
 - CS14: Enhancing the Strategic Green Infrastructure Network
 - CS15: Green Infrastructure Allocations
 - CS16: Sustainable Design
 - CS17: Sustainable Buildings
 - CS19: Affordable Housing
 - CS20: Local Housing Needs
- 5.7 The following 'saved' policies from the Local Plan 2006 that are considered to be relevant to this application are listed below:
- Policy E6 (Biodiversity)
 - Policy GP2 (Renewable Energy)
 - Policy GP6 (Safeguarding development potential)
 - Policy H11 (Open space provision in residential developments in the urban area)
 - Policy ED2 (Major employment sites within the urban area)
 - Policy ED4 (Major developed sites in the Green Belt)
 - Policy LR1 (Open space standards)
 - Policy LR3 (Quality and accessibility of open space)
 - Policy LR4 (Safeguarding open space)
 - Policy T5 (Parking Facilities)

- Policy T13 (Airport Flight Paths)

- 5.8 The Council adopted the Core Strategy, for the plan period to 2026, in June 2011. The Core Strategy Proposals Map shows the site as being located within the Green Belt, within the Princethorpe Biodiversity Opportunity Area and adjacent to a strategic Green Infrastructure Area (New Close Wood). The site is located outside of the settlement boundary for Brandon or Binley Woods.
- 5.9 The Core Strategy comprises the statutorily adopted Development Plan, which forms the starting point for determination of the merits of this proposal. Rugby town provides the focus for new employment and housing development, with limited development in the surrounding villages within existing village boundaries. The Core Strategy proposes strategic developments to the north and east of Rugby: urban extensions known as Gateway Rugby and Rugby Radio Station respectively.
- 5.10 The Core Strategy Policy CS1 sets out a settlement hierarchy: Rugby Town Centre; Rugby Urban Area; Main Rural Settlements such as Binley Woods; Local Need Settlements; Countryside and Green Belt. Binley Woods is described as a ‘second tier’ settlement suitable for development, with only Rugby and its urban area being considered higher in the hierarchy.

The Submission Rugby Borough Council Local Plan 2011-2031 (2017)

- 5.11 The Council has commenced preparation of a new Local Plan for the period to 2031. The purpose of the new Local Plan is to ensure that development meets the priorities of the Borough including:
- Setting out policies for meeting future needs relating to areas such as housing, employment, community facilities, transport and other infrastructure needed to support development;
 - Strategic allocations of land to meet future needs;
 - Policies for protecting the environment; and
 - Identifying boundaries of strategic greenspace.

Other Material Policy Considerations and Central Government Guidance

- 5.12 In addition to the adopted and emerging Development Plan and other Council Planning policies set out above, the following national documents set out other material planning considerations relevant to the development proposed:
- The National Planning Policy Framework (March 2012) ‘The Framework’
 - National Planning Practice Guidance
 - Planning for Growth Ministerial Statement (March 2011)
 - Fixing the Foundations (July 2015)
 - Housing and Planning Bill (2015)
- 5.13 National planning policy is set out within the National Planning Policy Framework (the Framework), which was published in March 2012. It sets out that the purpose of the planning system is to contribute to achieving sustainable development and this core principle remains at the heart of the guidance, with the whole document representing what this means for the planning system.

- 5.14 Paragraph 6 states that *“the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development is.”*
- 5.15 Paragraph 7 of the Framework states *“There are three dimensions to sustainable development: i) economic, ii) social and iii) environmental”*. These dimensions give rise to the need for the planning system to perform a number of roles:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
 - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.
- 5.16 The proposed development of this site represents an opportunity for sustainable economic development and will bring with it investment, new jobs and housing. The proposed development is in accordance with the pro-growth agenda established through the Ministerial Statement and is directly supported by the policies in the Framework.
- 5.17 Paragraphs 11-14 of The Framework deal with the presumption in favour of sustainable development, which is described as a golden thread at the heart of the Framework running through both plan making and decision making.
- 5.18 Paragraph 14 of the Framework identifies that the presumption in favour of sustainable development should be seen as a golden thread running through plan making and decision taking. In respect of the later, this means: *“Approving development proposals that accord with the Development Plan without delay”*.
- 5.19 In addition, the paragraph states:
- “Where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless:*
- *Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
 - *Specific policies in the NPPF indicate development should be restricted”*
- 5.20 Footnote 9 to paragraph 14 lists examples of such specific policies such as Sites of Special Scientific Interest, Green Belt Land, Areas of Outstanding Natural Beauty and National Parks.

- 5.21 Paragraph 17 then sets out twelve core planning principles that should underpin plan making and decision taking, which can be summarised as:
- Plan making should be a creative exercise;
 - Planning should be driving and supporting sustainable economic development;
 - High quality design is to be pursued;
 - Considering local identities and distinctiveness of places;
 - Supporting a low carbon future and making best use of existing resources and; encouraging use of renewable resources;
 - Conserving and enhancing the environment;
 - **Encouraging effective use of brownfield land;**
 - Promoting mixed use developments;
 - Considering heritage assets having regard to their significance;
 - Actively promote sustainable forms of transport; and
 - Support local strategies to improve services and facilities.
- 5.22 Paragraph 49 of the Framework states that “*Housing applications should be made in the presumption in favour of sustainable development*”. Paragraph 49 makes it clear that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.23 Paragraph 197 further states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Promoting Sustainable Travel

- 5.24 Paragraph 32 of the Framework sets out that all developments that generate significant amounts of movement should be supported by a Transport Assessment (TA). The application package is supported by both a TA and a Travel Plan. Read together these demonstrate that the application proposal takes up the opportunities for sustainable transport modes and that safe and suitable access to the site can be achieved, along with provision for an alternative emergency access point.

Delivering a wide choice of high quality homes

- 5.25 The Government’s ambition is to “boost significantly the supply of housing” as stated at the beginning of paragraph 47. The first bullet point is clear that local planning authorities should:

“Use their evidence base to ensure their Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period.”

- 5.26 It goes on to require local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements, with an additional 5% to 20% buffer depending on past performance on delivery. Deliverability is a key aspect of the housing supply in order to

ensure that need can be met year on year and the buffer is designed to allow flexibility in delivering sites in this respect.

- 5.27 Paragraph 49 of the Framework states that planning applications for housing should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites. Consideration must therefore be taken in light of paragraph 14 of the Framework as to whether such a development proposal constitutes sustainable development and whether the presumption in favour of such development is engaged.

Requiring Good Design

- 5.28 It is outlined in paragraph 56 of the Framework that good design is a key aspect of sustainable development, which is indivisible from good planning, and which should contribute positively to making places better for people. It is further set out that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes (paragraph 57). Paragraph 58 states that planning decisions should aim to ensure that developments:

- *“will function well and add to the overall quality of the area;*
- *Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public spaces as part of developments) and support local facilities and transport networks;*
- *Respond to local character and history and reflect the identity of local surroundings and materials;*
- *Create safe and accessible environments; and*
- *Are visually attractive as a result of good architecture and appropriate landscaping.”*

Promoting healthy communities

- 5.29 Paragraph 69 of the Framework notes that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. As part of decision making the provision and use of shared space, community and other local services should be planned positively to enhance the sustainability of communities and residential environments.

Meeting the challenges of climate change and flooding

- 5.30 The Framework addresses climate change and flooding. Paragraph 93 sets out that planning plays a key role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy.

Conserving the natural environment

- 5.31 Paragraph 118 of the Framework notes that when applications are being determined, local planning authorities should aim to conserve and enhance biodiversity by amongst other things, encouraging the incorporation of biodiversity in and around developments. Permission should be refused where development would result in the loss or deterioration of irreplaceable habitats unless the needs and benefits outweigh the loss.

Sports Facilities

- 5.32 Paragraph 74 states *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*
- *An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
 - *The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
 - *The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.”*
- 5.33 Such an assessment as detailed in paragraph 74 requires using a 'proportionate evidence base' (Framework page 38), including considerations as to 'ensuring viability and deliverability'. Paragraph 173 states *“Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”*

Green Belt

- 5.34 National Planning Policy for Green Belt is now set out in the Framework (March 2012). Paragraph 80 list the five purposes the Green Belt serves:
- *“To check the unrestricted sprawl of large built-up areas;*
 - *To prevent neighbouring towns merging into one another;*
 - *To assist in safeguarding the countryside from encroachment;*
 - *To preserve the setting and special character of historic towns; and*
 - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 5.35 Paragraph 81 states once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as to improve damaged and derelict land.

- 5.36 Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. A relevant exception in the context of this proposal includes (the sixth bullet point):

“Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

Decision Taking

- 5.37 Paragraph 186 of the Framework is clear that Councils: *“should approach decision taking in a positive way to foster the delivery of sustainable development”*.
- 5.38 Paragraph 187 continues that Councils: *“should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions for the area”*.
- 5.39 In determining planning applications, paragraph 196 states that the Framework is a material consideration. Paragraph 197 reiterates that in assessing and determining proposals *“local planning authorities should apply the presumption in favour of sustainable development”*
- 5.40 Paragraphs 196 and 197 reflect paragraph 12 regarding the status of the Framework as a material consideration and paragraph 14 in terms of the presumption in favour of sustainable development.

Fixing Our Broken Housing Market

- 5.41 On 17 February 2017 the Government published its White Paper titled ‘Fixing Our Broken Housing Market’ The objective of this paper is to set out how the Government intends to boost housing supply. Step 1 in the list of the Government’s proposals is

“Making more land available for homes in the right places, by maximising the contribution from brownfield and surplus public land, regenerating estates, releasing more small and medium-sized sites, allowing rural communities to grow and making it easier to build new settlements;”.

- 5.42 Paragraph 1.24 and 1.25 refers to ‘Bringing brownfield land back into use’ and states:

“We must make as much use as possible of previously-developed (‘brownfield’) land for homes – so that this resource is put to productive use, to support the regeneration of our cities, towns and villages, to support economic growth and to limit the pressure on the countryside. The Government is already pursuing a number of reforms to make this happen, as set out in the annex.

Going further, the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To make this clear, we will amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes, following the broad support for this proposal in our consultation in December 2015.”

Planning for Growth

- 5.43 On the 31st March 2011 the Government published a Ministerial Statement entitled ‘Planning for Growth’. The objective of this guidance was to provide a clear steer to all parties engaging with the planning process that the Government is committed to proposals for further planning reform, to ensure that planning supports the sustainable development needed as the country emerges from recession.

Supplementary Planning Guidance/Documents

- 5.44 Rugby Borough Council have produced a number of Supplementary Planning Documents to provide further guidance on their adopted planning policies. Those that are relevant to the formulation of the application proposals include:
- 5.45 Planning Obligations SPD (March 2012): The SPD notes that the planned level of growth as set out in the adopted Core Strategy will result in an increase in pressure on local infrastructure, services and facilities and will create a need for additional provision within the Borough. It goes on to acknowledge that planning obligations are an effective tool to ensure that the negative impacts of development on infrastructure and services can be adequately mitigated. Guidance is provided in respect of open space provision, indoor sports facilities, education, transport, and air quality (with only the latter two points relating to the employment site).
- 5.46 Sustainable Design and Construction Supplementary Planning Document (February 2012): The Sustainable Design and Construction SPD was adopted in 2012. The purpose of the document is to support the increasing requirement to create more sustainable development. It focuses on the design and construction of built development, considering resource efficiency, the impact of climate change and the creation of places where people can live, work and play. It supports and develops the policies set out in the adopted Rugby Borough Core Strategy, particularly Policies CS16: Sustainable Design and CS17: Sustainable Buildings, relating to the appearance and design of development and energy conservation respectively.
- 5.47 The guidance set out within these documents will be dealt with more specifically at the detailed design stage but have necessarily been consulted in the formulation of the indicative masterplan where the general themes have been taken account of in terms of general design and layout.

Neighbourhood Plan

- 5.48 Brandon and Bretford Parish was designated as a Neighbourhood Plan area on 12th May 2016. A draft plan appears to have been produced by the Steering Group however this

has not been submitted to the Council for comment and there has been no formal public consultation on any draft plan for comment therefore no weight is currently given to this.

6.0 ASSESSMENT OF PROPOSALS

Principle of Development

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the determination of planning applications should be made in accordance with the development plan unless material considerations indicate otherwise. This does not mean a site to be said to be in accordance with the development plan must comply with each and every policy of the development plan in a prescriptive manner; but proposals should comply with the underlying aims of policies of the plan when read as a whole. The wording of policy should be subservient to its underlying aims. Section 38(6) provides a plan-led system, not a plan-determined system.
- 6.2 The application site is not allocated for the form of development for which planning permission is sought. The Proposals Map shows the site located in the Green Belt.
- 6.3 The Policy CS1 of the Core Strategy sets out a settlement hierarchy for the location of development needs. It is acknowledged that new development will be resisted in the Green Belt and only where national policy allows new development be permitted. The proposal is not a case of seeking housing on undeveloped land in the Green Belt which could be more appropriately located at settlement higher up the settlement hierarchy. The fact that land may be available on the edge of Rugby does not address the issue of development of this brownfield site. The Core Strategy was adopted prior to the Framework, hence policy CS1 has not considered the full provisions of paragraph 89 of the Framework.
- 6.4 The consideration of this development in the Green Belt is set out below,

Appropriate Development in the Green Belt

- 6.5 The site is not located within the settlement boundary of Brandon or Binley Woods as defined in the Core Strategy Proposals Maps. The principal planning policy consideration is the location of the site within the Green Belt. The Core Strategy for Rugby Borough was adopted in 2011, and makes reference to Green Belt policy as then set out in PPG2 (paragraph 2.9). Policy CS1 Development states, inter alia, that:

“New development will be resisted; only where national policy on Green Belt allows will development be permitted.”

- 6.6 National Planning Policy for Green Belt is set out in the Framework (March 2012). Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. A relevant exception in the context of this proposal includes (sixth bullet point):

“Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

6.7 For the reasons as set out below a judgement has been formed that the development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development, as such the proposal complies with national policy relating to Green Belt in the Framework and is compliant with policy CS1.

Previously Developed Land

6.8 First, it is submitted that the site comprises previously developed land (PDL) within the meaning of Annex 2 of the Framework.

6.9 The site has been assessed against the definition of PDL found in Annexe 2 of the Framework which demonstrates in the table below that the site complies with the PDL definition:

Table – PDL Definition Criteria	
Was the land occupied by a permanent structure?	Yes
Is the land occupied by agricultural or forestry buildings?	No
Has provision been made for restoration through development control procedures for land that that has been developed for mineral extraction?	N/a
Is the land a private residential garden, park or recreation ground or allotment?	No
Has the permanent fixtures blended into the landscape?	No

Openness

6.10 Second, in the context of the ‘harm’ as a matter of planning policy to the Green Belt, it is submitted that the proposed redevelopment has no greater impact on the openness of the Green Belt and the purposes for including land in the Green Belt (Framework Paragraph 80). No harm is identified to the purposes of Green Belt policy.

6.11 As set out below, the proposal does not result in any form of outward spread of built form within the Green Belt – but rather confines built form within the boundaries of the application site.

6.12 The sixth bullet point exception to inappropriate development makes no reference to the size of building relative to that being replaced and makes not reference to volumetric comparison. It is also noted that in Turner v SSCLG [2016] EWCA Civ 466 the Judge found that the concept of openness in the Green Belt is not narrowly limited to the volumetric approach and visual impact is also a factor.

6.13 In this context, the application is supported by a Footprint Area Comparison Plan (drawing number 9901 Rev B) and a Comparative Heights Elevation (page 78 in the Design and Access Statement) that provide further details regarding the proposed heights, footprint and overall spread of development compared to the existing. Overall it is submitted there is a reduction in the scale of development. The parameters plan also sets out the building heights of the proposal and the limited housing development on the site will be restricted by its height.

6.14 Furthermore:

- The existing buildings on the site are larger solid larger buildings, houses will be separate smaller buildings which break up the mass therefore making the site feel less built upon;
- the Comparative Heights Elevation demonstrates that the proposed development is well screened and far more segmented in terms of massing compared to the existing stadium and buildings, and as a consequence is that the proposals confine any impacts on the openness of the Green Belt; and
- The proposal will retain the openness of the Green Belt by reducing the overall scale of existing development on the site and the proposed buildings significantly are sensitively designed to afford significantly more open views between buildings as people move past them.

6.15 As stated above key consideration in respect of openness of the Green Belt is ‘visual impact’. The Design and Access Statement (paragraphs 6.4.10 - 6.4.13) states:

“...the existing physical features around the site boundaries make the site so well defined and discrete. This has a bearing on the nature of its contribution the wider Green Belt land. It sits in a highly sustainable location at the settlement edge and every one of its boundaries is well defined by components that are substantial, clear and easily recognisable, and permanent.

The site limits are made by the following existing physical features that are well established:

- *North west: New Close Birchley Woods – established and extensive broadleaf woodland*
- *North and north east: tree belt*
- *South east: Speedway Lane – tree lines and residential properties*
- *South: A428 Rugby Road – tree lines; residential properties.*

A common feature of all the site boundaries is the strong visual containment from public viewpoints. Views into the site from the Public Rights of Way around the boundaries are obscured by the houses along the Rugby Road and the extensive tree and hedgerow cover along and near the boundaries prevents clear sight lines with views being filtered and obstructed by dense vegetation. The tree cover and extensive vegetation and the pattern of residential properties are features that are readily recognisable and likely to be permanent.

This physical and visual containment has been tested through ZTV modelling and through extensive fieldwork. The stadium buildings are not easy to see from viewpoints in the setting. As this study had found this is a consequence of the nature of the landform that fails to elevate either the site, stadium or car park, or the enclosing components that block lines of sight: the tree cover of the woodlands as well as the existing buildings.”

6.16 It is contended that the proposals improve the openness of the Green Belt across the site, including the expansion of open space into the site, improving access and removal of a significant number of unattractive dilapidated structures, which together, improve the quality of the openness of the Green Belt by some measure. In short for the proposed development will appear less built upon with a lower height and scale, an improved design quality and significant open space.

Purposes of the Green Belt

- 6.17 Third, with regards to the purpose of including land within the Green Belt, paragraph 80 of the Framework lists the five purposes the Green Belt serves:
- *“To check the unrestricted sprawl of large built-up areas;*
 - *To prevent neighbouring towns merging into one another;*
 - *To assist in safeguarding the countryside from encroachment;*
 - *To preserve the setting and special character of historic towns; and*
 - *To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”*
- 6.18 Of the five purposes listed above, with regard to bullet points 1 and 2 the redevelopment of the site is not considered to constitute development which would result in the significant sprawl of the built-up area, nor would it result in the coalescence of neighbouring towns. Indeed, the development is of a brownfield site, which is heavily influenced by the existing urban elements of the existing stadium complex and the adjoining residential properties lining the A428 and Speedway Lane to the south. The site cannot perform any role in checking the sprawl of the developed area as it is already developed land.
- 6.19 With regards to bullet point 2, in terms of creating a robust boundary to the site is well contained in views from the wider landscape as a result of substantial belts of mature vegetation and areas of well-established woodland around its boundaries New Close/ Birchley Wood along the northern boundary and mature vegetation along the eastern, western and southern boundaries provide robust, defensible and permeant boundaries to the Green Belt and this will prevent neighbouring towns merging into one another.
- 6.20 There is clearly a precedent for development on the site, with the urban character of the site being distinctly different from that of the wider Green Belt setting. It is therefore considered, that the development of the application site will not impinge upon the purposes of bullet points 1 and 2 listed above. Although the site is outside a defined urban area it cannot sensibly be regarded as countryside as it has already been built upon by substantial buildings.
- 6.21 When considering the development of the site in relation to bullet point 3 (to assist in safeguarding the countryside from encroachment). Although it is acknowledged that the development will be in the countryside, the site is physically and visually separate from the wider countryside/ Green Belt setting, which is heavily influenced by the existing urban elements of the stadium and neighbouring residential properties.
- 6.22 It is considered that bullet point 4 is not applicable to the site.
- 6.23 In terms of the purpose of bullet point 5, the development of the site is clearly in keeping with the aspirations of purpose 5, constituting the regeneration of what is at present a run-down brownfield site, which currently detracts from the character and quality of the immediate site context.
- 6.24 It is noted that the Joint Green Belt Study 2015 (Coventry City Council, North Warwickshire Borough Council, Nuneaton and Bedworth Borough Council, Rugby Borough Council, Stratford-on-Avon District Council and Warwick District Council) was prepared by Land

Use Consultants and published in 2015. The site is not covered by a land parcel but is contained within the boundary of Broad Area 2 and is adjacent to the eastern boundary of the BW1 Land Parcel.

6.25 A summary of the findings of Broad Area 2 are as follows:

“Broad area 2 lies between Coventry to the west and Rugby to the east. The area contains the Registered Park and Garden of Coombe Abbey, including the Grade I listed Coombe Abbey and SSSIs Coombe Pool and Brandon Marsh. There a number of significant pockets of ancient woodland within the broad area, including All Oaks Wood, New Close and Birchley Woods, Brandon Wood and Piles Coppice. It makes a considerable contribution to all five purposes of Green Belt:

- *Checking the sprawl of Coventry from the west and Rugby from the east.*
- *Preventing the merging of these urban areas in the long term.*
- *Safeguarding the countryside, particularly the flood plain of the river Avon.*
- *Preserving the setting and special character of the historic towns of Coventry and Rugby.*
- *Panoramic views of the historic cores of both towns can be seen from a number of locations within the broad area.*
- *Assisting urban regeneration by encouraging the recycling of derelict and other urban land.”*

6.26 The Site is a very small fraction of the Broad Area 2, the assessment did not consider the characteristics of the site. The submitted LVA looks at the possible implications to the Green Belt as a consequence of the re-development of the Coventry Stadium, which concludes:

“The evolution of the development proposal has been informed by the knowledge of the Green Belt designation across the Site. (The tangible and physical matters of the landscape baseline and the components that combine to form landscape character, as well as the extent of visibility and the nature of the visual baseline have formed the main body of the evidence base that through analysis, have shaped the development proposal).

As stated, the Site at the eastern edge of Binley Woods, is covered by the West Midlands Green Belt policy. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The WMJGBS does give a scoring for the performance of the large Broad Areas, as it does for the much more carefully studied Land Parcels.

The description describes the role as checking the sprawl of Coventry from the west and Coventry from the east. The Site is developed – it contains and comprises the Coventry Stadium and its car park and access roads. The Site cannot perform any role in checking the sprawl of the developed area as it is already developed or brownfield land.

Land in the Green Belt does not have to be attractive. Green Belt is not a recognition of landscape value nor of natural beauty. When Green Belt boundaries are reviewed within the Local Plan process Government national policy, as set out in the NPPF, requires local planning authorities to define new boundaries clearly, using features that are readily recognisable and likely to be permanent.

This is particularly relevant to the Site. Even though the promotional strategy is not to the suggest the redefining the Green Belt boundary there is relevance to how the existing

physical features around the Site boundaries make the Site so well defined and discrete. This has a bearing on the nature of its contribution the wider Green Belt land. It sits in a highly sustainable location at the settlement edge and every one of its boundaries is well defined by components that are substantial, clear and easily recognisable, and permanent.”

- 6.27 In summary the Framework (89) allows for the ‘complete redevelopment’ of previously developed sites (brownfield) ‘whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes for including land within it than the existing development.’ It is submitted that as a matter of Green Belt policy the redevelopment of the site for an amount of housing would not be regarded as being ‘inappropriate’ development in the Green Belt, therefore satisfying criterion 6 of paragraph 89 of the Framework.
- 6.28 If, notwithstanding the submissions made that the scheme is compliant with Green Belt policy, the view is formed that this proposal is to be regarded as being out-with the provision of Paragraph 89 of the Framework, such a circumstance is not determinative of the merits of the proposal. Rather it would have to be acknowledged that the proposal would cause some harm to the Green Belt policy. The Framework states ‘very special circumstances’ will not exist unless potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations (Paragraph 88).
- 6.29 In the context of the ‘harm’ as a matter of planning policy to the Green Belt, it is submitted that the proposed redevelopment has no adverse impact upon the purposes for including land in the Green Belt (Framework, Paragraph 80). No harm is identified to the purposes of Green Belt policy. If the Council consider that there is harm, it is contended that there are very special circumstances for the new housing in the Green Belt.
- 6.30 First, delivering new housing to identified needs is a high priority for the Government. Paragraphs 6.52 to 6.57 below demonstrates that there is a significant undersupply of housing in the Borough, The Framework places emphasis on the need to significantly boost the supply of housing. This is an important material consideration and furthermore is a very special circumstance that justifies housing in the Green Belt.
- 6.31 Second, the provision of affordable housing is a consideration. As set out in paragraphs 6.58 to 6.64 below, the overwhelming need for the delivery of affordable housing in the Borough is a very important material consideration in favour of the application, and the either affordable housing alone or on connection with housing need can constitute a very special circumstance to allow housing the Green Belt.
- 6.32 In addition to the affordable dwellings and open market dwellings, the application will deliver the following significant benefits that constitute very special circumstances for allowing the application proposal:
- The efficient redevelopment of derelict and unattractive brownfield site resulting in a visual enhancement of the site and the visual amenity of the area;
 - Improving the landscape in the Green Belt, the entire area will be improved through the creation of sensitive landscaping, planting and landscaping has been designed to improve biodiversity;

- Creation of public open space including improved accessibility through the site, the public open space will be in excess of 6 hectares, which is an acceptable use in the Green Belt. The land is currently private, the open spaces would be secure for public recreation for future generations; and
- The creation of a children’s play area.

Redevelopment of Coventry Stadium

6.33 There is no Core Strategy policy which seeks to protect this site as a recreation venue and the development plan is silent of this site. There is obviously a need to have regard to national policy and it is acknowledged that the use of this site for housing should have regard to national planning policy regarding 'existing open space, sports and recreational buildings and land' (Framework 74). The planning circumstances do not comprise the development for 'alternative sports and recreational provision' (third bullet point) or the replacement of facilities that amount to 'equivalent or better provision in terms of quantity and quality in a suitable location' (second bullet point). The remaining criterion is an 'assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements' (first bullet point). It is acknowledged that there is a tension with paragraph 74 of the Framework. Of note, the use of the stadium ceased in 2016.

6.34 Paragraph 6 of the Framework states that the *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”* In this context the Framework needs to be read as a whole, including considerations as to 'ensuring viability and deliverability', paragraph 174 states:

*“Pursuing sustainable development requires careful attention to viability and costs in plan making **and decision taking**. Plans should be deliverable.”*

6.35 It is submitted that the buildings are surplus to requirements. The Viability Assessment confirms that the challenges and general decline in the speedway, stock car and greyhound sector has led to a substantial number of closures of stadia nationally, with financial difficulties in the face of falling attendances and revenues the primary driver cited. In order to share the operational costs, it is common that stock car race grounds are used for other sports including speedway and greyhound racing.

6.36 In November 2017 it was announced in the Coventry Telegraph that the Coventry Bees had reached an agreement with the Leicester Lion speedway team to share facilities at the Leicester Speedway from 2018. As such the Coventry Bees are looking to turn their focus to the Leicester Speedway Stadium, a stadium located approximately 27 miles away of the site which is better suited to its use as a speedway stadium for a number of reasons including its accessibility and the character of surrounding uses. In light of its surroundings, its more active use and adjacent uses Leicester Speedway Stadium is relatively better located for its purpose.

6.37 With regards to the stockcars, Coventry Racing Club Limited moved their events to Stoke Stadium in 2017, and have recently announced that the Coventry Stox operations will

cease for 2018 and 2019 seasons (at least) whilst venue and financial arrangements are addressed.

- 6.38 There was a history of closures and reopening of greyhound racing until Coventry Dogs Limited, which held a lease granting rights to hold racing events at the stadium, had its license revoked in February 2014 due to incurring significant financial losses over consecutive years. The company was subsequently dissolved in December 2015.
- 6.39 There are no licence holders proposing to hold motor racing events at the stadium, and there is no active greyhound racing licence, which leaves Coventry Stadium without an operational purpose.
- 6.40 The Applicant has received several enquiries from parties interested in either acquiring or operating Coventry Stadium since its original purchase. The applicant has willingly engaged with these parties. Based on correspondence provided by the applicant, to date none of the parties seeking to re-use the facilities have demonstrated a credible business case or professional team to operate the stadium or have failed to provide suitable evidence of funds to either operate or acquire the subject site and premises.
- 6.41 The Viability Statement analyses the historic and forecasted financial trading at the subject premises. The statement concludes:

“The applicant has instructed a firm of specialist chartered surveyors to prepare an up to date building condition survey and assessment of capital costs to bring Coventry Stadium back into use. This confirms a practical necessity for significant capital expenditure to restore the subject premises to an appropriate standard for trading following the substantial damage incurred since November 2016.

The costs are substantial. Due to the modest (best case) stadium operating margin any loan to meet the refurbishment costs would require an elongated repayment period that far exceeds typical commercial loan terms available for this purpose (prior to accounting for interest payments).

In the unlikely event that full funding was secured, the interest payments required to service the debt would substantially exceed the annual operating margin as a result, Coventry Stadium would be running at an operating loss prior to making any allowance for capital repayments, depreciation, taxation and any owner’s return. This is not sustainable and would lead to a swift breach of loan covenants.

In light of this forecast it is considered highly improbable that the applicant (as owner), or any other commercial investor, developer or operator, would consider the return on capital expended in investing in the refurbishment works to return Coventry Stadium to operation as sufficient to justify the financial risk involved.

Moreover, there are no licence holders willing to hold motor racing events at the stadium, and there is no active greyhound racing licence, which leaves Coventry Stadium without a business case for reopening or operational purpose.

Based upon the information available, there is no plausible commercial basis upon which Coventry Stadium would now be reopened.”

- 6.42 On the evidence base, there is no realistic prospect of the former uses operating a viable venue at this site. Furthermore, on the evidence submitted, there is no realistic propensity for an alternative recreational use. An effective use of this site should be settled in the wider public interest. In the absence of a beneficial use of the site, the site will be prone to dilapidation, deterioration and anti-social behaviour.
- 6.43 Comments raised in the public consultation highlighted that residents and users of the stadium did not want to see the loss of a community facility. It is noted that the track was open only on race days and was not freely accessed by members of the public. Objectors to the proposed development made a formal nomination to the Council to designate the site as an Asset of Community Value however the Council through their formal process have not included the site as a community asset as it is *“Not demonstrated as community use as defined by the Act”*.
- 6.44 Officers at the Council have also confirmed that the previous use on the site is not a local service or community facility as defined in Core Strategy Policy CS13: Local Services and Community Facilities. In so far that paragraph 70 the Framework makes reference to sports venues and the second bullet point guards against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs. The stadium is already closed as it was not viable, the use on the site could not be described as ever a use which met a community’s day to day needs.
- 6.45 Redeveloping the site for residential purposes is considered to be acceptable in this area. The site is bounded by existing residential units and is within a primarily residential area. Local policy largely seeks to retain the residential character and protect the environmental quality and amenity of existing residents. As the proposed development is for residential uses, it will have minimal impact on the residential amenity of existing adjacent residential uses, and will enhance the character of the area.
- 6.46 As set out below there are other additional benefits of development on the site:

Efficient Use of Brownfield Land

- 6.47 The core planning principles set out in Paragraph 17 of the Framework are to underpin plan making and decision making. One of the core planning principles is to:
- Encourage the effective use of land, by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.48 The site is not of high environmental value, and is devoid of any distinguishing environmental characteristics.
- 6.49 The latest Government press release (March 2016) announced the first pilot schemes for the new brownfield site register which will provide an up to date register of brownfield sites available for development which will enable “permission in principle” to be granted for housing led schemes on land included on the register. The Government’s intention is clear, the planning system should not restrict or prevent development on sustainable brownfield sites.

- 6.50 The current government strategy to prioritise brownfield sites for housing is set out in Housing White Paper (2017), paragraph 1.25 states:

“...the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To make this clear, we will amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes, following the broad support for this proposal in our consultation in December 2015.”

- 6.51 There are substantial environmental benefits in using brownfield land over greenfield land, particularly in creating the opportunity to preserve the best and most versatile agricultural land. The benefits of re-using brownfield land is a material consideration.

Housing Need

- 6.52 The Framework sets out a clear priority to significantly boost the supply of housing,

- 6.53 The Housing White Paper Fixing our Broken Housing Market, was published on 7 February 2017. The foreword by the Prime Minister, Theresa May, is very clear that the housing crisis is one of the biggest barriers to progress facing the country today.

- 6.54 The introduction to the White Paper is clear:

“The housing market in this country is broken, and the cause is very simple: for too long, we haven’t built enough homes”.

- 6.55 It goes onto explain that since the 1970s, there have been on average, 160,000 new homes each year in England and that the consensus is that we need from 225,000 to 275,000 or more homes per year to keep up with population growth and start to tackle years of under-supply. The laws of supply and demand mean the result is simple. Since 1998, the ratio of average house prices to average earnings has more than doubled. That means the most basic of human needs – a safe, secure home to call your own – isn’t just a distant dream for millions of people. It’s a dream that’s moving further and further away.

- 6.56 Furthermore, a recently as the 1990s, a first-time buyer couple on a low-to-middle income saving 5% of their wages each month would have enough for an average sized deposit after just three years. Today it would take them 24 years. It is no surprise that home ownership among 25 to 34 year olds has fallen from 59% just over a decade ago to just 37% today.

- 6.57 The Council is unable to demonstrate a five-year supply of deliverable housing sites, this has recently been confirmed by the recent appeal decision APP/E3715/W/16/3147448 (land at Ashlawn Road, Rugby) dated 10 July 2017 and in the Council’s latest Annual Monitoring Report (2015/16) which states that the Council has a 3.78 year housing land supply (2015/16 – 2019/20). There is a significant need for housing in the Borough now. Therefore, the contribution of the proposals to meeting housing need is a material consideration.

Affordable Housing Need

6.58 In the Autumn Statement (2017) the Government announced:

“Affordable Housing – The Government will relax restrictions on grant funding to deliver a mix of homes for affordable rent and low cost home ownership, to meet the housing needs of people in different circumstances and at different stages of their lives. The previous spending review had only announced funding for intermediate affordable products and not affordable rent. The Chancellor announced relaxing these restrictions so that housing associations can deliver more affordable rented homes. It was also announced that a further £1.4 billion will be invested to deliver 40,000 more affordable homes.”

6.59 Section four of the Housing White Paper (2017) identifies at paragraph 4.1 that England has some of the highest house price inflation and worst affordability in the OECD. An average home now costs almost eight times average earnings, and nearly 30% of local authorities have house prices over 10 times average earnings.

6.60 The Coventry Warwickshire HMA have published three assessments in the past 5 years, the Strategic Housing Market Assessment (SHMA) in 2013, an Annex 2014, and the [Strategic Housing Market Assessment \(SHMA\) Update 2015](#).

6.61 The 2015 SHMA found that there is a total need for 29,244 affordable homes in the HMA (Coventry, North Warwickshire, Nuneaton and Bedworth, Rugby and Stratford on Avon) from 2011 to 2031 year period, equivalent to 1,462 affordable homes per annum (Table 42). On a Borough level, there is annual need for 171 affordable homes over the 20 year period (Table 43).

6.62 The Council’s most recent Annual Monitoring Report (2015-2016) states that in 2015-2106 only 46 affordable dwellings were delivered (Paragraph 4.15, Figure 4m). The delivery of affordable housing since 2011 (Paragraph 4.16, Figure 4n) has been an average of just 88 completions per annum (although it is not clear as to whether this figure represents gross completions i.e. takes account of houses lost through right to buy, therefore in reality the figure may be lower). This should be viewed in the context of the 2015 SHMA identifying a need for at least 171 net affordable homes per annum in Rugby between 2011 and 2031.

6.63 The future delivery of affordable housing is highly uncertain. The delivery of a higher number of affordable homes one year does not guarantee this will continue for future years. The supply of affordable housing is affected by the local market factors, including the number of sites with planning permission and also wider national factors including availability of public funding. The Government’s reintroduction of the 10 dwelling threshold also significantly hampers the ability of the Council to deliver new affordable homes.

6.64 Therefore, the contribution of the proposals to making a significant contribution to meeting affordable housing need (55 dwellings) is a material consideration.

Open Space

- 6.65 No development is proposed to the north and north east of the site, Instead the entire area will be vastly improved by creating new open space. The residential re-development of the former Coventry Stadium will be set in a new landscape of lawns, wildflower grassland and parkland trees and extensive areas of new woodland planting. The intention is surround the residential use with a publicly accessible Woodland Park. It will be far more accessible due to new and improved cycle and footpaths. This strategy is a response to the setting of the site and to the nature and character of the spaces along the boundaries.
- 6.66 Play provision is anticipated to be an important component of the new public park. A play space is shown on the proposals and will, like much of the detail of the development be refined an enhanced as the proposals progress.
- 6.67 The delivery of over 6 hectares of green open space with opportunity for play space, public amenity space, tree planting in the north of the site to adjoin the existing woodland and meadow grassland is therefore an important material consideration.
- 6.68 This area of land could be controlled via a S106 legal agreement, management company or could be designated as a village green or formal open space. These options would safeguard the open space to ensure no future development takes place on this land.

Technical Considerations

Affordable Housing and Mix of Housing

- 6.69 Paragraph 50 of the Framework states that where a need for affordable housing has been identified, local planning authorities should set polices for meeting this need onsite, unless off-site provision or a financial contribution can be robustly justified.
- 6.70 Core Strategy Policy CS19 requires that 40% affordable housing is provided on sites exceeding 1 hectare in size or capable of accommodating 30 or more dwellings. The Framework requires developments to consider the need for all types of housing including affordable housing and promoting the delivery of a wide choice of homes.
- 6.71 The final arrangement for affordable housing would be secured as part of the S106 agreement for the site. The development would provide up to 55 affordable dwellings.
- 6.72 The provision of 40% affordable housing (55 dwellings) on this site should be given significant weight in the determination of this planning application. A consent would assist the Council in seeking to increase the annual provision of affordable housing to reduce the level of unmet need.
- 6.73 The approach to affordable housing is therefore in line with national and local policy. The proposals will provide for a mixed and balanced community. The final design, number and size of units would be determined at the reserved matters stage but it is considered that the application proposes an acceptable level of affordable housing on the site and is capable of providing an acceptable mix of dwellings. As such the application complies with Core Strategy Policy CS19 and also the requirements of the Framework.

- 6.74 The Framework requires local authorities to plan for a mix of housing and to identify size, type, tenure and range of housing that is required in particular locations (paragraph 50).
- 6.75 Rugby Borough Council's Housing Needs Supplementary Planning Document (2012) states that a mix of affordable housing tenure and dwelling types will be required to meet the housing needs of the Borough's residents.
- 6.76 The application is in outline stage and the mix of the proposed development will be confirmed at the reserved matters stage. The illustrative masterplan does show how up to eight bungalows could be accommodated on the site.
- 6.77 The masterplan has evolved through a clear analysis of constraints and opportunities which has established a suitable development area. The masterplan allows for a variety of densities, which gives character to the overall plan and allows the masterplan to respond to key constraints and local spaces. The masterplan illustrates that the site can accommodate up to 137 dwellings at a net average density of 39 per hectare and a gross average density of 13.7 per hectare.
- 6.78 Detailed testing to date by all technical disciplines has shown that this level of development can comfortably be accommodated on the site, subject to the appropriate mitigation measures set out in this application.
- 6.79 In summary, the proposed scale and mix of housing will accord with the strategy and policies set out in Local Plan 2031 Part 1 and the Framework.

Design

- 6.80 The Framework considers that *"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*. It goes on to states that *"it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."*
- 6.81 The Framework identifies that the Government attaches *"great importance to the design of the built environment"* and that good design is a key aspect of sustainable development and should contribute positively to making places better for people.
- 6.82 Core Strategy Policy CS16 (Sustainable Design) seeks to ensure that all development achieves high quality, inclusive and sustainable design. The policy aims to protect the qualities, character and amenity of the areas in which development is situated.
- 6.83 Whilst the design of the proposed development is a reserved matter, an illustrative masterplan has been submitted as part of the application to demonstrate how the scheme can be implemented.
- 6.84 In summary the Design and Access Statement states the proposed development will include:
 - Up to 137 dwellings with a mix of dwelling types and sizes, including detached dwellings, semi-detached dwellings and some terraces; and
 - 40% affordable homes with a mix of dwellings to suit local need.

- 6.85 Within the application submission it is stated that the proposed dwellings would be predominately 2 storeys to reflect the local context.
- 6.86 Through the incorporation of design techniques and principles the proposal will be able to discourage and minimise the risk of crime and anti-social behaviour through natural and informal surveillance. The proposed dwellings would also meet Lifetime Homes Standards. This is in accordance with the Framework and Core Strategy Policy CS16 (Sustainable Design).
- 6.87 Planning Policy and guidance at all levels requires new homes to be well designed and meet the needs of existing and future communities. In general, the development is in general conformity with the planning policies relating to residential quality. The proposal provides for a high quality green infrastructure network which includes the provision of informal open space.

Landscape and Visual Impact

- 6.88 Paragraph 109 of the Framework states the planning system should contribute to and enhance the natural and local environment.
- 6.89 Paragraph 118 states that Local Planning Authorities should aim to conserve and enhance biodiversity by applying a range of principles.
- 6.90 Saved Policy GP2 of the Local Plan (Landscaping) 2006 states the landscape aspects of a development proposal will be required to form an integral part of the overall design. A high standard of appropriate hard and soft landscaping will be required.
- 6.91 The Landscape and Visual Assessment (LVA) submitted alongside this document details the impacts of the proposals and the measures in place to mitigate against the impacts. The benefits of the proposed development are to be weighed against the effects on the landscape character and visual amenity, as set out in the LVA. The site is designated as Green Belt.
- 6.92 The LVA states *“the proposed built form will be introduced to the site in a layout which allows for the incorporation of new tree and shrub planting both within the Woodland Park and through the streets to soften the built form. There is the added opportunity of the varied use of building materials to provide visual interest and to reinforce the local character of the area.”*
- 6.93 The LVA concludes *“the proposed development would be acceptable in landscape and visual terms and would respond appropriately to relevant policy directions at national and local levels.”*

Movement

- 6.94 The Framework (paragraph 35) identifies that development should be located and designed, where practical to:
- Accommodate the efficient delivery of goods and supplies;
 - Give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;

- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoid street clutter and where appropriate establishing home zones;
- Incorporate facilities for plug in and other ultra-low emission vehicles; and
- Consider the needs of people with disabilities by all modes of transport.

6.95 At paragraph 37, the Framework encourages planning policies to aim for a balance of uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping and other activities.

6.96 Core Strategy Policy CS11 states development will be permitted where sustainable modes of transport are prioritised and measures mitigating against the transport impacts which may arise from that development.

6.97 A Transport Assessment has been submitted in support of the application. The Transport Assessment has reviewed the highways and transport implications of the proposals. The traffic generation has been estimated and distributed onto the local network. Future year traffic forecasts, include wider development growth and known allocations. This has informed the design of the access and the appraisal of the off-site impact. Accordingly, the operation of the site access has been modelled which shows that there is adequate capacity to accommodate the additional traffic generation.

6.98 The Transport Assessment confirms that the proposals include the use of a new single vehicular access onto the A428. The Transport Assessment states *“the results of the junction assessments show that the impact of the proposed development on the local highway network is modest and that no mitigation measures are required.”* A foot/cycle access to the proposed redevelopment would be achieved through the proposed vehicle access onto Rugby Road, as well as pedestrian-only links to the west, north and east of the site. These connections will provide a good level of connectivity to the local area and nearby facilities.

6.99 The Transport Assessment concludes *“the proposed development will have no material adverse impact on the safety or operation of the adjacent highway network. It further concludes that the development is in full accordance with the transport policy tests for new developments as set out in paragraph 32 of the National Planning Policy Framework.”*

Energy and Sustainability

6.100 Paragraph 6 of the Framework states *“the purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the government’s view of what sustainable development in England means in practice for the planning system.”*

6.101 Paragraph 93 sets out that planning plays a key role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy.

6.102 Sustainable growth and climate change are identified by the Council as key issues to ensure appropriate growth which protects the natural environment and reduces carbon emissions. Core Strategy Policy CS11 (Transport and New Development) states

development will be permitted where sustainable modes transport are prioritised and measures to mitigate traffic impacts which may arise from the development.

- 6.103 Core Strategy Policy CS16 (Sustainable Design) states all development should demonstrate high quality and inclusive and sustainable design, should include Sustainable Drainage Systems and consider measures to reduce the use of non-renewable resources taking into account the impacts of climate change.
- 6.104 Core Strategy Policy CS17 (Sustainable Buildings) states all developments shall comply with the published Building Regulations relevant at the time of construction. All new developments of 10 dwellings or more will incorporate decentralised and renewable or low carbon energy equipment to reduce predicted carbon dioxide emissions for the whole site by at least 10%.
- 6.105 A Sustainability Statement has been prepared and submitted with this planning application, to set out to demonstrate how the development will deliver sustainable new homes in a sustainable location providing local economic, social and environmental benefits.
- 6.106 The Sustainability Statement states that the development proposals include a range of measures designed to provide economic, social and environmental benefits including key design features aimed at mitigating and adapting to the impacts of climate change. The sustainability and energy strategy comprises:
- Delivering a strong and competitive economy;
 - Promoting sustainable transport;
 - Delivering a wide choice of high quality homes;
 - Requiring good design;
 - Promoting healthy communities;
 - Meeting the challenge of climate change;
 - Conserving and enhancing the natural environment; and
 - Sustainable waste management.
- 6.107 The Sustainability Statement concludes that the development *“will deliver resource efficient, climate resistant, low carbon homes in a sustainable location, responding positively to the Council’s local sustainability policies and latest sustainability appraisal objectives.”*

Ecology

- 6.108 Paragraph 109 of the Framework states the planning system should contribute to and enhance the local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 6.109 Paragraph 118 affords policy protection for protected and notable species at a national level. This policy requires that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a range of principles, including mitigation and/or compensation where appropriate.
- 6.110 Saved Policy E6 of the Local Plan 2006 (Biodiversity) states the Council will seek to safeguard, maintain and enhance features of ecological importance. Developers will be

required to take measures during the development process to prevent the disturbance of wildlife and to make provision for the protection and subsequent retention of natural features and necessary supporting habitats.

- 6.111 An Ecological Appraisal has been prepared and submitted with this application. The sites itself is not subject to any statutory or non-statutory nature conservation designations that poses a constraint to the development layout. New Close and Birchley Wood are designated Local Wildlife Sites that are adjacent to the north of the site. The site primarily comprises hardstanding and speedway track which offer low ecological value, the Ecological Appraisal states *“the high disturbance levels of the site would also result in species being deterred from entering the site.”*
- 6.112 The Ecological Appraisal concludes that *“the proposed development would likely impact areas of low ecological value hardstanding which offered little habitat to protected or notable species and could be developed unconstrained.”* The Ecological Appraisal stated *“the loss of the area of mosaic habitat to the north-western boundary of the site had resulted in significantly less ecological value. The loss of this area of habitat limited the potential for reptiles within the site boundary.”* The ponds on the site were found to have below average suitability for great crested newts.
- 6.113 Detailed reptile surveys and bat assessments were undertaken following recommendations in the Ecological Appraisal. The reptile survey found the presence of a single juvenile grass snake. In line with the recommendations set out in the Reptile Survey Report the Illustrative Masterplan includes the provision of SUDS ponds to provide some biodiversity gain and may encourage a sustainable grass snake food source of common amphibians. The bat survey assessment indicated low-medium potential for bats across all buildings at the site. The bat activity surveys undertaken in 2014 revealed a small maternity roost of common pipistrelle in one building block on the site.
- 6.114 In line with the recommendations of the Ecological Appraisal, the Illustrative Masterplan therefore retains and enhances the woodland and boundary vegetation, also providing 6.14 ha of green open space comprising meadow grassland, feature trees, hedgerows and woodland, amenity grassland and shrub planting, thereby offering structural diversity. The submitted Biodiversity Impact Assessment demonstrates that the site could achieve biodiversity gain.

Environment

Air Quality

- 6.115 Paragraph 124 of the Framework requires that planning policies sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taken into account the presence of Air Quality Management Areas (AQMA) and the cumulative impacts on air quality from individual sites in local areas.
- 6.116 National Planning Policy Guidance (NPPG) advises that in considering planning permission, the relevant question for air quality is *“will the proposed development (including mitigation) lead to an unacceptable risk from air pollution, prevent sustained compliance with EU limit values or national objectives for pollutants or fail to comply with the requirements of the Habitats Regulations?”*, the proposed development will not lead to an unacceptable risk.

- 6.117 Core Strategy Policy CS11 (Transport and New Development) states *“where development proposals fall within the designated Air Quality Management Area, the transport assessment should set out how detrimental impacts on air quality will be mitigated.”*
- 6.118 The Council’s Planning Obligations Supplementary Planning Document (2012) states *“the Council seeks to ensure that new development does not result in a significant increase in the production of air pollutants that will hinder the achievement of its objectives set out in its Air Quality Strategy.”*
- 6.119 An Air Quality Assessment has been prepared and submitted with this application. The site does is not located within a designated Air Quality Management Area (AQMA), however lies 6km west of the Rugby AQMA. The assessment concludes that during the construction phase of development, *“assuming good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant.”*
- 6.120 Regarding the operational impact of the development, dispersion modelling was undertaken. The results indicated that pollutant levels across the site were below the relevant Air Quality Objectives. The report concludes that *“the location is therefore considered suitable for the proposed end-use without the inclusion of mitigation methods to protect future users from poor air quality.”* There are no constraints to the development in the context of air quality.

Noise

- 6.121 Paragraph 123 of the Framework states planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.122 A Noise Constraints Assessment has been prepared and submitted to accompany this planning application. The Noise Assessment methodology was agreed with the Environmental Health Officer at Rugby Borough Council prior to undertaking the assessment. The Noise Assessment assessed the existing levels of noise across the site due to road traffic noise associated with the A428 Rugby Road, demonstrating the site is subject to noise levels ranging from 40dB to 66dB without any mitigation in place due to the impact of road traffic noise.
- 6.123 For proposed residential dwellings the Noise Assessment has shown that with appropriate site layout and mitigation measures, where required, the overall effect of the site due to surrounding sources is considered NOAEL with the noise being noticeable and not intrusive. Mitigation measures includes standard thermal double glazing and alternative ventilation.
- 6.124 For external amenity areas the Noise Assessment recommends mitigation measures including wooden fences or brick walls along garden boundaries, to be close boarded, free from holes and sealed at the base. It is recommended that ay gardens located close to the roads are orientated such that the dwelling acts as a barrier to the noise.

- 6.125 The Noise Assessment concludes that *“there should be no adverse impact at the closest receptors as a result of the existing noise sources and that the site is suitable for residential development.”*
- 6.126 In line with the recommendations of the Noise Constraints Assessment, the Illustrative Masterplan therefore provides a layout where residential dwellings are situated away from the A428 Rugby Road to minimise the noise impact on residents.

Site Investigation

- 6.127 Paragraph 109 of the Framework states the planning system should remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land where appropriate. Paragraph 120 states to prevent unacceptable risks from pollution and land instability, planning decisions should ensure new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the development and/or landowner.
- 6.128 A desk top survey has been undertaken and submitted as part of the application. The report recommends further ground investigation works to be carried out pre-development commencing (to be secured via a condition to attached to a planning permission on the site) to determine any potential contamination constraints in relation to the proposed development.

Draft S106 Heads of Terms

- 6.129 In addition to the provision of the planning benefits directly generated by the development, the Applicant is working with the Council to agree an appropriate package of Section 106 contributions.
- 6.130 In summary the Council are likely to ask for contributions towards the following:
- Securing a Travel Plan for the site;
 - Affordable housing provision;
 - On-site public open space and play provision. The provision of on-site public open space to be transferred to the Local Planning Authority (or other such body) or to a private management company. This may include the provision of formal or informal children’s play facilities; and
 - Contribution to local infrastructure such as education.
- 6.131 Full details of the Section 106 Agreement are to be confirmed and worked up through further discussions with the Council.

7.0 CONCLUSIONS

- 7.1 The development of the site for housing will deliver a range of benefits for the local and wider community.
- 7.2 This outline application seeks detailed consent for access arrangements with matters of appearance, landscape, layout and scale deferred for reserved matters approval. The application is supported by an illustrative masterplan indicating the key development principles.
- 7.3 This Planning Statement and accompanying application documents consider fully all matters relevant to assessing the acceptability of the application proposal. Read together, it can be concluded that the proposal is consistent with national planning policy contained in the Framework which seeks to significantly increase the delivery of new homes.
- 7.4 The Framework promotes a presumption in favour of sustainable development to ensure positive economic growth and promoting rather than stifling development. The proposed development represents sustainable housing development.
- 7.5 The site will be able to deliver much needed housing in an accessible location to facilities in Binley Woods and Brandon, including affordable provision (in an area of housing need) for the Borough in the near future in the context of the challenging housing target outlined earlier in this Statement.
- 7.6 There are clear material considerations in favour of granting planning permission. The provision of new market housing, and the provision of new affordable housing – for those people who have a housing need is a material consideration. These are real people whose voices are rarely heard within the planning process, whose lives are affected daily by the inadequacy of housing accommodation to meet their domestic needs.
- 7.7 There is a housing need, including affordable housing that must be addressed through a range of sites, and the proposal accords with government guidance to approve suitable development without delay.
- 7.8 The development will make use of previously developed land. It will complement the existing residential community and provide new public open space and will improve the quality of the surrounding environment.
- 7.9 The site is located within a sustainable location, close to a range of services and facilities in Binley Woods with good connections to public transport modes. There are no unacceptable physical or environmental constraints that prevent the site being developed.
- 7.10 Much of the application site will be given over to the creation of a multifunctional landscape framework, comprising a variety of habitats (improving biodiversity), an open space framework including new informal footpath routes, play provision, ecology habitats, SuDS, amenity and street tree planting, mixed native hedgerow planting and the sowing of meadow grassland. The significant creation of new public open space is a material consideration.

- 7.11 The provision of new jobs through increased economic activity in house building will positively contribute towards the economic dimension of sustainable development. The site is available for development; and the delivery of new homes is not dependent upon the prior provision of major infrastructure. Completion of the new homes well within a five year period is a realistic prospect.
- 7.12 The construction of new housing and infrastructure will lead to the provision of jobs during the construction phase of development directly and indirectly. When homes are occupied, economic activity is generated through the purchase of goods and services.
- 7.13 Furthermore, housing development also makes an important contribution to the local economy in its own right. It creates employment and skills development opportunities for construction workers and also generates increased retail expenditure in the local economy.
- 7.14 Once houses are occupied, direct and indirect jobs are created through the provision of maintenance and services, and indirectly through the purchase of household goods.
- 7.15 Given the considerations outlined above and in this Statement, we respectfully request that the Council looks favourably on this application and planning permission is granted.