



PROOF OF EVIDENCE OF GARETH HOOPER BSC (HONS) MSC MRTPI

**APPEAL REFERENCE:
APP/E3715/W/23/3322013
BRANDON ESTATES LIMITED**

COVENTRY STADIUM, RUGBY ROAD, COVENTRY, CV8 3GJ



PROOF OF EVIDENCE OF GARETH HOOPER BSC (HONS) MSC MRTPI

APPEAL REFERENCE: APP/E3715/W/23/3322013

Brandon Estates Limited

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

At: Coventry Stadium, Rugby Road, Coventry, CV8 3GJ

Date: August 2023

Reference: POE0001

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Executive Summary

The officer's consideration of the application proposals and the ultimate recommendation for approval was a balanced assessment of the benefits of the proposals weighed against any perceived conflict with national, local and neighbourhood planning policies and resultant harm. My evidence confirms that this balance was an accurate assessment of the proposals and consent should be forthcoming.

The appeal proposals will deliver residential development on previously developed land in a sustainable location. The proposals will replace a derelict set of buildings and structures which are regularly subject to anti-social behaviour and which a nuisance/risk to neighbours. The proposals are well designed and meet the specific housing needs of the location.

The proposals will provide a much-needed 3G sports pitch together with the associated pavilion, which will provide a viable community facility that will benefit thousands of users. The proposals will also provide significant public open space and landscape enhancements, which will result in social benefits as well as significant biodiversity gain. Significant economic benefits in construction and operation will result.

The proposals will replace the former Brandon stadium, which clearly has a lot of history and fond memories, but which has not operated since 2016 and is in a state of disrepair.

The majority of the buildings and structures on site require demolition and the cost of returning the stadium to a position where it could host any events is significant. Added to this is the increasing costs of operating speedway/motorsport together with decreasing revenue. This pressure is being experienced across the UK, with speedway teams ceasing to exist and stadia being forced to look at alternative uses. Such alternative uses have been considered in my evidence and dismissed as not being viable due to anticipated planning restrictions imposed on any required planning application, or simply not being sufficiently financially beneficial.

The viability of speedway as a sport is in question. This is an important consideration to this appeal as the on-going prospects of speedway operating at the site need to be considered alongside the significant cost of making the stadium capable of hosting events, as well as the fact that the site would also need to be purchased.

Consequently, there is no need for the retention of the former stadium at the appeal site. Speedway is not subject to the accessibility requirements of other sports and, as has been shown elsewhere, the sport moves locations and evolves. The history of the Brandon site is not a justification for the retention of the stadium. Moreover, the benefit of the proposed 3G pitch in participation terms compared to the speedway use is significant, resulting in health benefits to the local community.

The significant benefits associated with the appeal proposals outweigh any harm and offer a sustainable form of development in accordance with the policies set out in the local plan, neighbourhood plan and the NPPF.

Experience

My credential as an expert witness in respect of this appeal are as follows:

- I hold a Bachelor of Science (Hons) degree in Geography from the University of Exeter (2000) and an Masters of Science (Dist) degree in City and Regional Planning from Cardiff University (2002).
- I am a Member of the Royal Town Planning Institute.
- I have over 22 years of professional experience in the field of town planning during which time I have provided advice on the delivery of planning strategies to a wide variety of public and private sector clients across England and Wales.
- In November 2014 I was made Chief Executive Officer at DPP Planning, a national award-winning town planning consultancy. In this role, I have supported on numerous complex planning proposals throughout the UK ranging from urban extensions to new/improved sporting stadia.
- In September 2020, I secured planning permission for the erection of 360 dwellings at the former Cattle Market site at Craven Road, Rugby.
- I am currently engaged on two further speedway sites, advising on possible alternative uses for those sites and have been engaging in pre-application dialogue with the relevant LPA's. I am also engaged in relation to the efforts to find a suitable site for a multi-motorsport arena in the Swindon area.
- During my career, I have advised numerous developers on residential applications, securing planning approvals on previously developed land as well as on greenfield sites.
- DPP were appointed by Brandon Estates Ltd in June 2021 and took over as agent for the planning application which had been live since 2018.

In accordance with the Planning Inspectorate's Procedural Guidance, I hereby declare that:

"The evidence which I have prepared and provide for this appeal APP/E3715/W/23/3322013 in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions."

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1.0 Introduction

- 1.1 This Proof of Evidence is prepared by Gareth Hoper BSc (Hons) MSc (Dist) MRTPI of DPP Planning on behalf of the Appellant, Brandon Estates Ltd, in respect of their appeal APP/E3715/W/23/3322013 against the refusal of outline planning application R18/0186 for residential development at Coventry Stadium, Rugby Road, Brandon, in Rugby Borough.

The Appeal Proposals

- 1.2 Outline planning permission is sought for 124 dwellings, of which 20% or 26 dwellings will be affordable. The complete description of development is as follows:

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

- 1.3 Whilst the application is submitted in outline, matters of appearance, access, layout and scale are also considered through this application. The matter of landscape remains reserved for future determination.

The History of the Appeal Site

- 1.4 During the application process and in representations made to the appeal by interested parties as well as Save Coventry Speedway, much comment has been made regarding the actions of the Appellant in respect of the Appeal Site. The comments made are not material planning considerations, but seek to avoid the need to debate the chronology of the history of the site, I include at Appendix 1 a timeline which sets out the key dates of matters relating to the Appellants involvement in the Appeal Site.

The Decision of the Local Planning Authority

- 1.5 The planning application was refused on 11th November 2022, the single reason for refusal stated as follows:

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

- 1.6 In recommending the application for approval, the officers report to committee (CD06) drew the following conclusions:

- “From a social objective the revised scheme of up to 124 dwellings of which 20% would be affordable dwellings, would consequently make a significant and positive contribution towards meeting the housing need.” (Paragraph 19.11).
- “The delivery of open space as part of the wider scheme not only serves to reduce the visual impact of the scheme but contributes to the wider provision of open space within the area.” (Paragraph 19.11)
- “In addition to the open space, the provision of new public footpaths across the site, and enhanced pedestrian and cycle links into and out of the site also provide a notable social benefit.” (Paragraph 19.11)
- “The 3G pitch will have associated community facilities which will be made accessible to members of the public which would deliver health and wellbeing objectives and encourage participation in sports and active lifestyles. These social benefits hold significant weight within the balance.” (Paragraph 19.11)
- “The proposal will bring about environmental enhancements through the additional tree planting, landscaped areas and provision of large areas of green space which have the potential to encourage biodiversity.” (Paragraph 19.12)
- “In the instances where there are any adverse impacts this can be mitigated through conditions and/or obligations within the Section 106 legal agreement and therefore the proposal meets the environmental arm of sustainable development.” (Paragraph 19.12)
- “The scheme will provide a significant biodiversity net gain on the site and deliver sustainable drainage systems (SuDS). These benefits hold significant weight within the balance.” (Paragraph 19.12)
- “the proposal will result in a conflict with the policies regarding community and sporting facilities, however this is mitigated by the provision of alternative sporting facilities available for use by the community and therefore the conflict is given moderate weight in relation to Policy HS4 and limited weight in relation to LF1.” (Paragraph 19.13)
- “The proposal will result in a conflict with the housing mix and affordable housing tenure provision policies however this holds limited weight due to a wide choice of homes suitable for this location would still be provided which would meet the need within the community.” (Paragraph 19.13)
- “Conflict is also identified with Policy BNE1 of the Neighbourhood Plan in relation to the removal of three protected trees. The harm to the natural environment is given moderate weight within the balance” (Paragraph 19.13)
- “Weighed against the identified harm is the economic benefits which hold significant weight

and the environmental and social benefits which also hold significant weight.” (Paragraph 19.14)

- “On balance, therefore the significant benefits outweigh the harm and the proposal would secure a sustainable form of development in accordance with the policies set out in the local plan and the NPPF subject to a legal agreement, conditions and informatives” (Paragraph 19.15)

2.0 The Development Plan and Related Relevant Policies

- 2.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 2.2 The relevant Development Plan for Rugby Borough Council is the Rugby Borough Local Plan 2011 to 2031 (CD08.2). The Brandon and Bretford Neighbourhood Plan 2019 (CD08.3) is also in effect at the appeal site.
- 2.3 Other material considerations include the National Planning Policy Framework (2021) (CD08.1) and the Planning Practice Guidance (March 2014, Ongoing Updates).

The Rugby Borough Local Plan

- 2.4 The Rugby Borough Local Plan (the “Local Plan”) was adopted in 2019 and covers a twenty-year plan period from 2011/12 to 2030/31. It sets out strategic policies, detailed development control policies and site allocations across the Borough.
- 2.5 Set out below is a summary of the key development plan policies relevant to the consideration of the appeal proposal:
- 2.6 The Spatial Vision for Rugby Borough includes the objective of “All Borough residents will have the opportunity to live in decent homes that they can afford through the provision of a variety of housing that meets the needs of all sectors of the community.”

Local Plan Policy GP1 – Securing Sustainable Development

- 2.7 Policy GP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 2.8 It highlights that the Council will always work proactively with applicants to jointly find solutions, which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 2.9 It concludes that planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay unless material considerations indicate otherwise.

Local Plan Policy GP2 – Settlement Hierarchy

- 2.10 Policy GP2 sets out the settlement hierarchy of the Borough. The appeal site falls within the ‘Green Belt’ classification, where the policy states “New development will be resisted; only where national policy on Green Belt allows will development be permitted”.

Local Plan Policy GP3 – Previously Developed Land and Conversions

- 2.11 Policy GP3 states that the Council will support the redevelopment of previously developed land where proposals are compliant with other policies within this Local Plan.
- 2.12 It states that consideration will be given to the visual impact on the surrounding landscape and properties; the impact on existing services if an intensification of the land is proposed; and the impact on any heritage or biodiversity assets.
- 2.13 The supporting text to Policy GP3 at Paragraph 3.17 acknowledges that National policy requires that local plans encourage the effective use of land by re-using land that has been previously developed, provided that it is not of high environmental value.
- 2.14 It goes on to state that where redevelopment of previously developed land is within the Green Belt, guidance is provided on the appropriateness in national policy (Para 3.20).

Local Plan Policy DS1 - Overall Development Needs

- 2.15 Policy DS1 sets out the overall development needs of the Borough for the period 2011-2031. It states that 12,400 additional homes will be required, with 540 dwellings per annum required in phase 1 (2011-2018) and 663 dwellings per annum required in phase 2 (2018-2031). Policy DS1 acknowledges that 2,800 of the additional homes required are necessary to contribute to Coventry’s unmet needs.

Local Plan Policy H1 – Informing Housing Mix

- 2.16 Policy H1 acknowledges that new residential development should contribute to the overall mix of housing in the locality, taking into account the current need, current demand and existing housing stock.
- 2.17 Policy H1 states that the Council will consider an alternative mix to that set out in the latest Strategic Housing Market Assessment (“SHMA”) where it can be demonstrated how the delivery of a mix which has regard to the SHMA is compromised due to: the shape and size of the site; or the location of the site; or where the housing mix may impact on viability; or where a mix of housing would compromise the ability of the development to meet a specifically identified affordable or specialist housing need; or where market factors demonstrate an alternative mix would better meet local demand.

Local Plan Policy H2 – Affordable Housing Provision

- 2.18 Policy H2 states that affordable housing should be provided on all sites of at least 0.36 hectares in size or capable of accommodating 11 (net) dwelling units or more. On previously developed sites a target affordable housing provision of 20% is sought.

Local Plan Policy HS1 - Healthy, Safe and Inclusive Communities

- 2.19 Policy HS1 sets out 10 objectives that the Council will take into account when considering whether application proposals create healthy, safe and inclusive communities. These include seeking opportunities for formal and informal physical activity, exercise, recreation and play and, where possible, healthy diets. It also seeks to improve the quality and quantity of green infrastructure networks and protect and enhance physical access, including public rights of way to open space.
- 2.20 The supporting text to Policy HS1 (Para 8.4) highlights that national policy is clear that planning has an important role in creating and maintaining healthy, inclusive communities and in facilitating social interaction. It states that many policies within this Local Plan have an impact on the overall health and well-being of the Borough and Policy HS1 seeks to ensure that all factors are considered collectively when new development is proposed.

Local Plan Policy HS3 - Protection and Provision of Local Shops, Community Facilities and Services

- 2.21 Policy HS3 states that proposals that would result in a significant or total loss of a site and/or premises currently or last used for a local shop, post office, public house, community or cultural facility or other service that contributes towards the sustainability of a local settlement or the urban area will not be permitted except where criteria are met.
- 2.22 Sporting stadia are not listed as facilities/services in Policy HS3.

Local Plan Policy HS4 - Open Space, Sports Facilities and Recreation

- 2.23 Policy HS4 sets out the open space, sports facilities and recreation requirements for residential development of 10 or more dwellings. It goes on to set out criteria for the provision of new open space, which it seeks to be accessible and of high quality.
- 2.24 Policy HS4 states that sports and recreational buildings and land within Open Space Audit evidence and/or defined on the Policies Map and/or last in sporting or recreational use should not be built upon unless:
- i) An assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
 - ii) It can be demonstrated that 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
 - iii) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 2.25 Finally, Policy HS4 states that Planning permission will be granted for development, which enhances the quality and accessibility of existing open space providing it accords with section B of this Policy.

The Brandon and Bretford Neighbourhood Plan 2019

- 2.26 The vision statement for the Parish is set out as:

“The Parish of Brandon & Bretford will aspire to retain, protect and enhance all of the special qualities which make it a desirable place to live, whilst promoting and supporting change where that brings benefits to the residents of the Parish and to the wider community. The Neighbourhood Plan aims to respect and add to the distinctive qualities and character of the Parish for current and future generations to enjoy.”

- 2.27 In respect of “housing”, the Neighbourhood Plan states that it will support new residential development in locations that meet the social needs of the Parish and surrounding village communities without compromising the character, nature and setting of the built and natural environment within which the new housing is to be located.
- 2.28 In respect of ‘local facilities’, the Neighbourhood Plan states that it supports the establishment of new community facilities, local services, open spaces and recreation within the Parish in locations that are sustainable and accessible to local residents and wherever possible to protect and maintain existing community facilities, open spaces and recreation and leisure facilities.

Neighbourhood Plan Policy H2 – Development of Brownfield Land

- 2.29 The Neighbourhood Plan Policy H2 states that proposals for the redevelopment of brownfield land to create new homes will be supported in principle subject to a number of criteria.

Neighbourhood Plan Policy H3 – Affordable Housing

- 2.30 The Neighbourhood Plan states that the provision of affordable housing will be supported as part of any redevelopment of brownfield land in accordance with the relevant adopted policies in the Development Plan and the NPPF.

Neighbourhood Plan Policy LF1 – Community Facilities

- 2.31 The Neighbourhood Plan Policy LF1 states that proposals that would diminish or remove a community facility will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community use. It goes on to state that new community facilities will in principle be supported.
- 2.32 The Neighbourhood Plan includes Brandon Stadium within its definition of Community Facilities.

Conclusions on Development Plan and Related Relevant Policies

- 2.33 Consistent with national planning policy, the Development Plan seeks to encourage the re-use of previous developed sites to secure development that improves the economic, social and environmental conditions.
- 2.34 In relation to development within the Green Belt, the Development Plan defers to national guidance on the relevant considerations that make such development acceptable.
- 2.35 The Development Plan confirms that there is a housing need, and a priority of the Council is to ensure that the population of the Borough have decent homes that they can afford. The Neighbourhood Plan supports this objective, directing such development to brownfield sites.
- 2.36 The Development Plan promotes development which provides opportunities for formal and informal physical activity, exercise, recreation and play as well as seeking to improve the quality and quantity of green infrastructure networks and enhance physical access to open space.
- 2.37 The Development Plan does not consider sports stadia as community facilities but does promote the creation of new community facilities. The Neighbourhood Plan does include Brandon Stadium as a Community Facility but accepts the replacement of use facilities if it can be shown that there are no longer needed or viable.

3.0 Scope of Evidence

- 3.1 My Evidence relates to general planning matters, focusing on the compliance of the appeal proposals against the policies highlighted by the LPA as being relevant in the refusal of planning permission. It focuses on the benefits associated with the appeal proposals, drawing conclusions on the economic, social and environmental matters which should be afforded weight in the decision-making process.
- 3.2 In considering the reasons for refusal, my evidence also considers the case outlined by Save Coventry Speedway in their submitted Statement of Case. Finally, my evidence considers the representations made by third parties in respect of the appeal.
- 3.3 In considering the appeal proposals against the relevant policy requirements, my evidence will refer to the detailed technical evidence presented by other witnesses as follows:
- (1) Clarke Osborne (Gaming International) in respect of Speedway Operational Matters;
 - (2) John Eady (KKP) in respect of Speedway viability matters and the need for the proposed Sports Pitch;
 - (3) James Stacey (Tetlow King) in respect of affordable housing need and the weight to be afforded to it in the decision-making process; and
 - (4) Matthew Chard (Stantec) in respect of previously developed land and matters relating to the Green Belt.
- 3.4 My Evidence considers the weight which can be afforded to the benefits associated with the appeal proposals to demonstrate that the significant benefits outweigh the harm, securing a sustainable form of development consistent with the policies set out at national and local level.

4.0 Identified Need for the Proposed Sports Pitch/Pavilion

4.1 The appeal proposal includes the provision of a 3G pitch and associated pavilion which would be available for use by the community, under a community use agreement.

4.2 Paragraph 99 of the National Planning Policy Framework (2021) states that:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or

b) 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

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use

4.3 Paragraph 99 is disjunctive. In refusing the application, the LPA have cited Paragraph 99(c) as the basis of the application being rejected.

4.4 Policy HS3 of the Local Plan (2019) relates to the Protection and Provision of Local Shops, Community Facilities and Services. The officer's report to committee confirms at Paragraph 6.6 that the Local Plan definition of community facilities does not include sports provision. Policy HS3 does set out that other services that contribute towards the sustainability of the local settlement are covered by the Policy.

4.5 Critically, the officer's report to committee confirms at Paragraph 6.6 that the LPA do not consider that Brandon Stadium as contributing to the sustainability of Brandon Village, stating that the operation focused on regional and national sport. As such, they conclude and I agree that Brandon Stadium is not considered a community facility as set out in Policy HS3.

4.6 By contrast, the appeal proposals will include the delivery a community facility which is accessible by a choice of means of transport; is appropriate in scale and nature for the community and will not adversely affect the vitality and viability of Rugby Town Centre or any planned town centre development.

4.7 Policy HS4(C) of the Local Plan (2019) relates to Open Space, Sports Facilities and Recreation. It requires an assessment that the previous use is surplus to requirements; or it can be demonstrated that 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.

4.8 As with Paragraph 99 of the National Planning Policy Framework, Policy HS4(C) of the Local Plan requires just one of the three criteria to be satisfied.

- 4.9 The appeal proposals include the provision of a 3G sports pitch. The evidence of John Eady of KKP has demonstrated that there is demand for additional 3G pitches in the locality. The evidence has drawn on data contained within the Coventry City Council Playing Field Assessment as well as additional surveys.
- 4.10 The evidence has demonstrated that the supply of existing pitches in both authorities' area is insufficient, when assessed against the demand generated by the existing clubs (and their respective teams) located throughout Rugby and Coventry.
- 4.11 The data shows that there is a shortfall of suitable playing pitches to accommodate the demand generated, with reference made to particular need within the north of Rugby (which accommodates the Appeal Site), and to a lesser degree, within the south east of Coventry (in close proximity to the Appeal Site).
- 4.12 The evidence presented in the KKP 3G Feasibility Report (CD03.1) has demonstrated that there are several clubs, all of which accommodate multiple teams, who have expressed an interest in utilising the proposed pitch, confirming a clear need that there are no existing alternative proposals to meet. Furthermore, the submitted evidence demonstrates that the provision of an additional pitch would meet the identified need whilst not unduly impacting on the viability of existing operators.
- 4.13 Further, the KKP 3G Feasibility Report (CD0.31) demonstrates that any such pitch, including the proposed pavilion, would be a viable proposition. The evidence demonstrates that the five-year business plan confirms that the income generated by the pitch would enable it to remain viable and operational in the long term. Submitted evidence in the KKP 3G Feasibility Report confirms interest by Sky Blues in the Community taking on management of the pitch fulltime which would deliver other Football Association initiatives, including Wildcats, Walking Football, and Player Development Centre training sessions.

Conclusion on the Need for the Proposed 3G Pitch

- 4.14 The Proof of Evidence of John Eady and the Updated KKP 3G Feasibility Study (CD03.1) has demonstrated that there is a clear identified need for the provision of a 3G sports pitch which will serve the specific requirements in the location of the appeal site.
- 4.15 The KKP 3G Feasibility Study demonstrates that the proposed 3G pitch would meet the needs of up to 38 local community teams each week in addition to local commercial 5-side interest. The submitted evidence demonstrates that the proposed pitch is viable and would be delivered.
- 4.16 By contrast, the former use has not operated since 2016 and served a sport which does not have accessibility standards, meaning that previous participants have re-located. In relation to numbers of participants, it is evident that the appeal proposals will serve a far greater number of users and 'associated people' than the previous use.

- 4.17 The sports pitch and associated pavilion would also provide community facilities that would be more likely to be used by the immediate community of Brandon and Bretford than the former uses at Brandon Stadium, which served a more regional and national audience.

Summary on Benefits of Alternative Provision

- 4.18 In summary, the alternative sports provision provided as part of this scheme would bring additional benefits that outweigh the loss of the former use of the site and therefore the application is in accordance with para 99 criterion (c) and bullet point 3 of Policy HS4 (C) of the Local Plan. The community use of the pavilion associated with the pitch will also meet the requirements of Policy HS3 of the Local Plan.
- 4.19 In addition, as a community use secured through a community use agreement, the appeal proposals will deliver an alternative to the former stadium Neighbourhood Plan defined 'community facility' which could be accessed and used by the local community in which it is sited. As such, the appeal proposals accord Policy HS4 of the Local Plan and with Neighbourhood Plan Policy LF1. Furthermore, the community use will meet the requirements of Local Plan Policy HS3.

5.0 The Need for the Former Stadium Use

- 5.1 As set out in the previous Chapter, compliance with Paragraph 99 of National Planning Policy Framework (2021) can be met by three means. The previous Chapter considers compliance with Paragraph 99c) whilst our case is also that Paragraph 99(a) is also met by the appeal proposals. Local Plan Policy HS3
- 5.2 Based on the evidence of John Eady of KKP, which draws on the Updated KKP Speedway Viability Review (CD03.2), the evidence of Clarke Osborne of Gaming International which draws on his own personal experience as an owner of four speedway stadia in the UK, as well as my own personal knowledge of having been involved in planning applications relating to the redevelopment of two speedway tracks elsewhere in the UK, it is clear that the viability of speedway as a sport as a whole is severely challenged, the impact of which is that the need for the former stadium to be retained does not exist and it is surplus to requirements.
- 5.3 The evidence of John Eady of KKP sets out the background context to falling participation and spectator numbers in the sport. It sets out a national decline in the number of spectators attending speedway and the loss of related commercial income. The evidence concludes that there is insufficient evidence of demand at a level that would make a reinstated/replacement facility commercially viable.
- 5.4 The need for such a facility cannot be separated from the viability of speedway as a whole but also needs to be viewed in the specific context of the subject site, which, as set out below in my evidence, is a derelict shell of a stadium which is not capable of hosting any sporting activity without significant works being undertaken.

Participation Sports

- 5.5 Before considering the need for a speedway stadium at the site, the basis for considering need is an important consideration. At the application stage Sport England objected to the proposals due to the loss of the speedway stadium. Sport England's website confirms that they are "an arm's length body of government established by Royal Charter in 1996". They go on to state that "We're responsible for growing and developing grassroots sport and helping more people get active across England." (See: <https://www.sportengland.org/about-us/uniting-movement/our-vision>).
- 5.6 Sport England recently introduced a 10-year strategy, Uniting the Movement, which set out a 'vision to transform lives and communities through sport and physical activity'. It states:
- 'We believe sport and physical activity has a big role to play in improving the physical and mental health of the nation, supporting the economy, reconnecting communities and rebuilding a stronger society for all.'* (See: <https://www.sportengland.org/about-us/uniting-movement>)
- 5.7 It is clear that Sport England's primary focus is in promoting the growth in participation of sports which can assist in improve physical and mental health.

Need for a Speedway Stadium

- 5.8 The evidence of John Eady of KKP addresses the ‘need’ for speedway facilities beyond those currently in operation, considering the impact of the closure of the Brandon stadium in 2016.
- 5.9 In planning terms, the Independent Review of the Sports Planning Case undertaken by WYG in September 2019 (CD15.1.2) highlights that motorsport participation has been in decline nationally and in 2016 adult participation had fallen to 0.06% of the population participating at least one-a-week. It also concludes that speedway popularity and spectator numbers “is very much down from its heydays of yesteryear”. This view is echoed in the evidence of Clarke Osborne of Gaming International, who has personal experience of operating two motorsport stadiums.
- 5.10 Critically, the WYG report states that Brandon would host around “25-30 events days split between speedway and stock cars” whilst also acknowledging that there “may be commercial one-off events on top of that”. The WYG report sets out the split between stockcars and speedway at the point of closure of the stadium as being 10 stock car events and 14-18 speedway events.
- 5.11 In participation terms, the WYG report comments that 60 cars would typically compete in each of the 10 stock car events whilst 7 riders per speedway team. At Appendix 2, I set out a table of riders contracted to appear in British Speedway, at Premiership, Championship and National League level in 2023. This confirms that across the three leagues there are a total of 177 riders, 37% of whom are from outside of the UK. It is also evident that this proportion of overseas riders is much higher in the top-level Premiership.
- 5.12 The former stadium has not hosted a speedway event since 2016. The SCS SoC states that the closure has left a ‘big gap in the racing calendar’ of Speedway and Stock Cars, whilst the Independent Review of the sports planning case undertaken by WYG states that there is limited evidence that there is a “good level of quantitative provision and alternatives.”
- 5.13 The evidence of John Eady of KKP sets out an updated schedule of tracks including reference to Swindon, which has now ceased speedway and Peterborough, which is subject to recent speculation about its imminent closure. This shows that since the 2019 WYG report further tracks have closed and teams disbanded.
- 5.14 In respect of the need locally, the WYG report acknowledges that the largest percentage of speedway riders would be foreign, who would race for teams across Europe. The WYG report acknowledged that motorsports are a minority sport in terms of participation, “who’s impact on health and physical activity is limited and less universal than other activities”, whilst highlighting the “social benefits” of those attending events, albeit also acknowledging that spectator numbers are ‘very much down’.
- 5.15 The evidence of John Eady of KKP and of Clarke Osborne of Gaming International is clear that the ‘need’ for speedway/stock car tracks has declined nationally as the number of professional teams competing in speedway has reduced. This decline is linked to the reduction in the numbers of spectators, which the 2019 WYG report acknowledges. The evidence presented demonstrates that

the position has worsened since 2019, which when combined with the increased cost of operating stadia and teams means that as has been seen by the closure of Swindon and speculation around the future of Peterborough, with direct impacts on competing teams, means that the need case is significantly worse at the point of the 2019 WYG report.

Viability of Speedway Operation

- 5.16 Policy LF1 of the Brandon and Bretford Neighbourhood Development Plan (2019) (CD08.2) states that Proposals that would diminish or remove a community facility (which it defines as including Brandon Stadium) will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community use(s). It goes on to state that new community facilities will in principle be supported.
- 5.17 Viability needs to be considered in the national context of the sport of speedway, whilst also considering the specific viability of the re-instatement of speedway/motorsport at the former stadium in Brandon.
- 5.18 The evidence of Clarke Osborne sets out the financial challenges relating to the provision of a viable speedway stadium anywhere in the UK. This evidence concludes that the increased cost of hosting speedway events resultant from increased safety and environmental regulations, combined with declining income from spectators means that the conclusion drawn is that the only viable means of a motorsport stadium operating is for it to be able to offer more than the very limited number (typically 14-18) of professional speedway events each season.
- 5.19 I focus firstly on the viability to re-instate the former Stadium to be able to host speedway/motorsport events. I then go on to consider the implications of the reinstatement required for the operation of the stadium and how this impacts on viability even further.

The Condition of the Former Stadium

- 5.20 The 2019 WYG Report (CD15.1.2) at Page 5 para 5 provides an assessment of the former stadium stating “Brandon could be reasonably considered to be a quality venue (in the context of motorsports) with no major investment required, which might threaten its operation”.
- 5.21 The WYG Report goes on to state that the former stadium was “evidently fit for purpose operationally at the point of its closure [2016]” based on the fact that “meetings were being held”. This appears to be a desk-based assessment of the stadium rather than evidence based on a site visit supported by any form of structural conditions survey. The site has deteriorated to such an extent that these conclusions can no longer be considered accurate.
- 5.22 Since the 2019 WYG Report, the former stadium has laid vacant whilst the planning application for the redevelopment remained pending determination. During this time, the site has been subject to frequent incidences of anti-social behaviour including several arson attacks. Accordingly, Rugby Borough Council imposed a Community Protection Notice on the site, requiring the appellants to

secure it against unauthorised visitors to the site (albeit subsequently withdrawn). At the very least this implies that the Council did not consider the site to be safe.

- 5.23 At Appendix 3, I include a Structural Condition Report of the former stadium conducted by Farrow Walsh Consulting in April 2023. This report supersedes that undertaken by Aegis Construction Consultancy on behalf of the appellants, which the 2019 WYG Report draws reference to. This Report confirms significant concerns regarding the condition of the former stadium.
- 5.24 At Para 4.1.2, the Report confirms that the main grandstand is regarded as structurally unsafe and not suitable for use. At Para 4.1.5 the Report states that typically, a service life for an open grandstand is typically 45 years. The Report highlights that as the grandstand has been in service since 1928, it is nearly twice the typical service life.
- 5.25 At Para 4.1.3, the Report confirms that the smaller grandstand is regarded as structurally stable if corrective maintenance were undertaken. However, it goes on to state that the terrace area is compromised due to sub soil movement and self-seeding planting making it structurally unsafe and not suitable for use.
- 5.26 It is clear from the Farrow Walsh Consulting report that the former stadium could not host any form of events without demolition and significant re-instatement. The condition of the former stadium will be apparent to the Inspector and all parties when the site visit is undertaken.
- 5.27 The site has laid unused for 7 years and over this period has been subject to a significant amount of anti-social behaviour which has resulted in damage to the structures on site. Several fires, suspected as arson, have also taken place over recent years, the impact of which can clearly be viewed when on site.
- 5.28 The planning application for the redevelopment of the site has been pending since 2018. Since that period, the appellants have sought to safeguard the site to prevent damage to the structures, however, as the court case relating to the Community Protection Notice confirmed, preventing determined individuals from gaining access has been almost impossible. Added to this is the age of the structures on site, which the Farrow Walsh Consulting report confirms are significantly beyond their natural lifespan. These factors means that the condition of the former stadium is significantly worse than the 2019 WYG Report suggests.

The Cost of Re-instating the Former Stadium

- 5.29 At Appendix 4, I include a Cost Report prepared by international cost consultants, Rider Levett Bucknall, which provides a detailed breakdown of the cost for the demolition, refurbishment and construction required to restore the stadium back to a level where it could host the same level of activity as it did at the point of closure in 2016.
- 5.30 The works included in the Cost Report comprise the following:
- i) Demolition of the existing Main Stand and replacement with a 1,000-seater stand including hospitality, club shop, offices, kitchen and lounge;

- ii) Refurbishment of the existing smaller stand;
- iii) Refurbishment of the existing maintenance sheds;
- iv) Demolition of existing ancillary buildings/structures and fencing;
- v) Repair/minimal intervention to existing hard standings
- vi) New surfacing to speedway and greyhound track
- vii) New kennel, garages, ticketing/entrance/turnstiles etc.

5.31 At Paragraph 1.2 the Cost Report sets out the total cost of the works to be £13.7M. By comparison constructing the National Speedway Centre in Manchester in 2016 cost circa £13.3M, with the speedway element of the project costing £8M (Appendix 5). With construction and finance costs significantly higher than 2016, the costs outlined in the RLB report are considered robust.

The Need for Fresh Planning Permission to Re-construct the Former Stadium

- 5.32 It is evident from the structural condition survey that the main grandstand as well as other structures on site would need to be demolished before the site could be safely used again.
- 5.33 Paragraph 55 1 (a) of Town and Country Planning Act 1990 (CD8.14) includes ‘rebuilding’ as falling within “building operations” as constituting ‘development’. As such, it is evident that planning permission would be required to demolish and rebuild a significant amount of the former stadium to enable it to be useable.

Whether Planning Consent to Re-construct the Former Stadium would be Forthcoming

- 5.34 Planning permission would be required to demolish and re-instate the former stadium in part or in whole.
- 5.35 In considering any such planning application, the LPA would be required to have due regard to national, local and community level planning policy in place at the point of the proposals being considered.
- 5.36 Having considered the relevant national, local and neighbourhood planning policies, I cannot reach a certain position that a positive outcome would be forthcoming. Furthermore, there is also uncertainty regarding whether any consent would be free of conditions which would not make the consent incapable of being implemented.

The Imposition of Conditions on any Fresh Stadium Consent

- 5.37 If the principle of re-constructing the stadium was accepted by the LPA, any decision would have to have regard to prevailing national and local planning policies, which would require a consideration of any restrictions which need to be imposed on a fresh consent to ensure acceptability of the proposals.

- 5.38 The planning consent for the former stadium originates from 1928. Various extensions and amendments to the former stadium were granted since this date, the latest of note being for the retention of earth bunds which was approved on 6th May 2005. The current consents do not impose any restrictions on operation, which is reflected in the SCS SoC (CD13) (Para 2) referring to Brandon stadium having an established use for motorsports “24/7”.
- 5.39 Any fresh planning application would be considered against NPPF Section 15 which relates to Conserving and enhancing the Natural Environment. Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by:
- e): preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.*
- 5.40 In addition, NPPF Paragraph 185 requires that decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Paragraph 185 states that in doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*
- 5.41 Local Plan Policy SDC1 relates to Sustainable Design and states that proposals for new development will ensure that the living conditions of existing and future neighbouring occupiers are safeguarded.
- 5.42 It states that proposals for housing and other potentially sensitive uses will not be permitted near to or adjacent sites where there is potential for conflict between the uses. It goes on to states that such proposals must be accompanied by supporting information demonstrating that the existing and proposed uses would be compatible.
- 5.43 Strategic Objective 9 of the Brandon and Bretford Neighbourhoods Plan (CD8.3) seeks to protect the need of local residents. Policy BNE1 relates to respecting local character. It states that all development must demonstrate how local character has been respected. Criterion e. refers to the need for proposals to have regard to the impact on tranquillity.
- 5.44 Considering the national, local and neighbourhood policies relevant to the consideration of any planning application, it is evident that if planning consent for the re-instatement of the stadium were granted consent, it is hard to see why it would not be subject to conditions seeking to ensure that the operation of the site respected the amenity of the neighbouring residents.
- 5.45 When in operation, Rugby Borough Council’s Environmental Health department received frequent complaints about noise and dust.

- 5.46 A schedule of noise and dust complaints to Rugby Borough Council provided following a Freedom of Information Request dating from 2003 to 2016 is included at Appendix 6. Whilst the precise origins of the complaints have not been provided to us as it would contravene the “fairness” data protection principle, based on the comments provided by close-by residents in their support for the appeal proposals, it is reasonable to assume that at least some of the complaints originated from residents living close to the former stadium site.
- 5.47 In reviewing recent consents for speedway stadiums, they unsurprisingly contain conditions designed to limit noise. In granting permission for the Manchester Stadium (Application Reference 106133/VO/2014/N2), which is the most recent consent for a stadium (12th September 2014), Condition 31 (Appendix 7) stated the following restrictions:

31) The speedway premises shall operate as follows:

Main Season (1st March - 31st October) - Speedway

- Wednesday, Friday and Saturdays only - 18:00 to 22:30*
- There shall be no more than 43 meetings during the main season of which no more than 25 meetings will be held on Fridays and no more than 18 meetings on Wednesdays or Saturdays*

Out of Season (1st November - 1st March) - Flat track racing

- Sundays only - 14:00 to 18:00*
- There shall be no more than 6 events during the out of season.*

Once the use of the stadium has ceased in accordance with the above operating hours all floodlighting shall be switched off.

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

- 5.48 Similarly, in granting planning permission for the replacement Swindon Speedway Stadium (8th August 2013) Condition 45 attached to the application reference: S/12/1826/JABU (Appendix 8) imposed the following maximum noise levels in the properties to be constructed adjacent to the stadium:

45 For each phase of residential development as may be approved pursuant to condition 7 above, no works shall commence until a design has been submitted to and approved by the Local Planning Authority to achieve internal noise levels in bedrooms and living rooms in dwellings post construction of the development on the site, of 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00) and the dwellinghouses on the relevant phase shall be constructed in accordance with the approved design.

Reason: In the interests of amenity.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

- 5.49 It would seem reasonable to consider that if planning consent were granted for a fresh stadium consent, the close proximity of the site to residential properties and the wider semi-rural nature of the site means that planning conditions would be imposed limiting the frequency and timings of the operation of the stadium, as well as requiring significant noise attenuation barriers to be erected. In addition, it is also possible that a noise limiting condition would be imposed that required noise at the closest noise receptors to be kept within an agreed limit.
- 5.50 Whilst such conditions would not necessarily prevent the recommencement of speedway racing and training at the former Stadium, it would severely restrict the periods that speedway and other motorsports could operate at the site (as in the Manchester condition) and would also add significantly to the cost of the track being made capable of meeting the noise attenuation levels because significant noise attenuation measures would be required which were not previously.
- 5.51 The evidence of Clarke Osborne outlines that the noise attenuation barrier required at the Swindon Stadium site cost in the region of £400,000 to erect and even once in place, the operation of the stadium would be subject to on-going noise monitoring to ensure the specified noise levels were not breached.
- 5.52 The imposition of such conditions would mean that the former stadium could not operate in the same way it did previously and the ability to offer a wider choice of motorsports at the site would be severely restricted. On this basis, a viable future for the stadium site would need to rely on alternative uses, which I consider in turn below:

Alternative Uses

- 5.53 The objective of the Save Coventry Speedway group is to re-instate speedway at the former stadium. We have also highlighted that Speedway is the only sport previously undertaken at Bradnon stadium recognised by Sport England. Consequently, whilst we have examined the potential for alternative uses at the site, we have done so on the basis that they would be to supplement the viability of the speedway operation.
- 5.54 The evidence of Clarke Osborne sets out several uses which can typically be combined with speedway tracks to promote better viability. I consider the planning matters related to this uses to reach a conclusion on whether these would be permissible that could have the effect of supplementing the income generated from speedway/stock car activities.

Other Motorsports

- 5.55 There is a growing trend for motorsport activities to co-locate to maximise the opportunities for sharing facilities and enabling the hosting of combined motorsport events to 'pool' spectators, as well as creating an opportunity for 'experience' days which enable visitors to try a number of different activities at the same site.
- 5.56 Clarke Osborne is currently promoting an opportunity for a new motorsports arena in Swindon, which I am acting as planning agent for. His evidence outlines that this joint venture partnership

between Swindon Speedway and Gaming International is seeking to combine competitive motorsport with training and experience facilities centred around a twin track large oval designed for multi-event use.

- 5.57 The evidence of Clarke Osborne confirms that the need for such facilities to be able to operate up to 7 days a week, during the day and into the evening means that sites cannot be subject to operational restrictions such as those outlined in my evidence at Paras 5.46 and 5.47, limiting operational times and/or noise levels.
- 5.58 This is the basis for the Swindon project not being capable of being located at the existing Swindon site and the current search for an alternative being based on sites which are sufficiently distant from residential development in order that amenity concerns are not raised. As such, the proximity of the appeal site to a large number of residential properties mean that it is not capable of hosting an intensification of motorsport activity.

Greyhound Racing

- 5.59 As set out in the evidence of Clarke Osborne, the operation of greyhound racing can be compatible with speedway stadia. Brandon stadium has previously hosted greyhound racing so it is reasonable to assume that such a use could be re-instated. As set out earlier in my evidence, the need for demolition and remedial works at the site to make it usable for any use means that greyhound racing would require planning consent.
- 5.60 From a planning perspective, we accept that if planning consent to re-instate the former stadium could be secured, there would be little, in planning terms, to prevent greyhound racing from operating at the site. The noise levels generated by events would be unlikely to breach any noise restrictions on the stadium,
- 5.61 As set out in the evidence of Clarke Osborne, Greyhound racing is dependent on media rights fees to operate each meeting. The evidence confirms that there are currently there are no media rights vacancies to fill and the collective 20 racecourses currently operating have over capacity.
- 5.62 I conclude that whilst greyhound racing at the site may not raise any planning concerns, the absence of media rights opportunities and the longer term gradual decline of the sport through a combination of market trends in spectator attendance and gambling, as well as animal welfare, means that greyhound racing at the former stadium is not realistically feasible at any level of facility or investment.

Car Boot Sales/Markets

- 5.63 Planning application reference R07/1268/PLN sought a change of use to allow the car park of the former stadium site to be used for Sunday Markets. The decision issued on 26th September 2007 (Appendix 9) confirms that the application was refused on 6 grounds, most notably, the use constituting inappropriate development in the Green Belt. As such, I consider that it is reasonable to assume that a fresh application for such a use would not be permitted.

5.64 A market could operate the site under the 14 day in a calendar year provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (CD8.15). Such limited permitted use is considered to provide a viable additional use.

Concerts/Open Air Cinema

5.65 It is possible that occasional open-air concerts and cinema screenings could be hosted at the site without the need for planning approval.

5.66 Temporary use of land and buildings comes under the '28-day rule' under part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This stipulates that temporary use of land and buildings for other purposes constitutes permitted development provided this use is 'not more than 28 days in total in any calendar year'.

5.67 There are, however, a number of venues in close proximity to the appeal site which currently host such events, including:

- Coome Country Park which hosts outdoor cinema events only a short distance away (3 mile drive)
- Coventry Building Society Stadium hosts football matches and large music events such as Arctic Monkeys and Harry Styles (7 mile drive)
- HMV Empire main live events venue in the centre of the city (7 mile drive)
- Prior Deram Park Hosts open air cinema events (8 mile drive)
- Warwick Arts Centre hosts cultural events including music, comedy, theatre, and cinema (8.7 mile drive)

5.68 The proximity and the that fact that the above venues are already have a successful track-record in organising, managing and delivering such events means that it is difficult to see how the former stadium could offer a viable alternative/addition especially when the limited capacity of the site is factored in.

Stadium Ownership/Council Intentions

5.69 The former stadium site is owned by the appellants following the purchase in December 2015. The site was openly marketed by GVA (now Avison Young) and the sale agreed with previous owner and operator of the stadium, Avtar Sandhu, in a bank consensual sale (a sale by the owner with the consent of the bank, where the owner has failed to meet the required re-payment terms on a loan on the property). The site was then leased back to Avtar Sandhu in order that the site could continue to operate speedway although the appellant has confirmed he subsequently decided that this was not a viable option for him.

5.70 Since the appellants took ownership, there have been approaches to purchase or lease the site, but only one offer has been received. The Appellant has confirmed that the offer was substantially below the financial expectations of the appellant so was not progressed.

- 5.71 Following the refusal of planning permission, at a Full Council Meeting of Rugby Borough Council was held on 14th December 2022. The agenda for this meeting and subsequent minute are included at my Appendix 10.
- 5.72 The motion proposed by Councillor Gillias, a former speedway rider himself who has contributed to the SCS “Go Fund Me” campaign to fund their legal representation at this appeal, requested that the Council explores options available to bring Brandon Stadium back into use and any likely public advantages to the local and wider communities, should this be achievable.
- 5.73 The motion was carried but there has been no update by the Council since this time. As such, it appears that the Council do not have any plans for how the stadium could be brought back into use. This view is further supported by the LPA confirming that they do not intend to present any of their own evidence at the appeal in relation to the future viability of the stadium.
- 5.74 There has been no approach by the Council to the appellants about purchasing the site to deliver on this motion and with no wider plans in place, they are not able to seek the compulsory purchase of the site.
- 5.75 The suggestion of Rugby Borough Council becoming involved in the purchasing and operation of the former stadium site reflects the role Manchester City Council took in the funding of the National Speedway Stadium at Belle Vue Sports Village, committing £11.954M in April 2014, in part justified on the basis of enabling a historic sports club - the Belle Vue Aces - to have a more sustainable and viable business going forward, based on increasing regular attendances for Elite League meetings.
- 5.76 The evidence of John Eady sets out the background and latest position in respect of Belle Vue Speedway Stadium and the financial challenges that this has presented for Manchester City Council. In addition, at my Appendix 5, I include a Report to the Full Council of Manchester City Council dated 8th March 2017 which charts the history of Belle Vue Stadium and the financial challenges this has experienced with resultant impacts on Manchester City Council finances.
- 5.77 Whilst the outcome of Rugby Borough Council’s motion is awaited, the example of a similar intervention by Manchester City Council indicates that it would not be a sound basis for investing public funds even if “likely public advantages to the local and wider communities” were shown to be the resultant outcome.
- 5.78 In the absence of intervention from the Council, the purchase of the site by Save Coventry Speedway or others, on a commercially attractive basis would need to be added to the cost of works to re-instate the stadium outlined earlier in my evidence, making the viability of any operation at the site severely challenged.

Summary on Viability

- 5.79 The WYG Report (CD15.1.2) concludes that the former stadium “*may struggle to be delivered viability in its current state and given the ownership would be difficult to deliver*”. It goes on to state

that *“This is different however from whether a new stadium operated under a new model could potentially be operationally viable.”*

- 5.80 In relation to the viability of operating the stadium site, the WYG Report suggests *“learning from recent stadium openings, including Belle Vue”*. As set out elsewhere in my evidence, the Belle Vue stadium has been fraught with financial challenges due to operational costs not being reflected by income, to the detriment of Manchester City Council who funded the development. Furthermore, the WYG Report drawing on schemes “in the pipeline” in Yorkshire and Durham, neither of which have come to anything in the 4 years since the report was written is a further indicator of the declining viability of Speedway.
- 5.81 I have outlined the form that new models of operation at the site could take, which is path that other motorsport operators are following. However, the nature of the appeal site and the restrictions planning conditions on any development proposed would impose severely restricts the potential to benefit from multiple motorsport activities.
- 5.82 Crucially, the first-hand evidence of Clarke Osborne has demonstrated that in isolation, speedway is not a viable sport. As such, its return at the former stadium would need to be ‘cross-subsidised’ by other activities. The need for these additional activities at the appeal site beyond this financial purpose is questionable.
- 5.83 I have outlined that to get to a point of the former stadium being capable of hosting any form of activity would require a significant financial investment. This cost of this in addition to the cost of purchasing the site, as well as the limited scope of commercial activities possible at the site to support the speedway use makes the stadium use unviable.
- 5.84 As such, Policy LF1 of the Brandon and Bretford Neighbourhood Development Plan (2019) (CD8.3), which requires the demonstration of community facilities no longer being viable and there is no realistic prospect of viability being improved with either the current or other community use is satisfied.

Conclusion on Need for Former Stadium Use

- 5.85 Paragraph 99a) of the NPPF (CD8.1) requires the demonstration that the buildings or land are surplus to requirements. My evidence as well as that of John Eady of KKP and Clarke Osborne of Gaming International has confirmed that the appeal site has not fulfilled a role for motorsport for 7 years. In the intervening period, the professional speedway team which occupied the site has been disbanded and the number of professional speedway teams and resultant fixtures has reduced. The Numbers of participants in speedway has fallen, as has the number of spectators.
- 5.86 There are several tracks which remain which can meet the need that remains. As acknowledged in the 2019 WYG Report (CD15.1.2), unlike other sports, such as football, there are no “accessibility standards” in motorsport. Whilst a number of the alternative circuits are distant to the appeal site, their existence has meant that the sport has continued and evolved. There is no requirement for a

speedway facility to be located at the appeal site and the history and previous fanbase of the former team is not a justification of 'need'.

- 5.87 Finally, the operational costs of speedway means that the longer-term outlook for speedway as a sport looks, at best, uncertain. More teams have indicated that they will not be competing next season due to commercial constraints and there is fan speculation of the need for the Premiership and Championship divisions to consolidate in order to maintain the required number of teams, riders and fixtures to fulfil their contractual obligations with broadcasters.
- 5.88 The reduction in competing teams means that participation levels within Speedway at professional and semi-professional levels are declining. Furthermore, As the Table at Appendix 2 of the evidence indicates, 51% of riders at Premiership and Championship levels are from outside of the UK, the nature of riders at the highest level being that they compete across Europe. As such, the need for Speedway cannot be linked to a single location.
- 5.89 The financial viability of the sport must also be considered as a fundamental element of the need case. In that context, my evidence sets out the cost of re-instating the stadium to serve the previous uses is not viable and the operating costs are so high relative to the income that even if the stadium were re-instated, it could not operate on a financially stable basis longer-term without subsidy.
- 5.90 Critically, there is no geographical requirement for a speedway stadium to be located at the appeal site and, therefore, it must be considered surplus to requirements.

6.0 The Benefits Associated with the Application Proposals

- 6.1 In recommending the planning application for approval, the LPA's officers determined that the benefits associated with the proposals outweighed any conflict with national and local planning policy.

Making Effective Use of Land and Achieving Sustainable Development

- 6.2 It is common ground between the Appellant and the LPA (CD14.1) that the site constitutes previously developed land (SOCG Para 3.1). Previously developed land is defined in the NPPF as "land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure."
- 6.3 NPPF Para 119 state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 6.4 The proposals will deliver multiple benefits through the proposed mix of uses which will also result in significant net environmental gains, consistent with Para 120 (a). The proposals will also deliver homes through the development of derelict land, which Para 120 c) suggests should be given 'substantial weight'.
- 6.5 Local Plan Policy GP1 relates to securing sustainable development. It states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. To adhere to such an approach the appeal proposals must adhere to economic, environmental and social objectives. Compliance with each of these objectives is considered below:

Delivery of Economic Benefits

- 6.6 NPPF Para 81 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.7 The appeal submission included an assessment of economic benefits which would result from the appeal proposals (CD3.6 and CD3.7). At my Appendix 11, an Assumptions Note prepared by Lichfield sets out an updated basis of the economic benefits derived from the appeal proposals. This update includes updates to datasets since the original assessment was undertaken.

Construction Benefits

- 6.8 This analysis undertaken by Lichfield (Appendix 11) concludes that the total construction cost of the appeal proposals is £29.3M, creating 103 construction jobs generating a GVA of £8.6M for each

year of construction. In addition, 124 indirect supply chain ‘spin-off’ jobs would be created over the construction phase generating an indirect GVA of £10.1M per annum.

- 6.9 This results in a 227 FTE job creation as well as a total GVA of £18.7M each year over the 4.25 year construction period.

Resident Impact Benefits

- 6.10 Occupiers of the scheme are estimated to spend £682,000 on first occupation of their properties as part of a total gross expenditure of £3.1M per annum.
- 6.11 Lichfield estimate that of this, £256,000 of expenditure per annum would be within 10 miles of the appeal site.

Jobs Supported by Net Additional Expenditure

- 6.12 Lichfield estimate that the net additional expenditure generated by the appeal proposals could support the creation of 3 new FTE jobs in the local area in retail. Leisure and hospitality.

Local Authority Revenue

- 6.13 Local Authority revenue from the appeal proposals would take the form of £557,000 per annum in council tax revenue in addition to the financial contributions secured through the submitted draft S106 Agreement.
- 6.14 The local authority also have the potential benefit from the New Homes Bonus (NHB), which would generate £915,000 of NHB payments over four years.

Current Economic Benefits and Those Associated with Speedway

- 6.15 The only economic benefit the site is currently generating is the £100,000 per annum cost the appellant is paying to maintain and provide security on site. The security and maintenance companies employed are not based in Rugby Borough, being located in Solihull and Hagley.
- 6.16 The SCS SoC states that the “very significant” economic benefits would have continued had the speedway not been evicted from the site. No evidence of such benefits has been submitted to date.
- 6.17 The evidence presented by Clarke Osborne demonstrates that typical expenditure of a speedway operation would be £14,331 per Premiership event, £11,823 for every Championship event and £6,395 per National Development League event.
- 6.18 Assuming 20 Premiership Events, 20 Championship Events and 10 NDL events, this would generate a total expenditure of £587,030 per annum. However, as the evidence of Clarke Osborne confirms, 60-70% of Premiership clubs expenditure represents the cost of the riders. This proportion reduces in the lower leagues, but it is clear that the majority of ‘spend’ by the Speedway operator is directed

to riders, the majority of whom are not based locally, rather than being spent directly with local businesses/people.

6.19 It is clear that the expenditure generated by the former Speedway use is significantly lower than the appeal proposals would generate in construction and operation.

Summary on Economic Benefits

6.20 I conclude that the appeal site current offers very little support to economic growth and productivity. The appeal proposals will result in significant economic benefits in construction and operation and, in accordance with NPPF Para 81, this should be afforded significant weight in determining the appeal.

6.21 To date, no evidence has been submitted demonstrating the economic benefits that re-instatement of the former stadium use would result in. Whilst the SCS SoC refers to their efforts in ‘continuing to develop its proposals to restore the stadium’, no proposals beyond the current planning application (Ref: R22/0071), which is not determinable, have been submitted and no business case for acquisition, restoration and operation presented.

6.22 Furthermore, the evidence presented by Clarke Osborne demonstrates that even in the event that SCS were successful in their ‘phased restoration’, the resultant economic benefits would be less than the appeal proposals.

6.23 Finally, as considered elsewhere in my evidence, the likelihood of the economic benefits cited by SCS being realised is severely questioned due to the cost of re-instating the former stadium and then the on-going operational costs, which I contend make the proposals unviable.

Delivery of Social Benefits

6.24 The appeal site is currently not accessible to the public. The appeal proposals will bring the site back into beneficial but will also provide a significant amount of open space which can be accessed by the public.

6.25 Whilst landscaping is a reserved matter, the table below sets out the amount of open/play space contained in the indicative landscaping proposals set against the planning policy requirements:

Table 6.1 Indicative Open Space Provision

Type-- Open Space	RBC LP Open Space Requirement (Ha)	Indicative on site provision (Ha)
Provision for Children and Young People	0.595	0.595
Amenity Greenspace	0.1488	3.10
Natural and Semi Natural	0.7440	1.8
TOTAL OPEN SPACE	1.4878	5.495

- 6.26 The above table demonstrates that the appeal proposals have the potential to create 370% more open space on site than the policy requirement. This open space, including a large area to the north of the site to adjoin the existing woodland, will be accessible by the public creating significant benefit whilst benefiting the openness of the Green Belt.
- 6.27 The open space contains an area for play, additional tree planting in the northern section of the site, as well as along the eastern and southern boundaries to allow visual and wildlife integration.
- 6.28 Whilst specific details of the landscaping are a reserved matter and details of the LEAP are to be conditioned (CONDITION 42), it is evident that the appeal proposals will make a meaningful contribution to the delivery of publicly accessible open space to benefit the wider community. Improvements to links from the site to existing public rights of way outside the site will also be secured via a financial contribution, thereby promoting increased usage.

Delivery of Environmental Benefits

- 6.29 It is common ground between the Appellant and the LPA that the site constitutes previously developed land (SOCG Para 3.1). Through the redevelopment of the former stadium site, the appeal proposals will make a significant contribution to enhancing the environment, currently characterised by crumbling structures and a derelict appearance. In addition, the appeal proposals will reduce the need for the development of greenfield sites across the authority.
- 6.30 It is also common ground between the appellant and the LPA, that the appeal proposals will result in an appropriate level of biodiversity net gain which will establish coherent ecological networks that are more resilient to current and future pressures than the current use. The net gain in biodiversity will be assisted by the provision of a comprehensive scheme of landscaping which will strengthen the existing boundaries promoting connectivity.
- 6.31 Finally, further additional ecological survey work has been undertaken by Ecolocation to demonstrate that there has been no change in ecology interest at the site since the previous surveys. A total of 12 reptile and bat surveys have been carried out in 2023. This has concluded that as set out in the original ecological surveys, there is little reptile activity at the site, with just three unique grass snakes identified. Less bat activity was found than the previous surveys, although a derogation licence will be required from Natural England post planning and post discharge of any bat-related conditions to enable demolition of the affected structure(s). The mitigation and compensation previously recommended therefore remain valid and the disposition, design and scope of native species enhancements to the north-west of the sports pitch remain suitable.
- 6.32 The updated surveys confirm that there has been no change in the ecological value of the site and there are no ecological constraints which would prevent development. A biodiversity impact assessment will be submitted within the Landscape and Ecological Management Plan required by draft condition 27.

Delivery of Housing

- 6.33 The appeal proposals will result in the delivery of 124 new homes.
- 6.34 The site is not allocated in the Rugby LP (CD08.2). In addition, the LP defines windfall sites as being five or fewer dwellings, which the proposals are not. As such, the proposals should be treated as unallocated previously developed land and in accordance with Local Plan Policy GP1, a positive approach should be taken on development that reflects the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in an area.
- 6.35 NPPF (CD08.1) Para 60 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 6.36 NPPF (CD08.1) Para 69 states small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
- 6.37 Local Plan (CD08.2) Policy GP2 sets out the settlement hierarchy with new development in the Rugby Town Area being considered the most sustainable location. Whilst the application site lies within the Green Belt, as defined in Policy GP2 and is located outside of the settlement boundary of Brandon, Paragraph 149 of the NPPF allows the redevelopment of previously developed land in the Green Belt which would not have a greater impact on the openness than the existing and not cause substantial harm to the openness of the Green Belt.
- 6.38 Local Plan (CD08.2) Policy GP3 Previously Developed Land and Conversions supports the use of previously developed land subject to compliance with other policies in the plan. Policy H2 of the Brandon and Bretford Neighbourhood Plan also supports the redevelopment of brownfield land to create homes subject to various criteria.
- 6.39 NPPG (CD08.16) Paragraph: 004 Reference ID: 68-004-20190722 confirms that the purpose of the 5 year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next 5 years. It is not the case that the demonstration of this level of supply is a maximum precluding additional sites from coming forward. It is common ground between the Appellant and the LPA that the level of housing supply required through the demonstration of a five year supply is a minimum requirement.
- 6.40 Local Plan (CD08.2) Policy DS1 'Overall Development Needs' sets out that the Council needs to deliver 12,400 additional homes, including 2,800 dwellings to Coventry's unmet needs, with the following annual requirements: Phase 1 (2011-2018) 540 dph and Phase 2 (2018-2031) 663 dph.

- 6.41 Paragraph 4.7 of the Local Plan (p.19) provides the subtext to Policy DS1 which states RBC aims to meet its housing requirement by providing for a *minimum* of 12,400 new homes between 2011 and 2031 , at an indicative rate of 620 dwellings per annum during the plan period.
- 6.42 As confirmed in the Officers report to Committee, the site is located approximately 400 metres from Binley Woods Primary School, 600 metres from a supermarket (One Stop), 1,100 metres from Binley Woods Village Hall and 1,200 metres from a post office. Binley Woods also contains other community facilities such as Ivor Preece Conference Centre (located at Broad Street Rugby Club), a church, a pub and sport and recreational facilities. As confirmed in the Officers report to Committee (Para 4.8), the location of the scheme is not remote from shops and community facilities and *“thus complies with the requirements of this policy.”*
- 6.43 As confirmed at Para 4.12 of Officer’s Report to Committee (CD06), I consider that the principle of residential development at the appeal site is acceptable when considered against the Local Plan and NPPF despite not being allocated for such development, being located within the Green Belt and the LPA being able to demonstrate that they have the required level of housing land supply to meet their identified need.

Housing Mix

- 6.44 The appeal proposals will deliver a mix of market dwellings. Included in Table 6.2 below is the percentage split of the market houses as well as the Local Plan Requirements (Policy H1) and the “Suggested Mix” outlined in the emerging Coventry and Warwickshire Housing and Economic Development Needs Assessment (HEDNA) published in November 2022 (CD08.17) for Rugby:

Table 6.2 Housing Mix

House Type	Number of Houses	% Split	Local Plan Requirement	HEDNA Requirement
1 bedroom	0	0%	5-10%	10%
2 bedroom	19	19%	25-30%	30%
3 bedroom	54	54%	40-45%	45%
4 bedroom	25	26%	20-25%	15%
TOTAL	98	N/A		

- 6.45 Despite the appeal proposals not meeting the Local Plan or HEDNA Requirements on mix, it is common ground between the appellant and LPA that the housing mix proposed is acceptable (SOCG Para 4.2).
- 6.46 The agreement between the appellant and LPA on the mix being acceptable reflects that Local Plan Policy H1 states that to deliver a wide choice of high-quality market homes across the Borough,

residential development proposals must form a mix of market housing house types and sizes consistent with the latest Strategic Housing Market Assessment. It goes on to state that new residential development should contribute to the overall mix of housing in the locality, taking into account the current need.

- 6.47 At Para 12.38 the HEDNA acknowledges that although the analysis contained in the assessment has quantified this based on the market modelling and an understanding of the current housing market, it does not necessarily follow that such prescriptive figures should be included in the plan making process.
- 6.48 At Para 12.40 the HEDNA highlights the need to recognise that there will be variations in the need within areas due the different role and function of a location and the specific characteristics of local households, which they state can also vary over time.
- 6.49 In considering the proposed mix of house sizes, the officer’s report to committee concluded that whilst there was conflict with the Policy H1, the rural location, where take up of one-bedroom properties is low, meant that the exclusion of such properties was acceptable.
- 6.50 Furthermore, the officer’s assessment was that a wide choice of homes, “suitable for this location” (para 7.3) would still be provided despite not being consistent with the indicated mix. Critically, the Officer concluded that the proposals would meet the need within the community, the conflict with the policy being “limited as a social and balanced community can still be achieved” (para 7.4).
- 6.51 In summary, the HEDNA acknowledges that flexibility in housing mix is appropriate. The rural nature of the appeal site means that it is appropriate to apply a mix which differs from the HEDNA and the LPA accepted that the proposals were ‘appropriate’ within the flexibility suggested.

Mix of Affordable Housing

- 6.52 The appeal proposals include the provision of 25 affordable units.
- 6.53 Table 12.18 of the HDENA Suggested Mix of Social/Affordable Rented Housing by area, suggesting that for Rugby the split should be 35% 1 bedroom, . 30% 2 bedroom, 20% 3 bedroom and 15% 4+ bedrooms.
- 6.54 Table 12.19 of the HDENA Suggested Mix of Affordable Home Ownership by area, suggesting that for Rugby the split should be 20% 1 bedroom, 40% 2 bedroom, 20% 3 bedroom and 15% 4+ bedrooms.
- 6.55 At Para 12.59, the HDENA recognises the role which delivery of larger family homes in the affordable sector can play in releasing a supply of smaller properties for other households. It goes on to recognise the limited flexibility which 1-bed properties offer to changing household circumstances, which feed through into higher turnover and management issues.
- 6.56 Furthermore, at Para 12.60, the HDENA advocates the adoption of a flexible approach to the mix off affordable units. It highlights that in some areas Registered Providers find difficulties selling 1-

bedroom affordable home ownership homes and therefore 2-bedroom accommodation may be better. Finally, it highlights that in applying the mix to individual development sites, regard should be had to the nature of the site and character of the area.

6.57 In summary, the HEDNA acknowledges that flexibility in the mix of affordable housing provision should be applied to ensure proposals meet the specific needs of the subject site. As such, the proposed mix is considered appropriate in maximising the contribution to meeting the identified need considered in the evidence of James Stacey.

7.0 Other Representations

- 7.1 A total of 211 individual representations have been received in respect of the appeal. One of the representations is a petition in support of the proposals containing 18 signatories all of whom have confirmed that they live close to the appeal site.
- 7.2 At Appendix 12, I include a schedule of representations received which confirms that that of the 228 comments received (when petitioners are included individually), 23 are in support of the appeal proposals whilst 204 are opposed to the proposals, with one neutral comment.

The Location of Those Who Have Made Representations

- 7.3 The map included at Appendix 13 indicates the location of those who have made representations to the appeal, where such detail has been provided. This indicates that comments have been received from across England.
- 7.4 The map included at Appendix 14 focuses on the Appeal Site, indicating the location of representations made to the Appeal including whether they support (green tick) or oppose (red cross) the appeal proposals. Where a road name rather than specific property number is given, for example, Rugby Road, the marker is shown as orange, and these have been grouped together in the same location at that named road.
- 7.5 The map included at Appendix 14 confirms that the vast majority of those who have made representations to the appeal and live closest to the appeal site are in support of the appeal proposals.
- 7.6 Whilst it is accepted that the planning merits of the case do not hinge on numbers of supporters, nor indeed the basis of their interest in the proposals, it is significant that those most directly impacted by the appeal proposals by virtue of living directly adjacent to the appeal site support the proposals.
- 7.7 The pattern of the residents closest to the appeal site supporting the application reflects the representations made at the application stage. However, it is also of note that many of those residents who now support the appeal proposals initially objected to the application, being keen supporters of speedway and the former stadium.

Issues Raised by Representations Now and At Application Stage

- 7.8 At the application stage, the first consultation of the proposals (2018) attracted 99 individual comments from 'local residents' which the officer's report to committee defines as being located within Brandon and Binley Woods. Of these, 6 letters were in support whilst 99 were in opposition.
- 7.9 Approximately a further 1,400 objections were received from beyond the immediate application area including responses from USA and New Zealand.

- 7.10 The further consultation in 2021 which reflected the submission of details relating to layout and appearance, resulted in 12 individual comments from 'local residents', some 12% of the original number. Of these 3 letters were in support and 9 letters in opposition.
- 7.11 The representations received in relation to the appeal reflect the nature of those received at the application stage and both can be grouped under the following topics:

Support

- Need for Housing
- The Need to remove an eyesore
- The building having been vandalised
- That speedway noisy
- Unsocial behaviour from Fans attending Speedway
- Illegal Parking associated with Speedway events causing damage to verges and blocked footpaths
- The site being brownfield where housing is an appropriate use
- The proposals visually enhancing the site and Surrounding Areas
- Site not the correct location for Speedway and Stock car
- Declining numbers and return to stadium not viable
- Urgent need for more houses
- Scheme includes affordable housing and community sports facility
- 3G Pitch good for health and wellbeing
- Additional green space and footpaths

Objection

- Site within Green Belt and should be protected
- Brandon not a main rural settlement
- Stadium is well established sporting facility
- Local Infrastructure would not support housing
- Increased Traffic
- Pressure on schools and Doctors
- Considered best sporting venue for both Speedway and Stock car
- Stadium should be preserved and racing brought back
- Not in accordance with Parish Plan
- Lose its historic identity
- Speedway and Stock car racing should be reinstated
- Site deliberately neglected
- Site should be conservation area
- Provides economic benefits to local community
- The site must be maintained for social/sporting/community/leisure use
- No need for additional houses

- Loss of the stadium/stadium should be protected
- Best stadium for Speedway and Stock cars.
- 3G Pitch unacceptable replacement
- Loss of Amenity
- Housing Surplus to Brandon's Needs
- Sports provision not large enough to be economically viable
- Speedway and Stock cars need to return
- Football pitch cause noise and impact on neighbours
- Main access next to residential dwellings
- Breach of the Development Plan

7.12 I address the areas of objection below, referring in the main to the evidence presented by the appellant's expert witnesses or my own evidence.

The Site Is Within the Green Belt and Should be Protected

7.13 As set out in my earlier evidence and as confirmed in the evidence of Matthew Chard, whilst we acknowledge that the site is located within the defined Green Belt, it constitutes previously developed land, meaning that the appeal proposals are not inappropriate development.

Brandon is Not a Main Rural Settlement

7.14 It is not clear what the significance of the need for a settlement to be a 'main' one to accommodate such development, but it is assumed that this relates to the points made elsewhere regarding the local infrastructure to support such growth, which I address later in this evidence.

The Stadium is well established sporting facility/best sporting venue for Speedway & Stock Car

7.15 The former stadium has not operated since 2016 and whilst I am aware of the noted significance of the site for speedway and stock car racing, that alone is not sufficient to justify the rejection of the appeal proposals. The cultural/historic value of the site has not been sufficient to see it listed in a statutory or non-statutory form, and no viable offers have been forthcoming to purchase and re-instate the site.

7.16 As set out in my evidence elsewhere, the loss of the sporting facility has been considered against national, local and neighbourhood planning policy and it has been demonstrated that the stadium is surplus to requirements and the development for the alternative sports provision presents benefits which clearly outweigh the loss of the former use.

Local Infrastructure would not support housing Pressure on Schools and Doctors

7.17 The appeal proposals are supported by financial contributions which meet in full the requests of education and health consultees. No objections have been received from any services providers subject to the requests for contributions being met.

Increased Traffic and Access Next to Residential Dwellings

- 7.18 At the application stage, Warwickshire County Council, as Highway Authority, reviewed the submitted Transport Assessment and concluded that the proposals would not have an unacceptable impact on the highway network, committing with Policy D1, D2 and HS1 Of the Local Plan as well as the wider objectives of the NPPF promoting sustainable transport.

Not in accordance with Parish Plan

- 7.19 We assume that this comment is in relation to the Brandon and Bretford Neighbourhood Plan. The Neighbourhood Plan makes reference to the appeal site in the context of the former stadium being a ‘community facility’. As outlined in my earlier evidence, this definition of ‘community facility’ differs from that in the Local Plan.
- 7.20 Neighbourhood Plan Policy LF1 states that proposals that would diminish or remove a community facility will be required to demonstrate that the facility is no longer needed or viable and that there is no realistic prospect of viability being improved with either the current or other community use. As set out earlier in my evidence, the former stadium is no longer needed as a speedway stadium and there is no realistic prospect of it being made viable for such use.
- 7.21 It is of note that whilst the Parish Council did object to the proposals at the application stage, their concerns related to visual impact and traffic matters and did not raise the loss of the former stadium as basis for objecting.
- 7.22 Furthermore, the appeal proposals include a ‘community facility’ in the form of the proposed 3G pitch and associated Pavilion, which would be managed in accordance with a Community Use Agreement. As such, the proposals are consistent with the objectives of Neighbourhood Plan LF1 in proposing a new community facility.

The Site Has Been Deliberately Neglected

- 7.23 The appeal site has not been deliberately neglected. The site has been subject to a planning application for the redevelopment of the site since 2018, during which time the appellant have sought to secure the site to the best of their ability.

The Site Should be Conservation Area

- 7.24 This contention has not been justified nor pursued. Nor is there any proper basis for it to be pursued. In any event, the appeal site is located within the Green Belt, which might be considered the highest level of protection against inappropriate development.

The Stadium Provides Economic Benefits to the Local Community

- 7.25 The former stadium has not provided any economic benefits to the local community since 2016. As set out in my earlier evidence, economic benefits to the local authority, local retailers and services, which represents a significant benefit.

There is No Need for Additional Houses

- 7.26 As set out elsewhere in my evidence, whilst the LPA are able to demonstrate the required five year housing land supply, this is a minimum rather than a maximum requirement. As such, it cannot be said that there is no need for additional houses, particularly when the contribution that the ‘affordable’ housing will provide to meet the clear need that exists for that form of housing.

The 3G Pitch is an Unacceptable Replacement for the Stadium

- 7.27 As set out in my evidence, the proposed 3G pitch will meet the need identified by KKP in their 3G Feasibility Study (CD03.1) for additional football training facilities, serving a wide ranging spread of the local community in a participation sport at a scale that the former stadium could not. As such, the appeal proposals do represent an acceptable replacement.

The Proposals will Result in a Loss of Amenity

- 7.28 In operation, the former stadium attracted noise and dust complaints from residents (Appendix 6). The appeal site also currently attracts complaints resulting from anti-social behaviour resultant from illegal access to the site.
- 7.29 By contrast, as acknowledged in the Officers report at Paragraph 9.2 (CD06), the appeal proposals will benefit the neighbouring residential dwellings as noise on the site will be reduced. Furthermore, the proposed built form, being located to the north east of the site, set back from the boundary with the potential for appropriate landscaping (through reserved matters) will ensure that the proposals will not have a detrimental impact on the amenity of neighbouring properties.
- 7.30 In respect of the proposed 3G pitch, conditions relating to the hours of operation (condition 40) and use of floodlighting (Condition 32) will ensure that it does not impact on the amenity of residents.
- 7.31 As confirmed in the Officer’s report to Committee at Paragraph 9.6 (CD06), the proposals will not have a detrimental impact upon the residential amenity of existing neighbouring dwellings.

The Sports Provision Is Not Large Enough to be Economically Viable

- 7.32 The 3G Feasibility Study undertaken by KKP (CD03.1) includes a business plan for the proposed 3G pitch which concludes that it is financially viable proposal.

The Proposals represent a Breach of the Development Plan

- 7.33 As set out in the main body of my evidence, the appeal proposals do not ‘breach’ the Development Plan. Whilst the appeal site is not allocated for housing in the Local Plan or Neighbourhood Plan, it is common ground between the appellant and the LPA that the site constitutes previously developed land. It is also agreed that the appeal proposals will not result in a greater impact on the openness of the Green Belt.

7.34 Critically, the appeal proposals will deliver 124 dwellings, including much needed affordable properties, in a sustainable location whilst also providing an alternative sports and community facility, significant public open space, biodiversity net gain and significant economic benefits. As such, the significant benefits are consistent with the objectives of national, local and neighbourhood plans.

8.0 Conditions and Obligations

Conditions

- 8.1 The suggested draft conditions are outlined in the Statement of Common Ground at Chapter and the pre-commencement conditions are accepted.

Obligations

- 8.2 The appellant and LPA agree on the proposed obligations, concluding that those proposed are necessary to make the development acceptable in planning terms; directly related to the development; and are fairly and reasonably related in scale and kind to the development.
- 8.3 As such, the obligations are consistent with the requirements of Regulation 122 of The Community Infrastructure Levy Regulations 2010. A completed legal agreement will be submitted ahead of the commencement of the inquiry. A 'blue pencil clause' is included in the agreement in order that the Inspector can strike out any provisions which are not considered to be compliant with Regulation 122

9.0 Summary and Conclusions

- 9.1 The Appeal Site constitutes previously developed land in a sustainable location.
- 9.2 As set out in the Proof of Evidence of Matthew Chard of Stantec, the contribution the Appeal Site provides to the purposes of the Green Belt is very limited and the Appeal Proposals will result in no harm to 5 purposes of the Green Belt.
- 9.3 Whilst the Appeal Site is not allocated for residential development and the LPA are able to demonstrate that they can meet the required levels of market housing supply, the principle of delivering additional housing, including a policy compliant level of affordable units, should not be in question. The Council's five-year land supply requirement is not a maximum figure and the delivery of housing on previously developed land will relieve the pressure on greenfield sites elsewhere.
- 9.4 As set out in the Proof of Evidence of James Stacey of Tetlow King, **substantial weight** should be afforded to the contribution that the proposals make to the provision of affordable housing. The proposals will make a substantial contribution to the worsening trend of affordability experienced by the Borough and the policy compliant level of houses proposed means that the Appeal Proposals are compliant with Local Plan Policy H2 and Neighbourhood Plan Policy H3.
- 9.5 The Appeal Proposals will result in significant economic benefits during construction but also in operation. These benefits will be felt locally and as agreed by the LPA in recommending the application for approval, hold **substantial weight**.
- 9.6 The Appeal Proposals will result in significant environmental enhancements, creating a significant increase in public open space whilst delivering a significant biodiversity net gain. Whilst there will be some existing tree loss as a result on the proposals, this can be mitigated for through the subsequent landscaping proposals. The appeal proposals will also enhance the quality and accessibility of existing open space. As agreed by the LPA in recommending the application for approval, these benefits hold **substantial weight**.
- 9.7 The Appeal proposals will deliver a much-needed 3G pitch and associated pavilion which will create a community facility. The evidence of Jon Eady of KKP demonstrates that the appeal proposals will meet a sporting need at the Appeal Site and that the proposed pitch is viable. In contrast, there is no need for a speedway use at the site, the evidence of Clarke Osborne of Gaming International, confirming that speedway is an increasingly unviable sport, which is not geographically constrained. Much of the objection to the planning application and appeal relates to the history of the site and how it once operated. However, the Appeal Site and the sport of Speedway have changed dramatically since the closure of the site
- 9.8 It is concluded that the former stadium use is surplus to requirements and there is clear need for the 3G pitch proposed which outweighs the loss of the former stadium. As agreed by the LPA in recommending the application for approval, the proposed 3G pitch should be afforded **substantial weight**.

9.9 In conclusion, the significant benefits associated with the Appeal Proposals, which carry substantial weight, will deliver a sustainable form of development consistent with the objectives set out in the NPPF and Local Plan.

APPENDICES



10.0 Appendices

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Appendix 1
Chronology of Brandon Estates Ltd
Involvement in Appeal Site

Coventry, Brandon Stadium

History and Significant Events Review

15 August 2023

1	February 2014	In its recent history the stadium became known for holding speedway racing, stock car/bangers and, until February 2014, greyhound racing – following which the Greyhound Board of Great Britain (“GBGB”) revoked the stadium’s licence for holding greyhound racing events.
2	Note	<p>The site was openly and widely marketed by GVA (now known as Avison Young) as being suitable for re-development or continued use. Marketing first began in 2013.</p> <p>It is understood that due to a breach of loan covenants (i.e. default) by the owner, NatWest, as mortgagee in possession, had exercised the right to force disposal to recoup monies owed.</p>
3	December 2015	After a protracted marketing campaign, the Freehold of the site was purchased by Brandon Estate Limited (“BEL”) in December 2015 in a bank consensual sale. This was on a sale and leaseback basis.
4	Note	<p>As is normal with property companies, each individual site is bought in a Special Purpose Vehicle (“SPV”). The SPV is registered in Jersey.</p> <p>The site was purchased as a development opportunity to provide housing.</p> <p>The only asset in the SPV is the Brandon Stadium site. There is no income derived from the site. Countrywide Project Management Limited (“CWPM”) act as a consultant to BEL and manage the asset.</p>
5	December 2015 – December 2016	<p>On purchasing the site, BEL entered a lease with Coventry Racing Club Limited to continue operating the site in its current use. This is referred to as the First Lease. This was at a reduced rent (£10,000 per annum) and ran until 31 December 2016.</p> <p>This lease was sub-let to Coventry Speedway Limited, sole promoter of Coventry Bees Speedway Team. This allowed the Coventry Bees Speedway team to continue racing here.</p>
6	August 2016	In August 2016, Coventry Racing Club Limited told us that it did not want to remain at Brandon Stadium as the costs of running the stadium were too high and it was not economically viable to continue.
7	September 2016	Prior to the lease ending, BEL instructed Aegis Construction Consultancy (“Aegis”) to carry out a condition survey of the site. The report is dated 19 September 2016. Photos from the report are available.

		The survey confirms that, at the point of publication, the site was in a poor state of repair and in need of upgrade to internal finish (including investigation in relation to compliance with disabled access, fire escapes, asbestos and health and safety regulations).
8	November 2016	<p>In late November 2016, before the First Lease ended, the property was ransacked and numerous fixtures and fittings were removed by the tenant which left the stadium completely unable to function for Speedway or any other occupational use.</p> <p>This involved removing shale from the track, removing fire alarms and emergency lighting, removing every seat, cutting flood lights at the base leaving them over the track, and cutting the PA system. Other items, including trackside crash bags were also removed.</p>
9	December 2016	On 5 December 2016 Aegis carried out a revised building schedule to review the damage caused. Photos from the report are also available. The schedule confirmed all damage caused from the above and meant the stadium couldn't be operated. This second survey was only carried out because of the damage caused to the stadium.
10	Note	Save Coventry Speedway ("SCS") campaign group have publicly alleged that BEL was responsible for the damage caused to the stadium, which is not true. At the time BEL did not have access rights to the stadium as the property was still under the lease agreement and the responsibility of the tenant.
11	December 2016	SCS have previously provided images of the stadium dated 31 December 2016 which show the site in a clean state. We understand this was done to demonstrate that the stadium was still operational but did not show true picture or the full extent of the damage.
12	January 2017	When BEL took occupation, BEL commissioned Electrat to do a survey of the existing services. The report is dated 13 January 2017. The report stated that the stadium was not fit for operational purposes and in some parts the services were left in a dangerous state.
13	January 2017	<p>Before the end of the First Lease a new agreement for lease was signed with Coventry Speedway Limited giving them right to continue operating the site for the Coventry Bees Speedway team. This was due to commence from 3 January 2017 for one year with the option for a further 2 years. The rent was at £1 per annum.</p> <p>Given the extent of the damage caused and the significant cost to reinstate the stadium to an operational state, this lease could not be completed because it was not economically viable, and the agreement was terminated.</p>
14	Note	Since the site has been owned there have been some approaches to purchase the site and one offer was made. This was well below market expectations so was not financially viable and not accepted. BEL has instructed an

		independent Surveyor to assess the cost of reinstating the stadium in line with current building and health and safety regulations which will cost £13.71m making this an economically unviable option.
15	April 2017	<p>The site has been subject to repeated occurrences of illegal trespassing and criminal damage. This is largely from: individuals wanting to look at the site; those wanting to cause damage including arson; those stealing materials of any value including electrical cabling; and travellers' forming encampments on the site.</p> <p>Substantial amounts of money and resource have been expended by BEL on securing the premises and removing waste throughout BEL's ownership.</p> <p>The site is regularly attended by Security and Contractors. Any breaches identified are secured as soon as reasonably possible.</p>
16	September 2017	<p>A Community Protection Notice (CPN) was served on BEL in September 2017 following a traveller encampment.</p> <p>The CPN put a duty on BEL to use all reasonable endeavours to secure access to the site by unauthorised groups or individuals.</p>
17	Note	BEL were prosecuted by Rugby Borough Council (RBC) for breaching the CPN on two occasions. Once for Summer 2019 and once in Summer 2021.
18	November 2022	<p>The case was heard at trial in Birmingham Magistrates Court in November 2022 where it was found that BEL had breached the terms of the CPN. BEL were fined £10,000 and ordered to pay RBC's legal fees.</p> <p>BEL were ordered to secure any openings by using metal shuttering. This was completed in early 2023</p>
19	December 2022	BEL lodged an appeal against the court order.
20	January 2023	At a Case Management Hearing a trial date was set for 7-9 June 2023.
21	May 2023	Following discussions with RBC, on 30 May 2023 the CPN was withdrawn and the appeal was also withdrawn.

Appendix 2
Schedule of Speedway Riders and
Nationalities

UK Speedway – Breakdown of Rider Nationality within Premiership, Championship, and National Development League

Nationality	Number	%
UK	112	63%
Australia	29	16%
Denmark	14	8%
New Zealand	4	2%
Poland	4	2%
Russia	3	2%
USA	3	2%
Germany	2	1%
England	1	1%
Finland	1	1%
France	1	1%
Italy	1	1%
Netherlands	1	1%
Slovenia	1	1%

(Source: <https://britishspeedway.co.uk/list/riders-m/>)

UK Speedway – Breakdown of Riders in the Premiership and Championship Leagues ONLY

Nationality	Number of Riders	%
UK	40	49%
Australia	22	27%
Denmark	10	12%
New Zealand	1	1%
Poland	3	4%
Russia	1	1%
USA	1	1%
Germany	2	2%
France	1	1%
Italy	1	1%

Appendix 3
**Structural Condition Report by Farrow
Walsh Consulting**



BRANDON STADIUM

4 RUGBY ROAD

BRANDON, COVENTRY

CV8 3GJ

STRUCTURAL CONDITION REPORT

APRIL 2023

FW2340_SCR_001/CF

REVISION HISTORY

Revision	Reason for Issue	Author	Checker	Approved	Date
-	First Issue	CF	CK		09/05/23

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APPENDICES

Appendix A – Site Location Plan

Appendix B – Photos

1.0 INTRODUCTION

1.1 BRIEF

1.1.1 Farrow Walsh Consulting was instructed by Paul Sambrooks to carry out a structural condition survey of the Brandon Stadium - 4 Rugby Rd, Brandon, Coventry CV8 3GJ.

1.1.2 The purpose for the survey was to visually examine the existing structural elements of the main grandstand, grandstand, terraces and provide commentary on the structural stability, condition of the property, condition of the structural and non-structural walls and determine the expected lifespan of the structure.

1.2 SURVEY

1.2.1 A non-intrusive, arm's length structural survey was carried out on 11th April 2023 at 2:00pm by the writer.

1.2.2 Photographs were taken during the survey and a relevant selection of these are included in Appendix B, also cross-referenced throughout this report.

1.2.3 The weather at the time of survey was dry and overcast.

1.3 PREVIOUS REPORTS

1.3.1 There are no previous reports made available at time of survey.

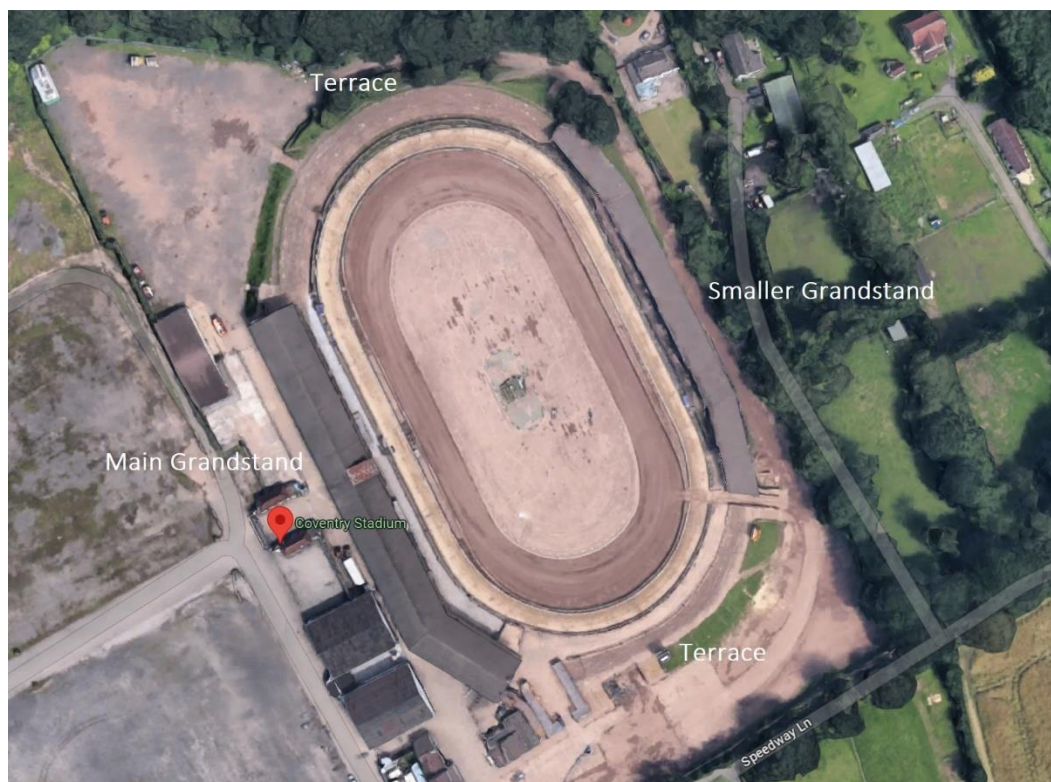
1.4 LIMITATION

1.4.1 Any metal, concrete or wooden element or other parts of the structure which are covered, unexposed or inaccessible have not been examined and we are therefore not able to confirm that any such part is free from defect.

2.0 FORM OF STRUCTURE

2.1 PROPERTY

- 2.1.1 The existing main grandstand constructed around 1920 is a single row multi-bay cantilever gantry structure using metal H-section columns and double angle roof, gantry and bracing elements.
- 2.1.2 The roof structure supports profiled concrete sheeting sat on metal angle purlin(s) spanning between the metal angle truss supported on two columns which transfer down to the foundations.
- 2.1.3 The upper terrace floor slab is formed of profiled concrete slab spanning side to side supported on steel beams spanning front to back.
- 2.1.4 The construction of the foundation arrangement is unknown.
- 2.1.5 The existing smaller grandstand is a single row multi-bay gantry structure supported to the front and rear by metal H-section columns and double angle roof, gantry and bracing elements.
- 2.1.6 The roof structure supports profiled concrete sheeting sat on metal angle purlin(s) spanning between the metal angle truss supported on two columns which transfer down to the foundations.



3.0 OBSERVATIONS/FINDINGS

3.1 PRIMARY STRUCTURE

Main Grandstand

- 3.1.1 There were three areas, two to the southern section and one to the northern section, of fire damage to the grandstand roof structure.
- 3.1.2 The fire damage to the northern section was located on the raised gantry area where the profiled concrete roof covering had fallen to the floor while the roof truss, roof trimmer, roof purlin and roof bracing was significantly deformed. The wooden joists supporting the gantry floor had fallen to the ground while the remaining joists were unstable and demonstrated significant charring.
- 3.1.3 The fire damage to the centre of the southern section was located within an open area of the terrace. The profiled concrete roof covering had fallen to the floor while the roof truss, roof trimmer, roof purlin, roof bracing and gantry truss was significantly deformed.
- 3.1.4 The fire damage to the southern end gable and western rear elevation was located within the area of rooms formed of wooden stud walls and glazed window panels. The profiled concrete cladding to the rear elevation had fallen to the floor while the roof truss, roof trimmer, roof purlin and roof bracing was significantly deformed. The wooden joists supporting the gantry floor had fallen to the ground while the remaining joists were unstable and demonstrated significant charring.
- 3.1.5 The existing roof members were inspected from ground level and to each fire damaged area the roof truss, roof trimmer, roof purlin, roof bracing, gantry truss and connections were significantly damaged limiting the stability of the structure.
- 3.1.6 The existing roof members remote from the fire damaged areas demonstrated significant corrosion throughout while the adequacy of the connections could not be identified.
- 3.1.7 The concrete terrace slab demonstrated significant shear cracking to the slab soffit adjacent to each line of support, corresponding with the main frame column centres. There are areas of reinforcement corrosion, spalled sections of concrete and ongoing weathering that will significantly reduce capacity of the slab to support self weight and potential maintenance loading.
- 3.1.8 The aerated block wall forming the rear elevation demonstrated vertical pattern, horizontal pattern and diagonal pattern defects varying between 45mm and 5mm over the length of each wall panel running between the main column locations.
- 3.1.9 The concrete surround to each column along the rear western elevation demonstrated horizontal pattern, vertical pattern defects varying between 10mm to 5mm over the height of each section.

3.1.10 The concrete beam over the western rear elevation entrance demonstrated defects in the form of deflection cracking, several areas of reinforcement corrosion, spalled sections of concrete and weathering that will significantly reduce capacity of the beam to support the loadings from the beam and block floor and wall.

Smaller Grandstand

3.1.11 The double angle roof truss, bracing and columns had significant corrosion, surface pitting and flaking throughout the extent of the structure.

3.1.12 The connections throughout the structure could not be inspected fully for soundness.

3.1.13 The aerated block wall forming the rear elevation demonstrated vertical pattern, horizontal pattern and diagonal pattern defects varying between 25mm and 5mm over the length of the wall.

3.1.14 The terrace slab was fractured in three separate locations remote from the movement joint locations.

3.2 TERRACES

3.2.1 The terrace slab was fractured to multiple separate locations over the area, with unseated steps throughout.

3.2.2 The self seeded planting over the terrace areas appeared growing out of the defects increasing the crack width and exacerbating the weathering of the structure.

3.3 INTERNAL STRUCTURES

Main Grandstand

3.3.1 The aerated concrete block walls forming the rear western elevation demonstrated defects consistent with accelerated thermal movement and anti social behaviour that has rendered the panels dangerous to human health.

3.3.2 The aerated concrete block walls forming the internal partitions demonstrated defects consistent with accelerated thermal movement and anti social behaviour that has rendered the panels dangerous to human health.

Smaller Grandstand

3.3.3 The removal of the toilet block walls has left a wall panel with unrestrained edges that renders the panel dangerous to human health.

3.4 EXTERNAL ELEVATIONS

Main Grandstand

- 3.4.1 The aerated block wall forming the rear elevation demonstrated vertical pattern, horizontal pattern and diagonal pattern defects varying between 45mm and 5mm over the length of each wall panel running between the main column locations.
- 3.4.2 The concrete surround to each column along the rear western elevation demonstrated horizontal pattern, vertical pattern defects varying between 10mm to 5mm over the height of each section.
- 3.4.3 The concrete beam over the western rear elevation entrance demonstrated defects in the form of deflection cracking, several areas of reinforcement corrosion, spalled sections of concrete and weathering that will significantly reduce capacity of the beam to support the loadings from the beam and block floor and wall.

Smaller Grandstand

- 3.4.4 The aerated block wall forming the rear elevation demonstrated vertical pattern, horizontal pattern and diagonal pattern defects varying between 25mm and 5mm over the length of the wall.

Terrace

- 3.4.5 None.

4.0 CONCLUSIONS & RECOMMENDATIONS

4.1 STABILITY, CONDITION AND EXPECTED LIFESPAN OF STRUCTURE

- 4.1.1 Overall, there were multiple areas throughout the main grandstand, smaller grandstand and terrace areas where major defects and overall instability due to fire damage, weathering, ground movement and negligence to the metal frame/ roof/ wooden gantry/ facades excessive cracking / concrete terrace.
- 4.1.2 The main grandstand is regarded as structurally unsafe and not suitable for use.
- 4.1.3 The smaller grandstand is regarded as structurally stable with corrective maintenance, while the terrace area is compromised due to sub soil movement and self-seeding planting as such it is regarded as structurally unsafe and not suitable for use.
- 4.1.4 The terrace areas are compromised due to sub soil movement and self-seeding planting as such they are regarded as structurally unsafe and not suitable for use.
- 4.1.5 The service life of a grandstand varies considerably depending upon the material from which it is constructed, how it was constructed, how it was maintained and a range of environmental factors. Typically, a service life of about 45 years is typical for an open grandstand, with the grandstand being in service since 1928 it is nearly twice the typical service life.

4.2 RECCOMENDATIONS AND SUMMARY

- 4.2.1 The following defects were observed on the External inspection mainly and have been categorised as follows:

Significant

Main Grandstand

Observed Major levels of corrosion to the exposed metalwork forming roof truss, cross girder, supporting columns, bracing and connections – SIGNIFICANT RISK.

Observed open shear cracking with spalled concrete and corroded reinforcement to grandstand seating/ steps concrete slabs over metal support beams – SIGNIFICANT RISK TO SAFETY DUE TO REDUCED CAPACITY.

Observed twisted cross girder and roof truss due to Fire Damage – UNSTABLE SIGNIFICANT RISK.

Observed twisted gantry metalwork and missing wooden joists/ decking due to Fire Damage – UNSTABLE AND SIGNIFICANT RISK.

Unstable panels of blockwork throughout grandstand due to vandalism – SIGNIFICANT RISK.

Cracking and spalling of concrete surround of the rear metalwork grandstand columns – REQUIRES REPLACEMENT TO LIMIT FURTHER CORROSION LIMITING CAPACITY TO SUPPORT STAND.

Water penetration of the concrete slab forming the seats/ steps of the grandstand has resulted in spalling of concrete soffit/ slab edge and the corrosion of the main reinforcement – REDUCES SLAB CAPACITY IF ALLOWED TO CONTINUE STABILITY IS COMPROMISED INCREASING THE POTENTIAL FOR COLLAPSE.

Metalwork stairs and gangways throughout the grandstand demonstrated Major levels of corrosion – REDUCED CAPACITY WITH STAIRS NOT FIT FOR PURPOSE.

General vegetation growth throughout – REQUIRES CLEARING TO LIMIT FURTHER DAMAGE TO CONCRETE AND MASONRY.

Smaller Stand

Observed Major levels of corrosion to the exposed metalwork forming roof truss, cross girder, supporting columns, bracing and connections.

Unstable panels of blockwork throughout grandstand due to vandalism – SIGNIFICANT RISK.

Major crack through the slab forming the steps – REQUIRES REPLACING.

Water penetration of the concrete slab has resulted in spalling of concrete and the corrosion of the reinforcement – LIMITING CAPACITY.

General vegetation growth throughout – REQUIRES CLEARING TO LIMIT FURTHER DAMAGE TO CONCRETE AND MASONRY.

Terrace

Water penetration of the concrete slab has resulted in spalling of concrete and the corrosion of the reinforcement – LIMITING CAPACITY.

Major

Eastern Stand

Unsafe block work walls to the rear elevation.

Corrosion of the double angle roof truss, bracing and support columns.

Minor

Main Grandstand

Self-seeding planting throughout areas with cracking and unseating the concrete.

Terrace

Self-seeding planting throughout areas with cracking and unseating the concrete.

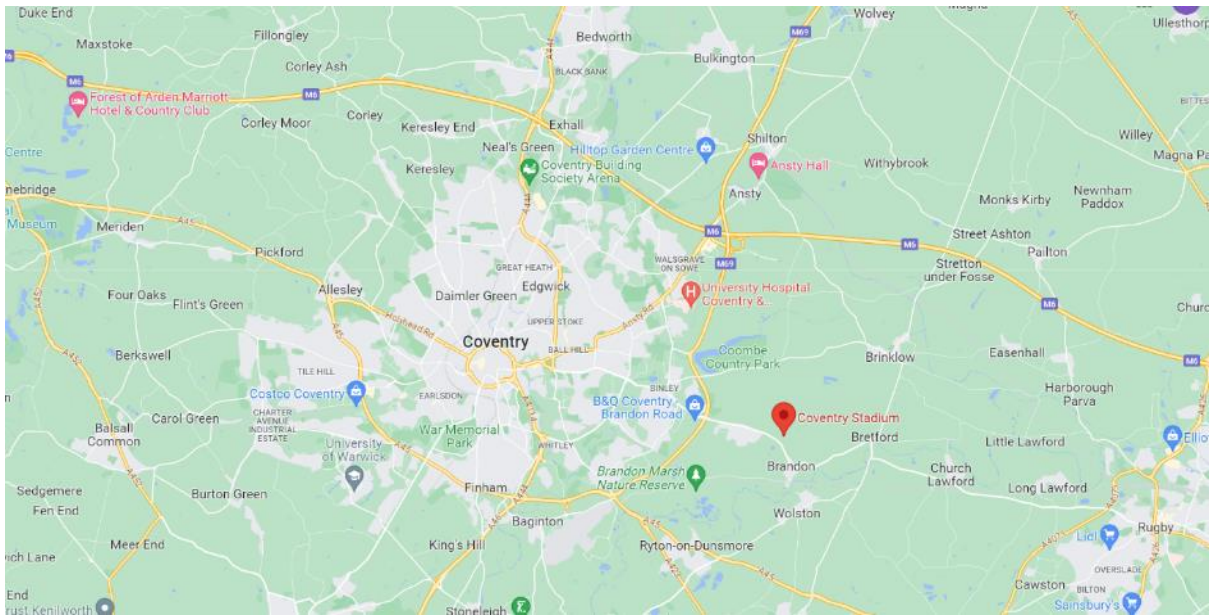
- 4.2.2 There were several areas throughout the main grandstand where significant to major defects in the form of fire damage to the metal frame/ wooden gantry, excessive cracking to facades/ concrete terrace, roof damage and overall instability.
- 4.2.3 There were several areas throughout the smaller grandstand where significant to major defects in the form of ground movement, excessive cracking to concrete terrace, roof damage and general instability.
- 4.2.4 There were several areas throughout the terrace areas where major defects in the form of ground movement, excessive cracking to concrete and overall instability.



Signed:

Chris Farrow Director

APPENDIX A – SITE LOCATION PLAN



Google Maps location



Google Maps Satellite View

APPENDIX B – RECORD PHOTOS



Plate 1 View West onto Main Grandstand



Plate 2 View West onto Main Grandstand



Plate 3 View West onto Main Grandstand



Plate 4 View West onto Main Grandstand



Plate 5 View West onto Main Grandstand



Plate 6 View West onto Main Grandstand



Plate 7 Main Grandstand southern section Fire Damage



Plate 8 Main Grandstand northern section



Plate 9 Main Grandstand southern section Fire Damage



Plate 10 Main Grandstand southern section Fire Damage



Plate 11 Main Grandstand southern section



Plate 12 Main Grandstand Fire Damage



Plate 13 Main Grandstand Fire Damage



Plate 14 Main Grandstand Fire Damage



Plate 15 Main Grandstand Fire Damage



Plate 16 Main Grandstand view North Fire Damage



Plate 17 Min Grandstand Fire Damage



Plate 18 Main Grandstand Roof Structure



Plate 19 Main Grandstand Terrace Slab Soffit shear cracking DEFECT



Plate 20 Main Grandstand Terrace Slab Soffit shear cracking DEFECT



Plate 21 Main Grandstand Fire Damage to internal block walls



Plate 22 Main Grandstand southern end Fire Damage



Plate 23 Main Grandstand southern end Fire Damage

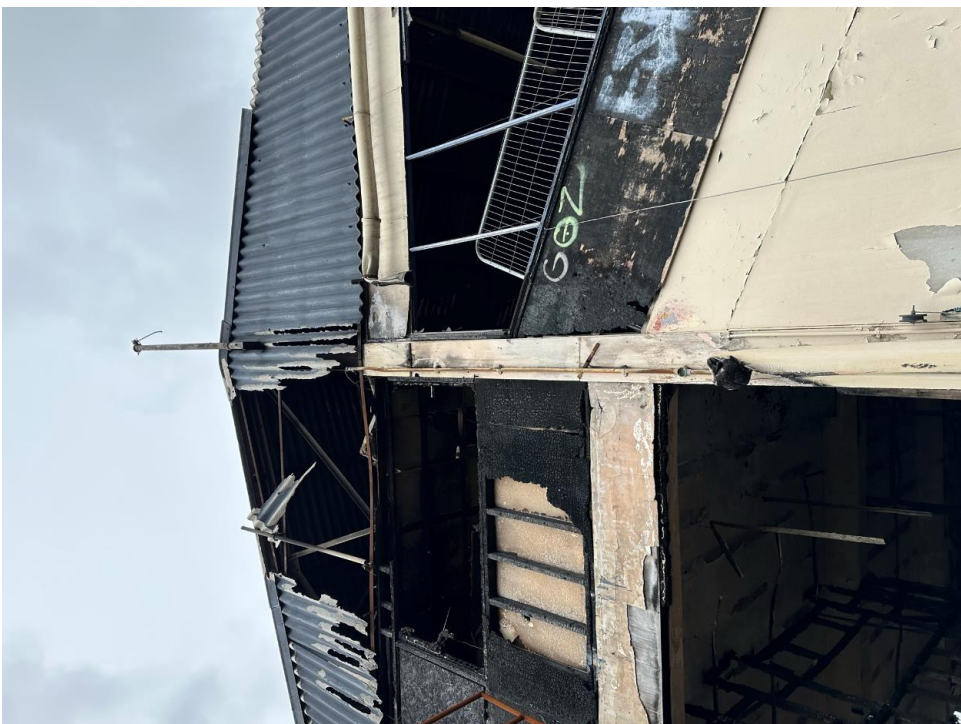


Plate 24 Main Grandstand southern end Fire Damage



Plate 25 Main Grandstand southern end Fire Damage



Plate 26 Main Grandstand southern end Fire Damage



Plate 27 Main Grandstand southern end Fire Damage



Plate 28 Main Grandstand southern end Fire Damage



Plate 29 Main Grandstand southern end Fire Damage



Plate 30 Main Grandstand western rear elevation Fire Damage



Plate 31 Main Grandstand western rear elevation Fire Damage



Plate 32 Main Grandstand western rear elevation Fire Damage



Plate 33 Main Grandstand western rear elevation cracking to column concrete



Plate 34 Main Grandstand western rear elevation cracking to column concrete

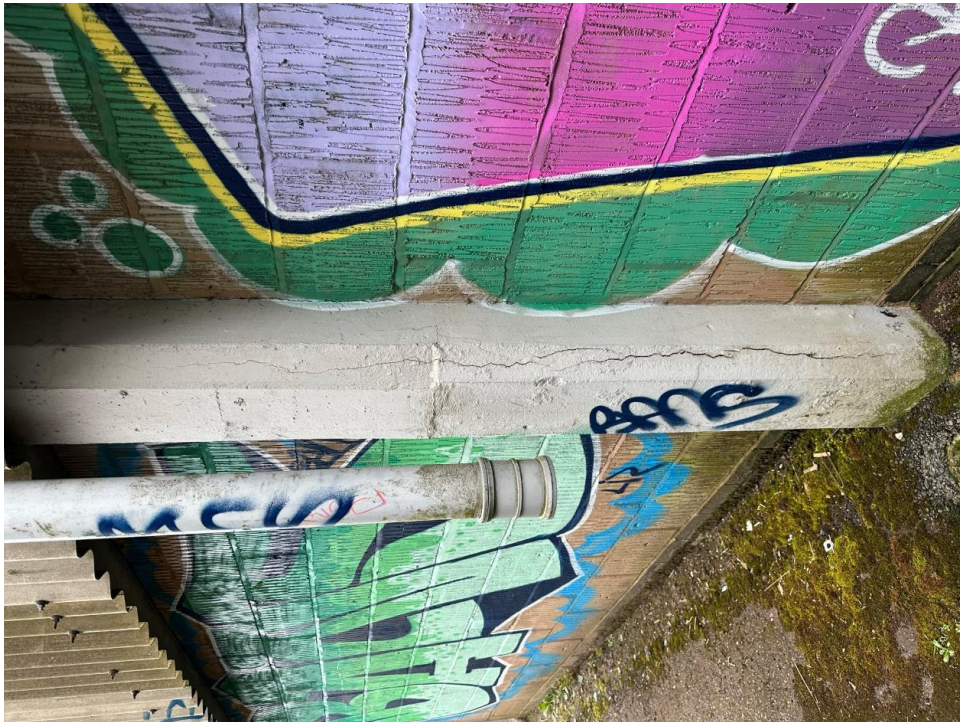


Plate 35 Main Grandstand western rear elevation cracking to column concrete

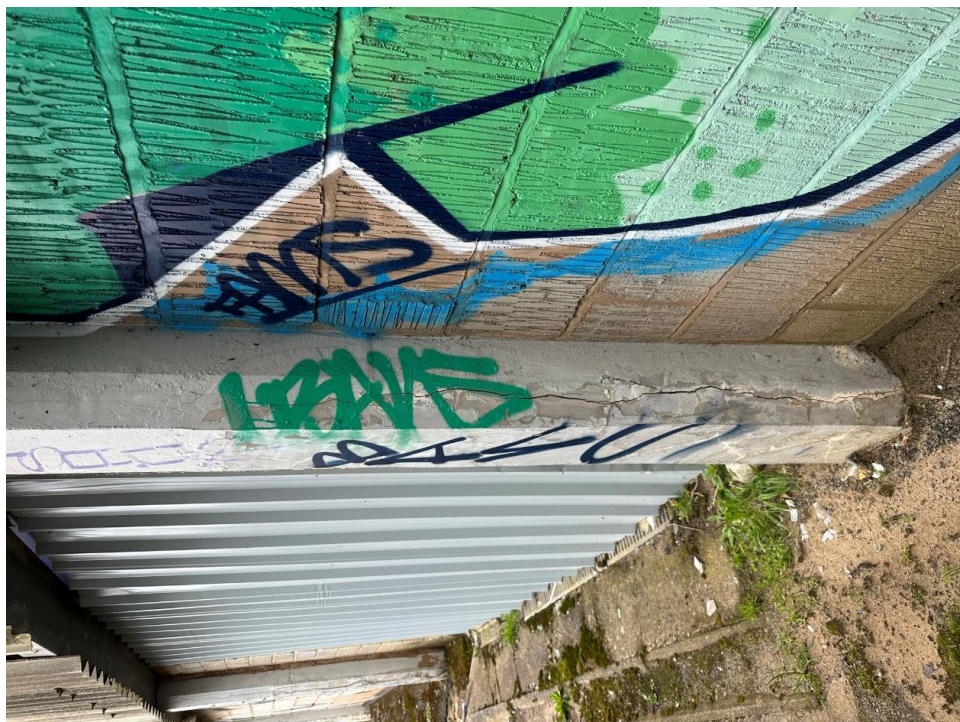


Plate 36 Main Grandstand western rear elevation cracking to column concrete



Plate 37 Main Grandstand western rear elevation cracking to column concrete



Plate 38 Main Grandstand western rear elevation cracking to column concrete

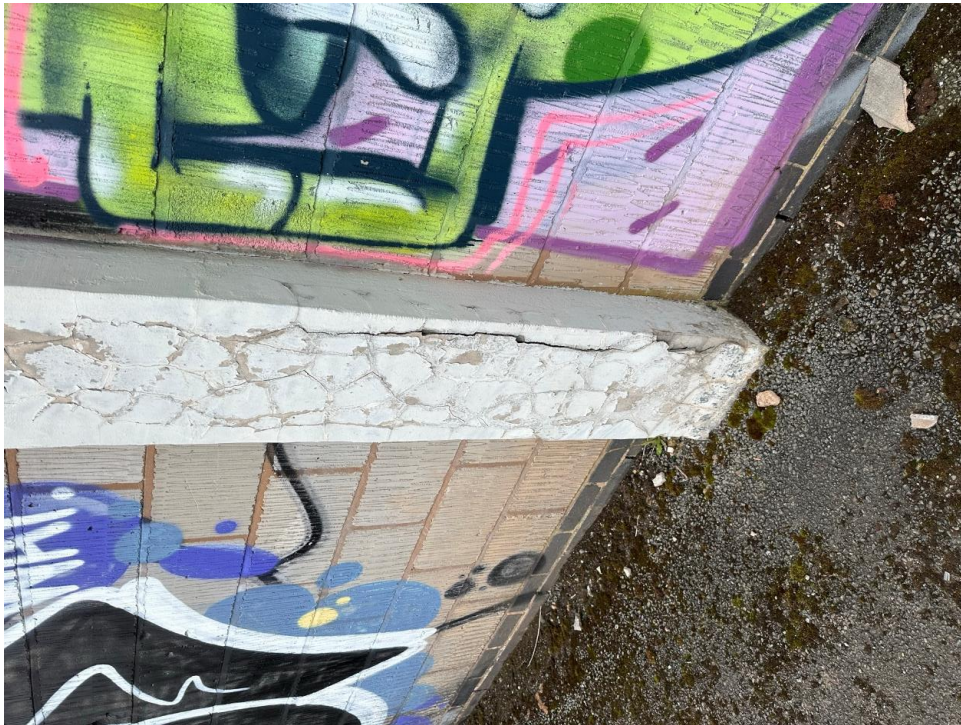


Plate 39 Main Grandstand western rear elevation cracking to column concrete



Plate 40 Main Grandstand western rear elevation



Plate 41 Main Grandstand western rear elevation



Plate 42 Main Grandstand western rear elevation



Plate 43 Main Grandstand western rear elevation



Plate 44 Main Grandstand western rear elevation



Plate 45 Main Grandstand western rear elevation



Plate 46 Main Grandstand western rear elevation



Plate 47 Main Grandstand western rear elevation



Plate 48 Main Grandstand western rear elevation



Plate 49 Main Grandstand western rear elevation

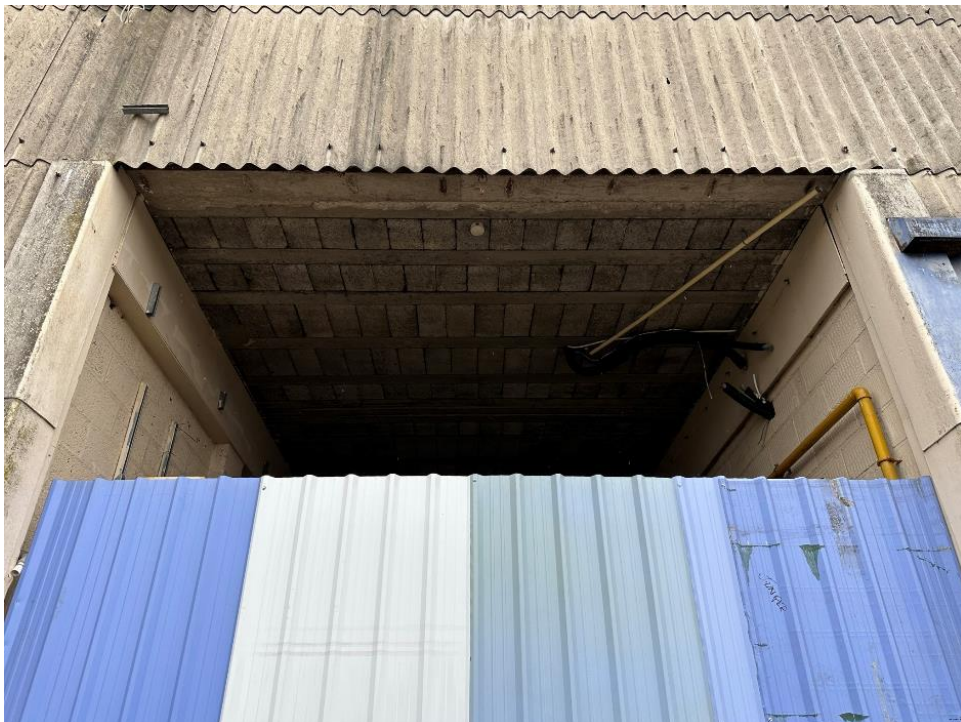


Plate 50 Main Grandstand western rear elevation



Plate 51 Main Grandstand northern end elevation



Plate 52 Main Grandstand northern end elevation



Plate 53 Eastern Grandstand southern end



Plate 54 Eastern Grandstand southern end



Plate 55 Eastern Grandstand roof structure



Plate 56 Eastern Grandstand southern end terrace DEFECT



Plate 57 Eastern Grandstand southern end



Plate 58 Eastern Grandstand southern end



Plate 59 Eastern Grandstand southern end



Plate 60 Eastern Grandstand roof structure southern end



Plate 61 Eastern Grandstand terrace DEFECT



Plate 62 Eastern Grandstand terrace DEFECT

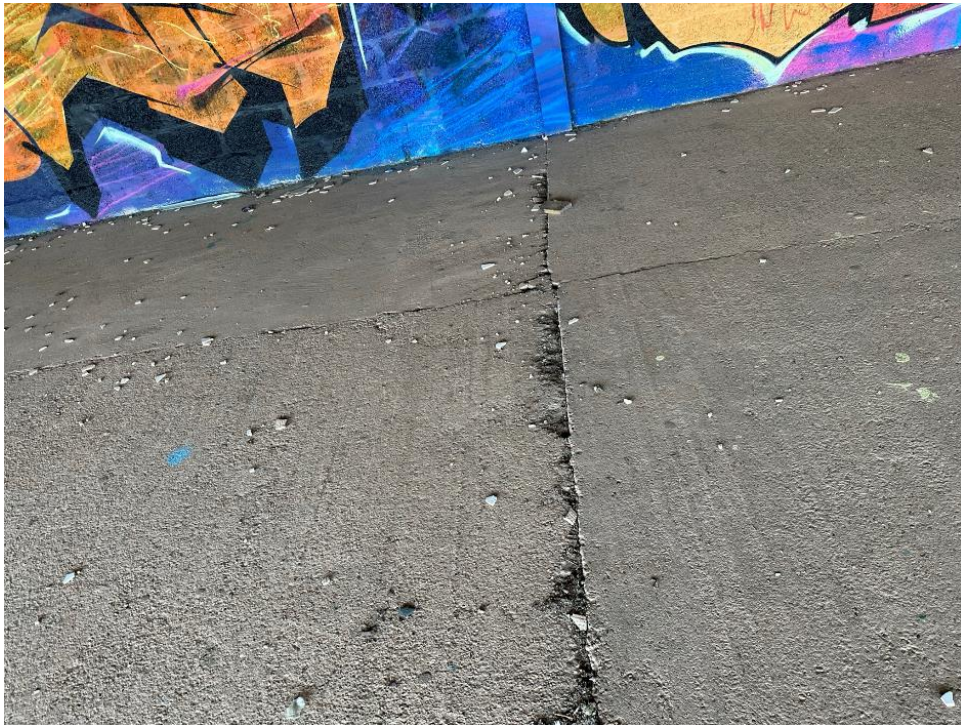


Plate 63 Eastern Grandstand terrace DEFECT



Plate 64 Eastern Grandstand terrace DEFECT



Plate 65 Eastern Grandstand roof support column



Plate 66 Eastern Grandstand terrace self seeding planting growth unseating



Plate 67 Eastern Grandstand rear elevation unstable wall DEFECT



Plate 68 Eastern Grandstand rear elevation demolished toilet block unstable wall



Plate 69 Eastern Grandstand central terrace area

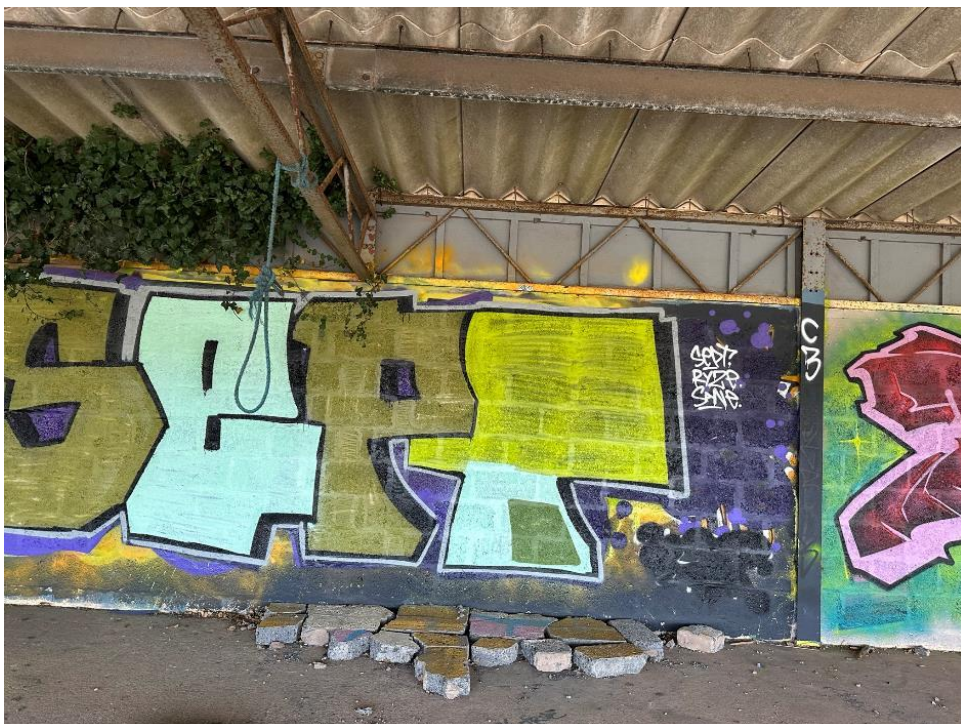


Plate 70 Eastern Grandstand rear elevation demolished toilet block unstable wall



Plate 71 Eastern Grandstand terrace self seeding planting growth unseating



Plate 72 Eastern Grandstand northern end



Plate 73 Eastern Grandstand northern end

Appendix 4
Cost Report by Rider Levett Bucknall

REPORT

28 July 2023

COST REPORT NUMBER ONE

BRANDON STADIUM REBUILD COST MODEL

Brandon Estates Ltd

Prepared By

Declan O'Driscoll
Associate

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COST REPORT NUMBER ONE
BRANDON STADIUM REBUILD
COST MODEL



AUTHORISATION

This report has been prepared by:

Signature 

Declan O'Driscoll

and authorised for issue by:

Signature 

Paul Beeston

REVISION HISTORY

Date	Revision	Author	Authoriser	Remark
28/06/2023	00	DO	PB	

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2.0 PROJECT INFORMATION

3.0 BASIS OF REPORT

APPENDICES

APPENDIX A COST ESTIMATE

COST REPORT NUMBER ONE

BRANDON STADIUM REBUILD

COST MODEL

1.0 EXECUTIVE SUMMARY

1.1 STATUS OF COSTS

The purpose of this report is to provide a Cost Model for the rebuild of the existing speedway facility at Brandon, Coventry.

1.2 COST SUMMARY

Description	Cost (£)
FACILITATING WORKS	540,000
FITTINGS, FURNISHING AND EQUIPMENT	Excluded
SERVICES	800,000
COMPLETE BUILDINGS AND BUILDING WORKS	5,150,000
WORKS TO EXISTING BUILDINGS	440,000
EXTERNAL WORKS	2,370,000
MAIN CONTRACTOR PRELIMINARIES	1,390,000
MAIN CONTRACTOR OVERHEADS & PROFIT	640,000
PROJECT/DESIGN TEAM FEES	1,130,000
RISKS/CONTINGENCY	1,250,000
ESTIMATED TOTAL COST	13,710,000

Note: above costs have been rounded to nearest £10,000

Please refer to Appendix A of this report for the estimate detail.

2.0 PROJECT INFORMATION

2.1 DESCRIPTION OF THE WORKS

The scheme comprises the demolition, refurbishment and construction of an existing speedway track including the following.

- Demolition of existing Main Stand and replacement with a 1,000-seater stand including hospitality, club shop, offices, kitchen, lounges etc...
- Refurbishment of the existing smaller stand,
- Refurbishment of existing maintenance sheds,

2.0 PROJECT INFORMATION (CONT'D)

2.1 DESCRIPTION OF THE WORKS

- Demolition of existing ancillary buildings/structures/fencing etc....,
- Repair/minimal intervention to existing hard standings,
- New surfacing to speedway and greyhound track,
- New kennel, garages, ticketing/entrance/turnstiles, fencing

2.2 PROJECT TEAM

Developer	Brandon Estates Ltd
Cost Consultant	Rider Levett Bucknall

3.0 BASIS OF REPORT

3.1 PURPOSE AND STATUS OF REPORT

The purpose of this report is to provide a cost model for the demolition, refurbishment and construction of the existing facility. This report should be viewed with a level of tolerance of +/-10%.

3.2 ESTIMATE BASE DATE

This report has been prepared using pricing levels as of Q2 2023 with no allowance made for inflation.

3.3 INFORMATION USED TO PREPARE REPORT

This report has been prepared using the following information:

- Demolition Plan, dwg no. 7771-51.XXX Rev. P01
- Email from Alastair Burgwin on 03 May 2023 at 16:49, subject 'RLB Fee Proposal'
- Structural Condition Report, dated April 2023, ref. FW2340_SCR_001/CF
- Site Visit on 27 March 2023
- Proposed Plan Option 2, dwg no. 7771 - SK 2 Rev. P01 (reference only)

3.4 BASIS OF ESTIMATE (ASSUMPTIONS)

This report has been prepared using the following assumptions:

- A contingency/risk has been included at 10% for all works.
- Design team fees have been included as 10%.
- Local connections have been assumed (adjacent to site) for water, sewerage, electricity and communication systems

3.0 BASIS OF REPORT (CONT'D)

3.4 BASIS OF ESTIMATE (ASSUMPTIONS) (CONT'D)

- The size of the proposed new kennels and welfare, shared garages, ticketing booths have been measured from the proposal provided by Fairhurst's
- The maintenance sheds will undergo refurbishment works
- The proposed Main Stand has been assumed to be 1,000 seats/spectators in size.
- The existing car park area will have minimal intervention only
- The hard surfacing around the existing track will have isolate repairs/replacement only (not complete replacement)
- Further assumptions can be found in Appendix A

3.5 EXCLUSIONS

This report excludes the following from the cost estimate:

3.5.1 FINANCIAL EXCLUSIONS

- Local taxes (e.g. VAT)
- Land acquisition costs
- Land compensation costs
- Restrictive land covenants/ransoms/rights of light/oversailing
- Finance costs
- Inflation beyond Q2 2023
- Marketing signage
- Special contract conditions
- Fluctuations
- Contributions to adjacent land owners
- Commuted sums
- Section 106 contributions
- Potential future extreme levels of inflation or programme delays due to the Ukraine crisis are excluded.

3.5.2 SCOPE EXCLUSIONS

- Landscaping other than that identified; including ongoing maintenance in post construction phase
- Utilities diversions and disconnections other than those identified
- Flood defence works
- Permanent ecology works other than those identified

3.0 BASIS OF REPORT (CONT'D)

3.5 EXCLUSIONS (CONT'D)

- Dealing with contaminated water courses plant growth, archaeological works etc. except where identified in the cost estimate.
- Sculptures and art installations
- FFE
- AV system
- Increasing capacity to existing services.
- Gas installation
- Further exclusions can be found in Appendix A

**APPENDIX A:
COST ESTIMATE**

BRANDON STADIUM

REP CR01 (STADIUM RE-BUILD)



ELEMENTAL SUMMARY

ALL All Locations

Rates Current At May 2023

Ref	Description	%	Total Cost £
0	Facilitating Works		
0.1	Toxic/Hazardous/Contaminated Material Treatment	1.2%	162,500
0.2	Major Demolition Works	2.4%	325,000
0.3	Temporary Support to Adjacent Structures	0.2%	25,000
0.4	Specialist Groundworks		Excluded
0.5	Temporary Diversion Works		Excluded
0.6	Extraordinary Site Investigation Works	0.2%	25,000
	0 - Facilitating Works	3.9%	537,500
4	Fittings, Furnishings and Equipment		Excluded
5	Services		
5.4	Water Installations	0.4%	50,000
5.8	Electrical Installations	2.9%	400,000
5.12	Communication, Security and Control Systems	2.6%	350,000
	5 - Services	5.8%	800,000
6	Complete Buildings and Building Works		
6.1	Prefabricated Buildings and Building Units	37.6%	5,148,000
	6 - Complete Buildings and Building Works	37.6%	5,148,000
7	Works to Existing Buildings		
7.1	Minor Demolition Works and Alteration Works	2.5%	337,500
7.2	Repairs to Existing Services	0.7%	100,000
	7 - Works to Existing Buildings	3.2%	437,500
8	External Works		
8.1	Site Preparation Works	0.4%	50,000
8.2	Roads, Paths, Pavings and Surfacing	12.1%	1,652,775
8.4	Fencing, Railings and Walls	2.5%	342,750
8.5	External Fixtures	1.6%	225,000
8.6	External Drainage	0.7%	100,000
	8 - External Works	17.3%	2,370,525
9	Main Contractor's Preliminaries		
9.1	Main Contractor's Preliminaries	10.2%	1,394,029
	9 - Main Contractor's Preliminaries	10.2%	1,394,029
10	Main Contractor's Overheads and Profit		
10.1	Main Contractor's Overheads & Profit	4.7%	641,253
	10 - Main Contractor's Overheads and Profit	4.7%	641,253

BRANDON STADIUM

REP CR01 (STADIUM RE-BUILD)



ELEMENTAL SUMMARY

ALL All Locations (continued)

Rates Current At May 2023

Ref	Description	%	Total Cost £
11	Project/Design Team Fees		
11.1	Project/Design Team Fees	8.3%	1,132,881
	11 - Project/Design Team Fees	8.3%	1,132,881
13	Risks/Contingency		
13.1	Risks/Contingency	9.1%	1,246,169
	13 - Risks/Contingency	9.1%	1,246,169
ALL LOCATIONS		100.0%	13,707,857

BRANDON STADIUM

REP CR01 (STADIUM RE-BUILD)



ITEM DETAIL REPORT

ALL All Locations

Rates Current At May 2023

Ref	Description	Qty	Unit	Rate £	Total Cost £
0	FACILITATING WORKS				
0.1	Toxic/Hazardous/Contaminated Material Treatment				
0.1.1	Toxic or Hazardous Material Removal				
1	Removal of asbestos; provisional allowance		Item		100,000
	0.1.1 - Toxic or Hazardous Material Removal				100,000
0.1.2	Contaminated Land				
1	Removal of contaminated ground material; provisional allowance		Item		62,500
	0.1.2 - Contaminated Land				62,500
0.1.3	Eradication of Plant Growth				
1	Removal of invasive species and the like		Note		Excluded
	0.1.3 - Eradication of Plant Growth				Excluded
	0.1 - Toxic/Hazardous/Contaminated Material Treatment				162,500
0.2	Major Demolition Works				
0.2.1	Demolition Works				
1	Demolition of existing buildings/structures (either partial or complete demolition); provisional allowance		Item		300,000
2	Disconnection of existing services		Note		Excluded
	0.2.1 - Demolition Works				300,000
0.2.2	Soft Strip Works				
1	Soft strip works; to remaining structures, provisional allowance		Item		25,000
	0.2.2 - Soft Strip Works				25,000
	0.2 - Major Demolition Works				325,000
0.3	Temporary Support to Adjacent Structures				
0.3.1	Temporary Support to Adjacent Structures				
1	Temporary support for unstable structures; provisional allowance		Item		25,000
	0.3.1 - Temporary Support to Adjacent Structures				25,000
	0.3 - Temporary Support to Adjacent Structures				25,000
0.4	Specialist Groundworks				
0.4.1	Site Dewatering and Pumping				
1	Site dewatering and pumping		Note		Excluded
	0.4.1 - Site Dewatering and Pumping				Excluded
0.4.2	Soil Stabilisation Measures				
1	Soil stabilisation measures		Note		Excluded
	0.4.2 - Soil Stabilisation Measures				Excluded

BRANDON STADIUM

REP CR01 (STADIUM RE-BUILD)



ITEM DETAIL REPORT

ALL All Locations (continued)

Rates Current At May 2023

Ref	Description	Qty	Unit	Rate £	Total Cost £
0.4.3	Ground Gas Venting Measures				
1	Ground gas venting measures		Note		Excluded
	0.4.3 - Ground Gas Venting Measures				Excluded
	0.4 - Specialist Groundworks				Excluded
0.5	Temporary Diversion Works				
0.5.1	Temporary Diversion Works				
1	Temporary diversion works; services, drains, waterways		Note		Excluded
	0.5.1 - Temporary Diversion Works				Excluded
	0.5 - Temporary Diversion Works				Excluded
0.6	Extraordinary Site Investigation Works				
0.6.1	Archaeological Investigation				
1	Archaeological investigation		Note		Excluded
	0.6.1 - Archaeological Investigation				Excluded
0.6.2	Reptile/Wildlife Mitigation Measures				
1	Reptile/wildlife mitigation measures; provisional allowance		Item		25,000
	0.6.2 - Reptile/Wildlife Mitigation Measures				25,000
	0.6 - Extraordinary Site Investigation Works				25,000
	0 - FACILITATING WORKS				537,500
4	FITTINGS, FURNISHINGS AND EQUIPMENT				
1	FFE		Note		Excluded
2	AV/TV		Note		Excluded
	4 - FITTINGS, FURNISHINGS AND EQUIPMENT				Excluded
5	SERVICES				
5.4	Water Installations				
5.4.1	Mains Water Supply				
1	Allowance for water connection; assume local POC		Item		50,000
	5.4.1 - Mains Water Supply				50,000
	5.4 - Water Installations				50,000
5.8	Electrical Installations				
5.8.1	Electrical Mains and Sub-Mains Distribution				
1	Allowance for electrical connection; including on-site sub station; assume local POC		Item		150,000
	5.8.1 - Electrical Mains and Sub-Mains Distribution				150,000

BRANDON STADIUM

REP CR01 (STADIUM RE-BUILD)



ITEM DETAIL REPORT

ALL All Locations (continued)

Rates Current At May 2023

Ref	Description	Qty	Unit	Rate £	Total Cost £
5.8.3	Lighting Installations				
1	Allowance for flood lights		Item		250,000
	5.8.3 - Lighting Installations				250,000
	5.8 - Electrical Installations				400,000
5.12	Communication, Security and Control Systems				
5.12.1	Communications Systems				
1	Allowance for communication with existing; assume local POC		Item		50,000
2	Allowance for PA system; provisional allowance		Item		200,000
	5.12.1 - Communications Systems				250,000
5.12.2	Security Systems				
1	Allowance for security system; provisional allowance		Item		100,000
	5.12.2 - Security Systems				100,000
	5.12 - Communication, Security and Control Systems				350,000
	5 - SERVICES				800,000
6	COMPLETE BUILDINGS AND BUILDING WORKS				
6.1	Prefabricated Buildings and Building Units				
6.1.1	Complete Buildings				
1	New kennels and welfare	510	m ²	1,000.0	510,000
2	New shared garages	485	m ²	1,000.0	485,000
3	New ticketing/entrance booths	85	m ²	1,800.0	153,000
4	New Main Stand; assume 1,000 seat		Item		4,000,000
	6.1.1 - Complete Buildings				5,148,000
	6.1 - Prefabricated Buildings and Building Units				5,148,000
	6 - COMPLETE BUILDINGS AND BUILDING WORKS				5,148,000
7	WORKS TO EXISTING BUILDINGS				
7.1	Minor Demolition Works and Alteration Works				
1	Upgrade existing maintenance sheds; provisional allowance	950	m ²	250.0	237,500
2	Works to East Stand structure; provisional allowance		Item		100,000
	7.1 - Minor Demolition Works and Alteration Works				337,500

BRANDON STADIUM

REP CR01 (STADIUM RE-BUILD)



ITEM DETAIL REPORT

ALL All Locations (continued)

Rates Current At May 2023

Ref	Description	Qty	Unit	Rate £	Total Cost £
7.2	Repairs to Existing Services				
7.2.1	Repairs to Existing Services				
1	Allowance for services; East Stand only		Item		100,000
	7.2.1 - Repairs to Existing Services				100,000
	7.2 - Repairs to Existing Services				100,000
	7 - WORKS TO EXISTING BUILDINGS				437,500
8	EXTERNAL WORKS				
8.1	Site Preparation Works				
8.1.1	Site Clearance				
1	Site clearance; provisional allowance		Item		50,000
	8.1.1 - Site Clearance				50,000
	8.1 - Site Preparation Works				50,000
8.2	Roads, Paths, Pavings and Surfacing				
8.2.1	Roads, Paths and Pavings				
1	Allowance for repair works to existing hard standing around stadium	22,511	m ²	25.0	562,775
2	Allowance for works to existing carpark area; minimal intervention	45,000	m ²	10.0	450,000
	8.2.1 - Roads, Paths and Pavings				1,012,775
8.2.2	Special Surfacing and Pavings				
1	Resurface existing speedway track	4,800	m ²	50.0	240,000
2	Resurface existing greyhound track	4,000	m ²	100.0	400,000
	8.2.2 - Special Surfacing and Pavings				640,000
	8.2 - Roads, Paths, Pavings and Surfacing				1,652,775
8.4	Fencing, Railings and Walls				
8.4.1	Fencing and Railings				
1	New security fence	550	m	175.0	96,250
2	New acoustic barrier / fencing	320	m	350.0	112,000
3	Chain link fence	460	m	75.0	34,500
	8.4.1 - Fencing and Railings				242,750
8.4.4	Barriers and Guardrails				
1	Speedway barrier and air fence; provisional allowance		Item		100,000
	8.4.4 - Barriers and Guardrails				100,000
	8.4 - Fencing, Railings and Walls				342,750

BRANDON STADIUM

REP CR01 (STADIUM RE-BUILD)



ITEM DETAIL REPORT

ALL All Locations (continued)

Rates Current At May 2023

Ref	Description	Qty	Unit	Rate £	Total Cost £
8.5	External Fixtures				
8.5.1	Site/Street Furniture and Equipment				
1	Allowance for new signage across site; provisional allowance		Item		100,000
2	Allowance for works to main entrance; including new gates, fencing, resurfacing		Item		25,000
3	Electronic scoreboard; provisional allowance		Item		50,000
4	Allowance for street furniture and the like; provisional allowance		Item		50,000
	8.5.1 - Site/Street Furniture and Equipment				225,000
	8.5 - External Fixtures				225,000
8.6	External Drainage				
8.6.1	Surface Water and Foul Water Drainage				
1	Allowance for external drainage; provisional allowance		Item		100,000
	8.6.1 - Surface Water and Foul Water Drainage				100,000
	8.6 - External Drainage				100,000
	8 - EXTERNAL WORKS				2,370,525
ALL LOCATIONS					9,293,525

Appendix 5
**Full Council Report on Belle Vue Stadium,
Manchester**

**Manchester City Council
Report for Resolution**

Report to: Executive - 8 March 2017

Subject: Belle Vue Speedway: Update

Report of: The Chief Executive

Summary

This report sets out the issues associated with the National Speedway Stadium at the Belle Vue Sports Village and to detail the matters which have affected the Stadium and its occupancy since late 2015. Specifically this report sets out:

- (a) the original arrangements the Council entered into with Belle Vue Arena Limited to underpin their occupancy at the stadium;
- (b) the actions taken by the Council to remedy the track failures which arose on the 19th March 2016;
- (c) the circumstances which contributed to Belle Vue (BV) Arena Ltd and Belle Vue Speedway Ltd going into administration;
- (d) the British Speedway Promoters Association decision to revoke the Promoters Licences of the owners of Belle Vue Speedway Limited; and
- (e) the arrangements, following detailed consultation with the Belle Vue Speedway Association (BSPA), which the Council has now entered into to support the occupancy of the new ownership of the Belle Vue Aces Franchise at the National Speedway Stadium to ensure the future of the historic Aces club.

Finally, the report sets out the financial and other implications for the City Council in terms of dealing with the chain of events set out in this report.

Recommendations

The Executive is recommended to:

- 1) Note the contents of this report.
- 2) Authorise the City Treasurer to write off the bad debts of £224,000 in the event they are not recoverable from the Liquidator.
- 3) Approve a grant of £30,000 from the Council to Eastlands Trust to be funded from the 2016/17 Strategic Development Budget.

- 4) Approve the virements of £356,000 from the Manchester Institute Health Performance (MIHP) budget and £82,000 from the Strategic Acquisitions budget to meet the identified capital costs outlined in recommendation 5) below.
- 5) To approve capital expenditure of £438,000 form the capital fund, £209,000 for the acquisition of plant, machinery and IT equipment previously acquired by the Belle Vue Group of Companies and held by the Liquidator and Finance Companies; and £229,000 to deliver investment into the South Stand of the Speedway Stadium. It should be noted that a proportion of the £209,000 asset acquisition costs will be recoverable from Belle Vue Speedway 2017 Ltd should the parties enter into a long term lease arrangement for the Stadium.
- 6) Delegate to the City Treasurer the accounting treatment of whether spend from the capital fund is capital or revenue.
- 7) Delegate to the Director – Strategic Development and City Treasurer in consultation with the Executive Member for Finance and Human Resources the arrangements for the repayment of the invest to save costs for the stadium build, to be reported back to Executive as part of the 2018/19 capital budget process.
- 8) In accordance with paragraph 14 of Part 4, Overview and Scrutiny Procedure Rules of the Council’s constitution, and having consulted with the relevant statutory officers, approve the matter as urgent, in that any delay caused by the call-in process, would seriously prejudice the legal or financial position of the Council or the interests of the residents of Manchester and exempt it from call in.

Wards Affected: Gorton North

Community Strategy Spine	Summary of the contribution to the strategy
A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities	Securing the future of the National Speedway Stadium as a platform to host a range of national and international speedway events will deliver additional economic benefits to the city and the East Manchester area
A highly skilled city: world class and home grown talent sustaining the city’s economic success	In the longer term Belle Vue Speedway 2017 Ltd will give consideration to the development of a Speedway Academy that will focus on a range of skills development opportunities needed to sustain the sport.
A progressive and equitable city: making a positive contribution by unlocking the potential of our communities	The National Speedway Stadium is a key asset within the Belle Vue Sports Village and the combined facilities within the complex offer the opportunities for residents to come together and to become healthier.

<p>A liveable and low carbon city: a destination of choice to live, visit, work</p>	<p>Securing the future of the National Speedway Stadium will help contribute to strengthening Gorton as a destination to live, visit and work.</p>
<p>A connected city: world class infrastructure and connectivity to drive growth</p>	<p>The National Speedway Stadium is already recognised as one of the best speedway tracks in the UK. This asset along with the other facilities on the Belle Vue Sports Village help support the vibrancy and attractiveness of Gorton and East Manchester.</p>

Full details are in the body of the report, along with any implications for:

- Equal Opportunities Policy
- Risk Management
- Legal Considerations

Financial Consequences - Revenue

The report outlines the issues experienced with the building and operation of the Belle Vue Speedway Stadium which forms part of the Belle Vue Sports Village underpinning the regeneration proposals for East Manchester. It also outlines the measures being put in place to ensure that the speedway stadium has a sustainable future. The Council paid for the construction of the stadium on an invest to save basis with £350,000 rent to be paid from the operator to cover the borrowing costs for £5.25m as part of the £13.1m total Belle Vue Sports Village capital construction and fit out cost.

In order to resolve the issues with the Stadium track defect and the previous operator going into voluntary liquidation an additional £126,000 has been incurred in legal and consultancy fees associated with the remediation of the track and subsequent legal claims. This cost has been met from within the Strategic Development budget in 2016/17. The Council will also have to cover the historic utility costs at the stadium from 11th March 2016 until 31st October 2016. These have been estimated at £30,000 plus an, as yet unknown, amount in respect of drainage costs.

The Council has a claim for £224,000 in respect of unpaid rent, insurance and business rates costs which is currently with the liquidator. It is uncertain whether all these costs are likely to be recovered. In the event that these costs are unable to be recovered through the insolvency process, these costs will need to be written off against the Council's bad debt provision.

In order to ensure the continued operation of the speedway facility the stadium is being managed by the Eastlands Trust as part of the wider Belle Vue Sports Village. A new Franchisee has now taken over the ownership of the speedway club and they will lease on a short term basis the track and pits from the City Council. A short term business plan has been put in place to cover this interim period while a long term arrangement and business plan is further developed. The Council will grant £30,000

to the Eastlands Trust, to be met from the 2016/17 Strategic Development budget, to support business development activity for the facilities in order to maximise the potential from the new arrangements and at the same time help develop a long term sustainable business plan with the new Franchise owners. This Business Plan will be developed around the economics of the sport and the potential of the facility itself.

Moving forwards with Belle Vue Speedway 2017 Ltd the forthcoming speedway season must be regarded as a transitional phase whereby the City Council should, at this juncture, not anticipate any significant improvement in the financial position. Working with Belle Vue Speedway 2017 Ltd will enable a robust rent share and occupancy base for the Stadium to be determined. As such this forms the basis on which the arrangements for 2017/18 have been formulated. A key aspect of these arrangements in developing a realistic Business Plan will be to test the previously agreed base rent of £350,000 per annum and to determine the timing of the capital borrowing to be repaid that was used to partly fund the Stadium. The outcomes of this work will be report to a future meeting of the Executive.

Financial Consequences – Capital

In order to achieve the required capacity crowds to meet Business Plan targets and to be allowed to host major events temporary seating was erected for the South Stand in 2016/17. It is proposed that the Council seeks the most cost efficient way to rent or purchase outright, terraces and ancillary toilets and concessions to increase the capacity by 1,200. This is currently estimated to be £189,000. In addition, to ensure that the condition of the track is retained, the Council will also purchase track covers for circa £40,000, bringing the total investment required to £229,000. A further sum up to £209,000 is required to secure the track operating equipment from the liquidator of which a proportion will be recoverable from the new Franchise owner, should they take up the option to take a long term lease of the Stadium. In agreeing to any long term lease the Council will have to satisfy itself that the lease arrangement represents best value for the Council. It is estimated that circa £70,000 of the £209,000 will be recovered if the long term lease arrangement is entered into.

The capital investment requirements outlined above total £438,000 and can be partially funded using the £356,000 underspend from the Manchester Institute of Health and Performance (MIHP) capital scheme. The balance of £82,000 will be met from the Strategic Acquisitions budget, with any expenditure recovered going back into the budget.

Initial discussions have been held with Sport England to consider a limited set of proposals to further enhance the asset base that has been developed at Belle Vue Sports Village. Detailed proposals together with a business case have yet to be developed. Any requirement for further investment into the facilities at the Speedway Stadium will be bought back to the Executive for consideration.

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Background documents (available for public inspection):

The following documents disclose important facts on which the report is based and have been relied upon in preparing the report. Copies of the background documents are available up to 4 years after the date of the meeting. If you would like a copy please contact one of the contact officers above.

- Partnership with Manchester City Football Club and East Manchester, Executive, 13th July, 2011
- Partnership with Manchester City Football Club and East Manchester, Executive, 14th March, 2012
- Belle Vue Sports Village, Executive, 10th April 2013
- Eastlands Community Plan: Update, Executive, 8th March 2014
- Capital Programme – Proposed Increases, 1st July 2015
- Capital Programme Proposed Increase: Belle Vue Sports Village, Executive, 9th September 2015

1.0 Introduction

- 1.1 This report sets out the issues associated with the National Speedway Stadium at the Belle Vue Sports Village and to detail the matters which have affected the Stadium and its occupancy since late 2015, as referred to in the summary above.

2.0 The National Speedway Stadium: Background

- 2.1 On 13th July 2011 the Executive approved the Eastlands Regeneration Framework following consultation with residents, businesses, landowners and other stakeholders. In approving the Eastlands Regeneration Framework the Executive also endorsed a Draft Eastlands Community Plan that set out in some detail the opportunities in respect of new community infrastructure. Following consultation the Eastlands Community Plan was subsequently approved at the March 2012 meeting of the Executive. This Plan identified eight key initiatives to be brought forward for development, one of which was the Belle Vue Sports Village.
- 2.2 The April 2013 meeting of the Executive approved the principle of the development of the Belle Vue Sports Village which would incorporate the National Speedway Stadium, a national centre for Basketball and new playing fields. An indicative funding profile was provided that would be the subject of further reports to the Executive following design development work.
- 2.3 The case to support investment into the National Speedway Stadium was influenced by a number of factors: The Stadium would:
- enable an historic sports club - the Belle Vue Aces - to have a more sustainable and viable business going forward, based on increasing regular attendances for Elite League meetings;
 - increase the potential for team and meetings sponsorship;
 - provide the potential for new revenue streams in areas such as merchandise and from hosting national and international Speedway events;
 - deliver positive economic impacts subject to the scale and number of events held at the Stadium; and
 - provide positive community impacts from the use of the Stadium itself and the wider facilities across Belle Vue Sports Village.
- 2.4 In April 2014 the Executive approved amendments to the funding strategy with the total proposed capital costs of the Belle Vue scheme estimated to be £11.954m.
- 2.5 Subsequent reports to the Executive in July 2015 and in September 2015 further increased the capital programme to accommodate additional costs associated with construction inflation and to provide resources to deliver the infrastructure associated with temporary stand facilities for international and national events. When completed the cost of developing the National Speedway Stadium was circa £8m out of an overall scheme budget of £13.3m.

- 2.6 The City Council had worked with the owners of Belle Vue Aces over a number of years to both evaluate the opportunity for a new Stadium at Belle Vue along with their active engagement in delivering the scheme once agreed. In order to deliver the scheme a number of companies were established by the owners of Belle Vue Aces, the principal ones being B V Arena Ltd, who would manage and operate the Stadium, and Belle Vue Speedway Ltd, who had responsibility for the speedway team. These Companies, along with two other Belle Vue Speedway related Companies, constitute the “Belle Vue Group of Companies” referenced throughout this report.
- 2.7 Base case Business Plan forecasts were presented to the City Council in 2013 by the owners of the Belle Vue Group of Companies. These forecasts were based on the numbers of spectators for the Elite League meetings being circa 1,800 per fixture along with a significant contribution from World Championships and FIM meetings. The move to a new Stadium and the switching of home race nights from Monday to a Friday / Saturday night, the removal of the rental payments to their previous Stadium owner, and the ability to retain food and beverage income, satisfied the Council that this enabled Belle Vue Aces to be profitable and to enable B V Arena Ltd to service the annual rent to the Council.
- 2.8 The £8m investment by the Council into the National Speedway Stadium development was secured on the basis that BV Arena Ltd would enter into a full repairing and insuring lease of the whole facility from the Council at a commercial base rent of £350,000 per annum. Under this agreement, BV Arena Ltd would lease the use of the speedway elements of the stadium to Belle Vue Speedway Ltd at a market rent.
- 2.9 Part of the terms of the commercial arrangement between the Council and BV Arena Ltd was the requirement of an injection of £500,000 of private equity investment into a ring fenced investment account of BV Arena Ltd, to ensure the long-term financial viability of BV Arena Ltd in accordance with its business plan. The ring-fenced investment account was to remain until a stable trading pattern was demonstrated and financial commitments met for a minimum period of 5 years. From a City Council perspective the £500,000 of private equity investment was therefore, additional security and was always envisaged as a buffer to the future trading performance of BV Arena Ltd.
- 2.10 The owners of the Belle Vue Group of Companies secured the necessary £500,000 of private equity investment in 2013. The two principal investors were significant business leaders with both a national and international business profile. These investors were regarded by officers as greatly enhancing the overall commercial capacity across the Belle Vue Group of Companies which would generate significant additional benefit for all parties.
- 2.11 In early February 2016 the Council was notified that the £500,000 of private equity investment in Belle Vue Arena Ltd had been withdrawn in October 2015 alongside the loss of the commercial skills that the original investors would have contributed to the business. At the time, the owners of the Belle Vue

Group of Companies were not prepared to disclose the reasons for the withdrawal of the private equity funding to the City Council nor did they offer a satisfactory explanation for the three months delay in informing the Council.

2.12 Following notification of the withdrawal of the investment, at a meeting with the Chief Executive in early February 2016 the owners of the Belle Vue Group of Companies confirmed that they had tried but failed to secure replacement private equity in the intervening three month period.

2.13 As Paragraph 4.11 in the report indicates it subsequently came to light in October 2016 that £600,000 investment had in fact been made into the Belle Vue Group of Companies in October 2015. Although not confirmed this may have been used for the purpose of repaying the original investors. Having secured replacement investment of £600,000, it now appears that the Belle Vue Group of Companies had utilised part or all of the original £500,000 from the ring fenced investment account of BV Arena Ltd prior to October 2015. It has also now been established that the original investors withdrew their £500,000 investment as they had concerns about the development of the business and the overall governance arrangements associated with the Belle Vue Group of Companies.

2.14 The consequence of not having the £500,000 equity base available at the beginning of the 2016 Speedway season was that:

- this left the Belle Vue Group of Companies in a vulnerable position given the trading risks;
- BV Arena Ltd were in breach of it's legal agreement with the City Council; and
- the decision was taken that the full 60 year lease for the Stadium facility could only be drawn down when a £500,000 equity base was in place along with an updated Business Plan was developed.

2.15 Until a longer term arrangement could be concluded, and to support both the Speedway Team, the City Council entered into a series of short term licence agreements from 11th March 2016 to 31st October 2016 that enabled BV Arena Ltd to legally occupy and operate the Stadium,.

2.16 Due to the issues with the track (as set out below) between March and end April 2016, the Council waived the licence fee during that 2 month period and agreed for future payments to be made in an arrears for the duration of the speedway season. However, no licence fees due by the BV Arena Ltd under the licences between May and October 2016 (together with such other ancillary costs between March and October 2016) have ever been paid to the City Council.

3.0 The development of the National Speedway Stadium: the Track Failure and the remedies put in place by the City Council

3.1 The building contract for the Belle Vue Sports Village was awarded to ISG in late 2013. The building works for the Speedway Stadium were completed in

mid March 2016 at which point BV Arena Ltd took occupancy of the facility under a licence.

- 3.2 The Peter Craven Memorial Event on 19 March 2016 was the first speedway event to be held at the new Stadium for which the City Council were informed by BV Arena Limited that circa 5,500 tickets were sold. The Council understands that on the 18th March 2016 the speedway track was signed off as fit for racing by the Speedway Control Board following testing of the track by speedway riders. On the 19th March 2016 the Clerk of the Course declared the track fit for racing. Unfortunately immediately before the start of the event had to be abandoned. In a series of practice laps before the event the riders, including past and present world champions, determined that the track on Turns 3 and 4 was too soft and that it was unsafe to ride on. The Council is still unclear on what basis the track was declared fit for racing on the 18th and the 19th March and why the event was not cancelled earlier.
- 3.3 A range of remedial works were undertaken between 21st March and 7th April 2016 but these did not rectify the issues and it was identified that part of the track (Turns 3 and 4) would need to be rebuilt. Arup, as consulting engineers, were appointed to provide technical advice to the Council.
- 3.4 Following site investigations it was evident that the materials used for the sub base on Turns 3 and 4 were different to those specified in the Building Contract and should not have been used as a replacement without an assessment on the impact of the Speedway track. It has come to light that the owners of Belle Vue Group Companies were aware of the proposal to use alternative material. However, the Council were not made aware of this change of material and the express consent of the Council was not obtained.
- 3.5 The rebuilding of the track on Turns 3 and 4 was subsequently undertaken by the contractor and Arup were engaged to oversee those works. The rebuilding works were completed and the track signed off as completed on 27th April 2016. There were no costs to the City Council in respect of remedying the defects.
- 3.6 In addition to the abandoned event of the 19th March, between the 20th March and the 27th April 2016 several Elite and National league matches for Belle Vue Aces were postponed due to the unsafe nature of the track and the need to undertake the subsequent remedial works to correct the track. It is claimed that the loss of income from these postponed events put significant financial pressures on the Belle Vue Group of Companies which was compounded by the requirements of BV Arena Ltd to purchase services associated with the hosting of the 2016 Speedway World Cup at the end of July 2016.
- 3.7 In April 2016 the Belle Vue Group of Companies commenced discussions with the City Council in order to seek a loan facility in the sum of £171,000 that would support the cash flow pressures that the company was facing.
- 3.8 In considering this request for the loan the Council indicated that there would need to be a range of security measures put in place along with necessary

diligence undertaken. At the point of the loan request was made the Belle Vue businesses were assessed by the City Council as being in the category of "High financial risk with low collateralisation". The Council did offer to make a loan subject to diligence in the sum of £171,000 which included provision for loss of income while the track was being reinstated. The Belle Vue Group of Companies did not take up this offer

- 3.9 In July 2016 BV Arena Ltd submitted a claim against the City Council under the commercial agreements for their alleged losses purported to be due to the failure of the track. They did not pursue a claim against the contractor under the collateral warranty. Discussions were instigated by the City Council with ISG to resolve all issues in relation to the works and a confidential settlement is still being negotiated with ISG and the liquidators of the Belle Vue Group of Companies which is subject of an offer to the liquidator.

4.0 The circumstances leading to the collapse of the Belle Vue Group of Companies

- 4.1 Following the offer of the loan of £171,000 on the 1st June 2016, the owners of the Belle Vue Group of Companies wrote to the Chief Executive on 16th June 2016 seeking a grant of £133,000 to deliver the 2016 Speedway World Cup in Manchester.
- 4.2 On receiving this request for £133,000 of grant support the overall capacity of the owners of the Belle Vue Group of Companies to both manage the commercial aspects of the business and deliver the 2016 Speedway World Cup was called into question by the Council. Any confidence that the Council had in the competence and operational capacity of the owners of the Belle Vue Group of Companies had been seriously eroded away at that point in time.
- 4.3 Given these circumstances the Council held discussions with IMG, the promoters of the 2016 Speedway World Cup (SWC), to establish what IMG could offer in order to safeguard the event in Manchester. They in turn held discussions with the owners of the Belle Vue Group of Companies. The result of those discussions was that, whilst the event would be loss making for IMG, IMG took responsibility for the management and organisation of the event with all contracts which the Belle Vue Group of Companies had entered into for SWC 2016 being novated across to IMG.
- 4.4 In parallel with the work to engage IMG, the financial position of the Belle Vue Group of Companies was further reviewed by the Council. This review revealed significant weaknesses in the financial controls and processes associated with the Belle Vue Group of Companies. As such the Council confirmed that it would be unable to provide public monies to support the Belle Vue Group of Companies as it could not be assured that the Belle Vue Group of Companies was financially resilient so as to ensure that public money would be protected and the public interest would be served.

- 4.5 Further discussions were also held separately with the owners of the BV Arena Ltd about the future arrangements for occupying and operating the Stadium. In order to protect the public sector investment, the Council's position was that a commercial operator should be appointed to manage the Stadium with the owner's energies being focussed on the management and operation of the BVA speedway team.
- 4.6 The Council understood that the owners of the BV Arena Ltd recognised that there were several weaknesses in the commercial capacity of the business to manage and operate the Stadium and that they were keen to explore an approach with a commercial operator with an established track record in running stadia. Officers positively encouraged the owners to explore such opportunities without delay and that given the history of events, the officers considered that this would be the only basis on which the Council would be able to consider reviewing the relationship with the Belle Vue Group of Companies beyond the end of the 2016 speedway season.
- 4.7 During August and early September 2016 it was evident that little progress had been made by BV Arena Ltd in exploring an approach with a commercial operator to run the Stadium with the owners being focussed on BVA's qualification for the Elite League Play Offs and getting to the Play Off Final.
- 4.8 In late September 2016 the owners of the Belle Vue Group of Companies indicated a wish to pursue the loan facility that was offered on the 1st June 2016 due to their view of a rapidly deteriorating financial position. Officers could not recommend a loan with out a further review of the businesses.
- 4.9 In October 2016 following the end of the Elite League Speedway season a further review was undertaken of the Belle Vue Group of Companies finances by the City Council and this indicated that the weaknesses which were identified in July 2016 had not been rectified. As such officers could not recommend the signing of any loan agreement
- 4.10 Since taking occupation of the National Speedway Stadium in March 2016, BV Arena Ltd failed to meet important requirements of their agreements, including paying any rent on the property to the City Council. As a result the Council were therefore also unable to renew BV Arena Ltd's licence to occupy the stadium nor the entering inform of any further commercial arrangements with the Belle Vue Group of Companies
- 4.11 In October 2016, it had come to light that the Belle Vue Group of Companies had significant debt not only with the Council but with other parties. The Council was contacted by the Chairman of the British Speedway Promoters Association (BSPA) in respect of the financial position of both BV Arena Ltd and Belle Vue Speedway Ltd. They had been made aware that several BVA speedway riders had not been paid salaries and had heard rumours that contractors had not been paid by the Belle Vue Group of Companies. They had also been aware of rumours suggesting that the City Council was going to terminate the agreement with the Belle Vue Group of Companies, which was a major concern to the BSPA as the National Speedway Stadium.

- 4.12 On the 18th October 2016 Council officers were contacted by another investor who informed the City Council that they and a consortium of investors had invested £600,000 via an Enterprise Investment Scheme (EIS) into a new group company in October 2015 - BVA Holdings Ltd. This investment had not been shared with the Council by the owners of the Belle Vue Group of Companies when they met with the Chief Executive in February 2016. The new investors indicated that such monies were used to redeem the monies owed to the exiting consortium and the remainder of the investment being additional capital into the business. From the discussions held with this new investment consortium the City Council now understands that the EIS qualification was never confirmed.

The Events post October 2016

- 4.13 The licence for B V Arena Ltd to be in occupation of the National Speedway Stadium expired on the 31st October 2016. From Council and a BSPA perspective, the speedway franchise, Belle Vue Aces had collapsed as a business. Both the BSPA and the Council have remained absolutely committed to speedway in Manchester and agreed to work together to develop a long-term and sustainable solution to ensure that Belle Vue Aces could continue as the city's speedway team.
- 4.14 In the short term the Eastlands Trust were requested to take over the operations of the National Speedway Stadium from 1st November 2016. The Eastlands Trust is responsible for operating the Council's elite leisure facilities across East Manchester and since the completion of the Belle Vue Sports Village, has been responsible for operating all other aspects of the site, excluding the stadium. Given its experience, both in respect of operating City Council facilities and its knowledge of the Sports Village, the Eastlands Trust agreed to act as Stadium Operator until such time as the City Council was able to identify a more viable option.
- 4.15 At the same time, the City Council was notified that the Belle Vue Group of Companies were no longer trading as going concerns and had entered into discussions with a turnaround and recovery firm in respect of their business affairs.
- 4.16 In January 2017, it was confirmed that both BV Arena Ltd and Belle Vue Speedway Limited had formally entered voluntary liquidation following concerns over financial management. With the Financial Consequences section of this report the debts owed to the City Council are set out along with a number of costs and liabilities associated with the Stadium. After contact from the liquidator the Council appears to be the largest creditor. The Council has reason to believe that there may be other creditors such as the HMRC and other trade creditors and suppliers.

5.0 Belle Vue Speedway 2017 Ltd

- 5.1 Following a fuller understanding of the position of Belle Vue Speedway Ltd, the BSPA revoked the promoter's licences of the BVA promoters. The BSPA

were approached by a number of parties who expressed an interest in running the speedway franchise and following conversations with these parties, considered three of the proposals to be suitable speedway promoters. Throughout the process, the City Council was kept informed by the BSPA of the interested parties.

- 5.2 The Council and the BSPA then undertook a joint exercise to identify the preferred partner to take over the speedway franchise granted by the BSPA and to enter into a lease with the Council to occupy the stadium with the control of operations at the stadium being provided by the Eastlands Trust.
- 5.3 An appraisal of the bids was undertaken by the Council which concluded that a consortia had offered the most commercial bid having shown an interest in developing a business plan that would, in the short term, occupy and operate the stadium whilst seeking to develop a business plan to operate both the speedway franchise as well as the stadium. This decision was supported by the BSPA who have agreed to provide the required speedway promoter's licence to the new company.
- 5.4 The two investors behind the new franchise were the original equity investors for BV Arena Ltd. Their commitment to be involved in the ongoing delivery of speedway in Manchester, as well as their commercial expertise, was considered to provide the strongest bid to successfully deliver in the short term the speedway franchise as well as in the long term to develop a sustainable business model that will facilitate growth and development of both the stadium and wider Sports Village.
- 5.5 Belle Vue Speedway 2017 Ltd was established in February 2017. The new business is led by Tony Rice and Robin Southwell. As referenced above they were the original investors into BV Arena Ltd and who withdrew their investment in October 2015. Tony was the Chief Executive of Cable & Wireless Communications (CWC) until 2013 whilst Robin was the Chief Executive of the aerospace company EADS (now Airbus) until 2014. He has recently had his role as a global UK Business Ambassador extended by the Government.

6.0 The Implications and Consequences for the City Council

- 6.1 Notwithstanding the work which was done at the outset to satisfy the Council about the robustness of the original Business Plan (which provided the essential justification for the City Council's investment to complete the funding plan for the Stadium) it is clear now that the absence of any commercial management competencies in the Belle Vue Group of Companies aligned with the absence of robust financial and operating systems within the company structure, has led the Belle Vue Group of Companies into voluntary liquidation. Their performance in managing the speedway business means that any reliable analysis of business performance has been rendered impossible. Such an analysis will now only be possible through working with the new owners of Belle Vue Speedway 2017 Ltd.

- 6.2 Looking back over the last 18 months it is now very clear that the owners of the Belle Vue Group of Companies have not been open and transparent with the Council particularly in respect of not informing the City Council of the withdrawal of the £500,000 of private equity funding along with not declaring that replacement investment of £600,000 had been made at the same time as the original investment was withdrawn.
- 6.3 In addition to not informing the City Council about the loss of the original investment the failure of the owners of the Belle Vue Group of Companies to replace the loss of the commercial expertise which the original investors added at the outset magnified the challenges which the owners faced to deliver the original Business Plan outcomes in their first season in the new Stadium.
- 6.4 While the defects to the track which became apparent at the Peter Craven Memorial Event on the 19th March contributed to the operational and financial difficulties faced by owners of the Belle Vue Group of Companies these were a result of a change of materials which were not specified in the original contract were not approved as a change by the Council and nor did the Council have any prior knowledge of the proposal. The Council's offer of a loan included an assessment of the lost income as a result of the track not being available while it was being reinstated.
- 6.5 The decision to go ahead with the loss making 2016 Speedway World Cup after the end of April 2016 was one made by the owners of the Belle Vue Group of Companies. This prestigious World Championship event only took place as a result of IMG assuming responsibility for the event otherwise it would have been cancelled.
- 6.6 The British Speedway Promoters Association's decision to revoke the licence of the Belle Vue Aces promoters was a reflection of their lack of confidence in the owners of the Belle Vue Aces as well as their financial management capability.
- 6.7 As a result of the BSPA's commitment to work closely with the Council a new franchise has now been granted to new owners which offers a realistic prospect of a successful future for Belle Vue Aces Speedway Team in addition to the delivery of the objectives as originally envisaged by the Council. Over the next 12 months the intention will be to work with the new franchise owners and produce a Business Plan which, subject to satisfying the Council, will determine the most productive operational management arrangements for the franchise and the Stadium going forwards. The outcome of this work will be presented to the Executive for final determination.
- 6.8 The work that will be undertaken with Belle Vue Speedway 2017 Ltd will be determine a reliable financial and operating base not only for the Stadium but Belle Vue Aces Speedway team too. This work is required to create a stable financial base from which future plans can be determined with confidence. As part of this review the previous agreed £350k pa rent will be tested.

7.0 Waiver from Call-In

- 7.1 Approval has been sought pursuant to Rule 14 of the Overview and Scrutiny Rules that the decisions set out in the recommendations above are urgent as the delay caused by the call in process would seriously prejudice the legal or financial position of the Council or the interests of the residents of Manchester.
- 7.2 The Council must be in a position to finalise the commercial arrangements to ensure that all the necessary facilities and equipment are in place to meet the requirements for the speedway season the first race of which is to be held at the beginning of April 2017. If the current decision was called in it would result in a delay to providing the required facilities at the national speedway stadium and a legal and financial risk to the Council. Therefore in order to avoid such risks due to delay it is considered prudent to exempt the decisions from call in.

8.0 Recommendations

- 8.1 Detailed recommendations appear at the front of this Report.

9.0 Contributing to the Manchester Strategy Outcomes

(a) A thriving and sustainable city: supporting a diverse and distinctive economy that creates jobs and opportunities

- 9.1 Securing the future of the National Speedway Stadium as a platform to host a range of national and international speedway events will deliver additional economic benefits to the city and the East Manchester area.

(b) A highly skilled city: world class and home grown talent sustaining the city's economic success

- 9.2 In the longer term Belle Vue Speedway 2017 Ltd will give consideration to the development of a Speedway Academy that will focus on a range of skills development opportunities needed to sustain the sport.

(c) A progressive and equitable city: making a positive contribution by unlocking the potential of our communities

- 9.3 The National Speedway Stadium is a key asset within the Belle Vue Sports Village and the combined facilities within the complex offer the opportunities for residents to come together and to become healthier.

(d) A liveable and low carbon city: a destination of choice to live, visit, work

- 9.4 Securing the future of the National Speedway Stadium will help contribute to strengthening Gorton as a destination to live, visit and work.

(e) A connected city: world class infrastructure and connectivity to drive growth

9.5 The National Speedway Stadium is already recognised as one of the best speedway tracks in the UK. This asset along with the other facilities on the Belle Vue Sports Village help support the vibrancy and attractiveness of Gorton and East Manchester.

10.0 Key Polices and Considerations

(a) Equal Opportunities

10.1 An outcome will be to capture local employment opportunities and ensure that local residents have the opportunity to compete for such job opportunities.

(b) Risk Management

10.2 The delivery of the capital works required in the immediate short term will be overseen and monitored by the Belle Vue Project Board. This Board will also work with Belle Vue Speedway 2017 Ltd to oversee the development of a robust Business Plan that determines a reliable financial and operating base not only for the Stadium but Belle Vue Aces Speedway team.

(c) Legal Considerations

10.3 Legal consideration are contained in the body of the report. The legal team will continue to provide advice and support to officers in relation to all aspects of this project.

Appendix 6
RBC Records of Noise and Dust
Complaints



Date: 20/07/2023

Case reference: CAM543

Rugby Borough Council

Town Hall

Evreux Way

Rugby

CV21 2RR

e-mail:

complaintscommentsandc

ompliments@rugby.gov.u

k

Dear Requester

Thank you for your request for information dated 11/07/2023 about **complaints relating to Brandon Stadium**. We have dealt with this under the the Environmental Information Regulations 2004.

Response

- Are there any records of noise complaints on file associated with the operation of activities at Brandon Stadium, Rugby Road, Coventry, CV8 3GJ. If there are any records of this, please can you provide us with details of when these occurred and where the complaint originated from.

On the following dates Rugby Borough Council received noise complaints. I am unable to provide details on where these complaints originated from.

6/6/2016

23/9/2014

28/4/2013

6/12/2012

25/6/2012

30/9/2011

16/6/2010

22/3/2010

26/11/2009

7/3/2008

16/7/2007

2/2/2007

6/9/2006

5/12/2005

16/9/2005

1/9/2005

1/7/2005

18/10/2004

27/9/2004

3/8/2004

20/7/2004

1/7/2004

4/5/2004

26/4/2004

12/3/2004

12/12/2003

- Are there any records of complaints in relation to dust associated with the operation of activities at Brandon Stadium, Rugby Road, Coventry, CV8 3GJ. If there are any records of this, please can you provide us with details of when these occurred and where the complaint originated from.

On the following dates Rugby Borough Council received dust complaints. I am unable to provide details on where these complaints originated from.

23/7/2014

19/12/2012

19/04/2010

5/10/2009

19/06/2008

- Are there any records of complaints associated with anti-social behaviour at Brandon Stadium, Rugby Road, Coventry, CV8 3GJ since the 1st January 2016? If there are any records of this, please can you provide us with details of when these occurred and where the complaint originated from.

- 26/03/2017- Traveller activity reported by local resident to Police
- 06/06/2017- Traveller encampment reported by local resident *related issues reported to Police
- 04/07/2017- Traveller encampment reported by council officer (WSU) *related issues reported to Police
- 06/09/2017- Traveller encampment reported by Warwickshire Police *related issues reported to Police
- 03/10/2017- Fly tipping reported by local councillor. Turned out to be site contractors installing soil bunding
- 27/10/2017- Site insecure reported by Save The Speedway Campaign Group
- 16/11/2017- Fly tipping reported by local resident
- 24/11/2017- Security alarm noise reported by local councillor
- 03/01/2018- Traveller encampment reported by local resident
- 19/10/2018- Fire in toilet block attended by Fire Service
- 01/02/2019- Fire in roof space attended by Fire Service
- 07/04/2019- Trespassers reported by local councillor
- 02/09/2019- Traveller encampment reported by local resident
- 12/03/2020- Large fire attended by Fire Service
- 17/04/2020- Large fire attended by Fire Service
- 09/06/2020- Site insecure reported by Fire Service
- 16/12/2020- Site insecure/trespassers reported by Save The Speedway Campaign Group
- 01/02/2021- Site insecure/trespassers reported by Save The Speedway Campaign Group
- 05/03/2021-Site insecure attended/reported by Police
- 22/03/2021- Site insecure reported by Fire Service
- 12/04/2021- Trespassers reported to police
- 07/08/2021- Fire attended by Fire Service
- 05/02/2022- Site insecure/trespassers reported by Save The Speedway Campaign Group
- 12/02/2022- Large fire attended by Fire Service
- 26/04/2023- Traveller encampment reported by local resident

The council holds the information requested. However we are withholding some or all of the information because it is exempt/excepted as explained below. We have explained where we are withholding information and what exemptions/exceptions apply. Please see the refusal notices at the end of the answers which explain how and why they apply.

Disclosure of the origins of complaints would contravene the "fairness" data protection principle because it

would disclose third party personal information and it would not be reasonable to do so. This information is therefore exempt from disclosure under Regulation 13(2A)(a) of the Environmental Information Regulations

Further Information

We do not give our consent for any names and contact details provided in this response to be sent marketing material. Any such use will be reported to the ICO as a breach of General Data Protection Regulations and the Privacy and Electronic Communication Regulations.

Your Rights

If you are not happy with how your response was handled you can request an Internal Review within 2 months of this letter by email to communications@rugby.gov.uk or post: FOI/EIR Review, Rugby Borough Council, Town Hall, Evreux Way, Rugby CV21 2RR. Please quote your case reference number. If you are not satisfied with the Internal Review outcome you can complain to the Information Commissioner's Office at casework@ico.org.uk telephone 0303 123 1113, or post to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. The ICO website www.ico.org.uk may be useful.

Yours sincerely,

Henry Biddington
Rugby Borough Council

Appendix 7

**Planning Decision Notice for Belle Vue
Stadium, Manchester**

Important – Planning permission & notices of consent

Compliance with conditions

- Your planning approval or consent is attached. It will contain conditions that you must comply with.
- Please read the conditions and understand their requirements and restrictions, for example submission and approval of details or measures to protect trees.
- Some conditions will require action before you start development and it is imperative that you seek to have these discharged before any work commences.
- Whilst every effort has been made to group conditions logically, it is your responsibility to ensure that you are aware of the requirements and/or restrictions of all conditions.
- If you fail to comply with the conditions this may result in a breach of planning control and this may lead to enforcement action.
- Failure to comply with conditions may also result in the development not being lawful.
- It is in your interests to demonstrate that conditions have been complied with. Failure to do so may cause difficulties if the property is sold or transferred.
- A fee is payable for each request to discharge conditions.
- For advice on any of these matters, please contact Planning, Manchester City Council, PO Box 532, Town Hall, Manchester M60 2LA or email planning@manchester.gov.uk

Town & Country Planning Act 1990 (as amended)

Planning Permission

Applicant

Mr Dave Carty
Manchester City Council
Growth And Neighbourhoods Directorate
Town Hall
Albert Square
Manchester
M60 2LA

Agent (if used)

Mr Thomas Zub
AFL Architects Ltd
St Georges House
56 Peter Street
Manchester
M2 3NQ

Part 1 – Particulars of the application/development

Proposal: CITY COUNCIL DEVELOPMENT for the erection of new speedway stadium with associated grandstand and spectator bowl creating a total capacity of 6,024 seats with associated flood lighting to track, acoustic fence to Penketh Avenue and Stanley Grove and ancillary facilities following removal of existing hockey and grass pitches, erection of new 3 court basketball centre with 2000 spectator seats, creation of two flood lit 3G sport pitches all with associated landscaping and site works, boundary treatment, new access from Kirkmanshulme Lane and car parking

Location: Belle Vue Leisure Centre And Land To The East Of The Leisure Centre, Kirkmanshulme Lane, Gorton, Manchester, M12 4TF

Date of application: 30 June 2014

Application number: 106133/VO/2014/N2

Part 2 – Particulars of decision

Manchester City Council gives notice that the development referred to in Part 1 has been **Approved** in accordance with the application and plans submitted subject to the condition(s) listed below (if any).

Article 31 Declaration

Officers have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Pre application advice has been sought in respect of this matter where early discussions took place regarding the siting/layout, scale, design and appearance of the development along with noise and traffic impacts. Further work and discussions have taken place with the applicant through the course of the application, particularly in respect of the impact of the development on the local highway network and controlling noise impacts to surrounding residential properties. The proposal is considered to be acceptable and therefore determined within a timely manner.

Condition(s) attached to this decision

1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason - Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2) The development hereby approved shall be carried out in accordance with the following drawings and documents:

Drawings AE-20-001 Rev P5, AE-20-002 Rev P1, AE-20-003 Rev P1, AE-20-004 Rev P1, AE-20-010 Rev P1, AE-20-011 Rev P1, AE-20-012 Rev P1, AE-90-001 Rev P1, AL-20-001 Rev P5, AL-20-002 Rev P5, AS-20-001 Rev P5, AS-90-002 Rev P1, AL-00-001 Rev P1, AE-20-101 Rev P5, AE-20-102 Rev P5, AE-20-103 Rev P1, AL-20-101 Rev P5, AS-20-101 Rev P5 and AL-20-201 Rev P1 stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014.

Drawing AL-90-001 Rev P3 stamped as received by the City Council, as Local Planning Authority, on the 28 August 2014

Environmental Statement prepared by Turley, Arboricultural Impact Assessment (ref. 4156.001) prepared by TEP, Air Quality Assessment (ref. 410.04782.00001) prepared by SLR, Transport Assessment prepared by JMP (REF. NW90846 report 6), design and access statement, waste management strategy, Crime Impact Statement prepared by GMP (Version A 6.11.13), BREEAM statement, stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Core Strategy.

3) The details of an emergency telephone contact number for the site contractor shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete for the development.

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

4) The construction/demolition works shall be carried out during the following hours:

Monday - Friday 07:30 to 18:00
Saturday 08:30 to 14:00
Sundays (and Bank Holidays) no operations

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

5) Notwithstanding draft construction logistic plan stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014, prior to the commencement of development, a construction management plan outlining working practices during

development shall be submitted for approval in writing by the City Council, as Local Planning Authority, which for the avoidance of doubt should include;

- o Dust suppression measures;
- o Construction hoardings;
- o Compound locations where relevant;
- o Wheel washing;
- o Location, removal and recycling of waste;
- o Parking of construction vehicles; and
- o Sheeting over of construction vehicles.

Development shall be carried out in accordance with the approved construction management plan.

Reason - To safeguard the amenities of nearby residents, pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (July 2012).

6) Prior to commencement of the development, a local labour agreement addressing initiatives to employ people residing in the vicinity of the development, both during its construction and operation, shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall be subsequently undertaken in accordance with the approved scheme and shall be kept in place thereafter.

Reason - To safeguard local employment opportunities, pursuant to policies SP1, EC1 and DM1 of the Core Strategy for Manchester.

7) Prior to any element of the development hereby approved commencing, samples and specifications of all materials to be used on all external elevations of the development shall be submitted for approval in writing by the City Council, as Local Planning Authority. The development shall be constructed only using the approved materials.

Reason - To ensure that the development is carried out in accordance with the approved plans. Pursuant to policies SP1 and DM1 of the Manchester Core Strategy (July 2012).

8) Prior to the commencement of the development, a management strategy to control the spread of Japanese Knotweed and Cotoneaster sp shall be submitted for approval in writing to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development and a verification report shall be submitted prior to the first use of the development for speedway and basketball events.

Reason - To ensure satisfactory removal and management of Japanese Knotweed and Cotoneaster sp, pursuant to policy EN15 of the Manchester Core Strategy (2012).

9) No clearance of vegetation or trees from the site should be carried out during the bird nesting season (March to July inclusive).

Reason - To protect existing habitats for birds, pursuant policies EN15 and DM1 of the Manchester Core Strategy (July 2012).

10) Prior to the removal of T22, as indicated on drawing D4156.002A of the arboricultural impact assessment prepared by TEP stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014, a survey shall be undertaken to assess its potential for roosting bats. Should the tree be found to have evidence or potential for bat roosting appropriate mitigation shall be put in place prior to the felling of the tree. Such mitigation shall be submitted for approval in writing by the City Council, as Local Planning Authority.

Reason - To assess the potential of T22 for bat roostings pursuant to policies SP1, EN15 and DM1 of the Manchester Core Strategy (2012).

11) In this condition "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on drawing D4156.002A of the arboricultural impact assessment prepared by TEP stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction)

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy (2012).

12) All tree work should be carried out by a competent contractor in accordance with British Standard BS 3998 "Recommendations for Tree Work".

Reason - In order avoid damage to trees/shrubs adjacent to and within the site which are of important amenity value to the area and in order to protect the character of the area, in accordance with policies EN9 and EN15 of the Manchester Core Strategy (2012).

13) Notwithstanding Drawing AL-90-001 Rev P3 stamped as received by the City Council, as Local Planning Authority, on the 28 August 2014, prior to the

commencement of development details of the siting, scale and appearance of the boundary treatment shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented prior to the first use of the development for speedway events and thereafter retained and maintained in accordance with those details.

Reason - To ensure appropriate boundary treatments are put in place at the applicant site in the interest of security and visual amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

14) Notwithstanding drawing 0431-ES-003 Rev B stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014, no development shall commence until a hard and soft landscaping treatment scheme (including replacement trees) has been submitted to and approved in writing by the City Council as local planning authority. The approved scheme shall be implemented not later than 12 months from the date the development (or the grandstand whichever is first) is first occupied. If within a period of 5 years from the date of the planting of any tree or shrub, that tree or shrub or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason - To ensure that a satisfactory landscaping scheme for the development is carried out that respects the character and visual amenities of the area, in accordance with policies SP1, EN9 and DM1 of the Core Strategy.

15) Notwithstanding the ground investigation report prepared by SUB surface North West Limited (ref. 5771), a) Before the development hereby approved commences, a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site shall be submitted to and approved in writing by the City Council as local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).

In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal) has been submitted to and approved in writing by the City Council as local planning authority.

The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy) which shall be submitted to and approved in writing by the City Council as local planning authority.

b) When the development commences, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the City Council as local planning authority.

In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the

development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the City Council as local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

Reason - To ensure contamination is dealt with at the site pursuant to policy EN18 of the Manchester Core Strategy (2012).

16) Notwithstanding the Flood Risk Assessment (Vol 1 Rev S2) prepared by TRP Consulting, Drainage Strategy (6644 Rev S2) prepared by TRP Consulting, prior to the commencement of the development hereby approved, a scheme for the drainage of surface water from the new development shall be submitted for approval in writing by the City Council as the Local Planning Authority.

For the avoidance of doubt this shall include:

- Surface water drainage layout including overland flow routes for extreme events;
- Hydraulic calculations; and
- Information about discharge rates for outfall in the combined sewer system.

The development shall then be constructed in accordance with the approved details and be in place prior to the first use of the development for speedway and basketball events and thereafter retained and maintained for as long as the development is in use.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage system, pursuant to policy EN14 of the Core Strategy.

17) Notwithstanding the external lighting statement Rev P2 prepared by Clancy Consulting and drawings UKS9041/6, E000 Rev P3 and E003 Rev P4 stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014, the development hereby approved shall include a building and site lighting scheme and a scheme for the illumination of external areas during the period between dusk and dawn, or as may be otherwise agreed in writing by the City Council as local planning authority. Full details of such a scheme shall be submitted for approval in writing by the City Council, as Local Planning Authority before the development commences. The approved scheme shall be implemented in full prior to the first use of the development for speedway and basketball events and shall remain in operation for so long as the development is occupied.

Reason - In the interests of amenity, crime reduction and the personal safety of those using the proposed development in order to comply with the requirements of policies SP1 and DM1 of the Core Strategy.

18) If any lighting at the development hereby approved, when illuminated, causes glare or light spillage which in the opinion of the Council as local planning authority causes detriment to adjoining and nearby residential properties, within 14 days of a written request, a scheme for the elimination of such glare or light spillage shall be submitted to the Council as local planning authority and once approved shall thereafter be retained in accordance with details which have received prior written approval of the City Council as Local Planning Authority.

Reason - In order to minimise the impact of the illumination of the lights on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy.

19) Notwithstanding the Noise and Vibration Section of the Environmental Statement stamped as received by the City Council, as Local Planning Authority on the 1 July 2014, prior to the first use of the development for speedway and basketball events, details of the plant equipment, associated noise survey and specification shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall then be implemented prior to the first use of the development for speedway and basketball events and shall be retained and maintained in accordance with the approved details for as long as the development remains in use.

Reason - To secure a reduction in the level of noise emanating from the equipment pursuant to in policies SP1 and DM1 of Core Strategy (2012) and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

20) The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least a 'very good' rating. Post construction review certificate(s) shall be submitted to, and approved in writing by the City Council as local planning authority, prior to the first use of the development for speedway and basketball events.

Reason - In order to minimise the environmental impact of the development, pursuant to policies SP1, T1-T3, EN4-EN7 and DM1 of the Core Strategy, and the principles contained within The Guide to Development in Manchester SPD (2007), and the National Planning Policy Framework.

21) The development hereby approved shall be carried out in accordance with the Crime Impact Statement prepared by Design for Security at Greater Manchester Police (Version A 6 November 2013). Prior to the first use of the development for speedway and basketball events, written confirmation shall be submitted to the City Council, as Local Planning Authority, that Secured by Design Accreditation has been achieved.

Reason - In the interests of community safe and crime prevention pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012), the Guide to Development in Manchester SPD and the National Planning Policy Framework.

22) Prior to the first use of the development for speedway events, an Events Management Strategy shall be submitted for approval in writing by the City Council, as Local Planning Authority. The Events Management Strategy shall set out the arrangements for large scale events (events with a spectator capacity exceeding 2,500) at the stadium and shall include:

- A car parking strategy and particulars of the implementation of the strategy, monitoring of its effectiveness and a review mechanism;
- a scheme for the monitoring of any on-street parking resulting from the use of the stadium and including a mechanism for the identification and implementation of any remedial measures that may be agreed as required;
- A strategy for the management and control of vehicles entering and exiting the development prior to, and following events, at the Stadium,

- A strategy to promote public transport and other measures to the site;
- A scheme for the collection, storage and disposal of litter on the surrounding road network.

The approved management of events shall be implemented in full at all time when an event exceeding 2,500 spectators takes place at the stadium.

Every 12 months from the first use of the stadium for speedway events, and event management monitoring review document shall be submitted for approval in writing by the City Council, as Local Planning Authority, including alterations/additional measures should this be necessary. Any amendments to the event management plan shall be thereafter implemented in full.

Reason - In order to minimise the peak traffic demand and to ensure the availability of adequate car parks within the area, to ensure that suitable arrangements are in place to facilitate the safe movement of pedestrians and motor vehicles, and to ensure adequate arrangements are in place for the collection of litter and waste following events at the development pursuant to polices SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

23) Prior to the first use of the development for speedway events, details of the siting and appearance of cycle provision for the development shall be submitted for approval in writing to the City Council, as Local Planning Authority. The approved details shall be implemented in full prior to the first use of the development for speedway events and thereafter retained and maintained in situ.

Reason - To ensure adequate cycle provision is put in place and that the stands are appropriate in appearance pursuant to policies SP1, T1 and DM1 of the Manchester Core Strategy (2012).

24) Notwithstanding the travel plan prepared by JMP stamped as received by the City Council, as Local Planning Authority, on 1 July 2014, prior to the first use of the development for speedway and basketball events, a travel plan framework shall be submitted for approval in writing by the City Council, as Local Planning Authority.

In this condition a Travel Plan means a document which includes:

- i) the measures proposed to be taken to reduce dependency on the private car by those [attending or] employed at the Speedway Stadium;
- ii) a commitment to surveying the travel patterns of staff/Spectators during the first three months of the first use of the stadium (or the main grandstand whichever is brought into use first) and thereafter from time to time
- iii) mechanisms for the implementation of the measures to reduce dependency on the private car
- iv) measures for the delivery of specified travel plan services
- v) measures to monitor and review the effectiveness of the Travel Plan in achieving the objective of reducing dependency on the private car

Within six months of the first use of the stadium for speedway and basketball events, a Travel Plan which takes into account the information about travel patterns gathered pursuant to item (ii) above shall be submitted to and approved in writing by the City Council as local planning authority. Any Travel Plan which has been approved by the City Council as local planning authority shall be implemented in full at all times when the development hereby approved is in use.

Reason - To assist promoting the use of sustainable forms of travel for the staff/spectators at the stadium, pursuant to policies T1, T2 and DM1 of the Manchester Core Strategy (2012).

25) Notwithstanding drawing AL-90-001 Rev P3 stamped as received by the City Council, as Local Planning Authority, on the 28 August 2014 and drawing AE-20-002.1 Rev P1 stamped as received by the City Council, as Local Planning Authority, on the 1 July 2014, prior to the commencement of development, details of the acoustic fence along the southern boundary (including along the south western and eastern corners) with the residential properties along Penketh Avenue and Stanley Grove shall be submitted for approval. The acoustic fence shall be in place prior to the first speedway event taking place at the development and shall be retained in situ for as long as the development remains in use.

Reason - To protect the residential properties along Penketh Avenue and Stanley Grove from noise and disturbance and in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

26) Notwithstanding the with the waste management strategy and Drawing AL-90-001 Rev P3 stamped as received by the City Council, as Local Planning Authority, on the 28 August 2014, prior to the first use of the development for speedway events, details of a suitable enclosure for the refuse storage shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development and be in place prior to the first use of the development for speedway events and remain in place for as long as the development remains in use.

Reason - To ensure satisfactory refuse arrangements are put in place for the development pursuant to policies SP1, EN19 and DM1 of the Manchester Core Strategy (2012).

27) Prior to the first speedway event taking place at the development, details of a dust suppression management strategy for the speedway track shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved strategy shall then be implemented on the first use of the stadium for speedway events and remain in place for duration of the use of the stadium for speedway events.

Reason - In the interest if residential amenity and air quality pursuant to policy SP1, EN16 and DM1 of the Manchester Core Strategy (2012).

28) Prior to the first use of the development for speedway and basketball events, a Community Use scheme for the Outdoor Sporting Facilities shall be submitted for approval in writing by the City Council, as Local Planning Authority. The approved scheme shall include: details of hours of free use by local schools and other community groups, details of those facilities available for free use; management responsibilities; and, shall include a mechanism for review of groups and users able to use the facilities. The approved scheme shall be implemented upon first use of the development for speedway and basketball events and shall remain in place whilst the development is in operation.

Reason - To secure well managed safe community access to sports facilities, to ensure benefit to the development of sport pursuant to policies SP1 and EN12 of the Manchester Core Strategy.

29) Prior to the first use of the development for speedway events, the noise egress levels from the PA system at the speedway stadium shall be submitted for approval in writing by the City Council, as Local Planning Authority. The noise egress levels from the PA system shall then be implemented prior to the first speedway event taking place at the stadium and shall thereafter be maintained at this level for as long as the PA system is in use at the speedway stadium.

Reason - To ensure that the PA system at the stadium operates at an acceptable level in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

30) Prior to the first use of the basketball centre the noise egress levels from amplified music at the basketball centre shall be agreed in writing by the City Council, as Local Planning Authority. The noise egress levels from amplified music shall then be implemented prior to the first use of the basketball centre and shall thereafter be maintained at this level for as long as the centre is in use.

Reason - To ensure that amplified music at the basketball centre operates at an acceptable level in the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy and extant policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

31) The speedway premises shall operate as follows:

Main Season (1st March - 31st October) - Speedway

- Wednesday, Friday and Saturdays only - 18:00 to 22:30
- There shall be no more than 43 meetings during the main season of which no more than 25 meetings will be held on Fridays and no more than 18 meetings on Wednesdays or Saturdays

Out of Season (1st November - 1st March) - Flat track racing

- Sundays only - 14:00 to 18:00
- There shall be no more than 6 events during the out of season.

Once the use of the stadium has ceased in accordance with the above operating hours all floodlighting shall be switched off.

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

32) The operating hours of the 3 G pitches and basketball centre shall be as follows:

Monday to Saturday 09:00 to 22:00
Sunday 10:00 to 20:00

Once the use of the pitches has ceased in accordance with the above operating hours all floodlighting shall be switched off.

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

33) The Speedway training sessions shall operate as follows:

Main Season

- No more than 2 x two hour sessions Monday to Friday (12:00 to 18:00) (maximum of 1 session per day); and
- No more than three hours on Sundays (12:00 to 18:00)

Out of season

- No more than 2 x two hour sessions Monday to Friday (12:00 to 18:00) (maximum of 1 session per day); and
- No more than three hours on Saturdays (12:00 to 18:00)

For the avoidance of doubt training can take place on main and out of season event days

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

34) Deliveries, servicing and collections including waste collections shall not take place outside the following hours:

Monday to Saturday 07:30 to 20:00

Sundays (and Bank Holidays): No deliveries/waste collections

Reason - In the interest of residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

35) There shall be no Speedway events taking place the site at the same time as competition events taking place at the Basketball Centre hereby approved. For the avoidance of doubt, this does not affect general use of the basketball centre by the public.

Reason - In the interest of residential amenity and highway and pedestrian safety pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

36) If any noise levels at the development hereby approved, when operating, cause excessive noise which in the opinion of the City Council, as Local Planning Authority, causes detrimental harm to adjoining and nearby residential properties, within 1 month of a written request, a scheme for the mitigation of such noise shall be submitted for approval in writing by the City Council, as Local Planning Authority and once approved, such mitigation measures shall be implemented and thereafter maintained.

Reason - In order to monitor and minimise the impact of the noise from the development on the occupiers of nearby residential accommodation, pursuant to policies SP1 and DM1 of the Core Strategy and saved policy of DC26 of the UDP.

37) Prior to the first use of the development for speedway events, a car management plan shall be submitted for approval in writing by the City Council, as Local Planning Authority. The car park management plan shall set out the arrangements for managing on and off site parking for the speedway stadium and shall include:

- How on site car parking will be managed and allocated on event days;
- The location and management of off site car parking;
- A scheme for the management and dispersal of spectators to, and following events, from the stadium and off site car parking areas

The approved management of events shall be implemented in full from the first use of the site for speedway events.

If any car parking, on or off site, as a result of the development hereby approved, when operating, causes any pedestrian or highway safety concerns which in the opinion of the City Council, as Local Planning Authority, are detrimental to adjoining and nearby residential properties, within 1 month of a written request, a scheme for the mitigation the car parking impacts shall be submitted for approval in writing by the City Council, as Local Planning Authority and once approved, such mitigation measures shall be implemented and thereafter maintained.

Reason - In order to minimise the impacts from the demand for car parking at the speedway stadium and to ensure that suitable arrangements are in place to meet demand for parking without having a detrimental impact on surrounding residents pursuant to policies SP1, T1, T2 and DM1 of the Manchester Core Strategy (2012).

38) Prior to the first use of the development for speedway events, the applicant shall fund and undertake the following traffic regulations and S278 works on Kirkmanshulme Lane/Pink Bank Lane to facilitate the new access to the development, amend existing accesses and introduce coach bays as shown on Drawing AL-90-001 Rev P3 stamped as received by the City Council, as Local Planning Authority, on the 28 August 2014

For the avoidance of doubt this shall include:

(a) Traffic Regulation Order (TRO) to introduce no waiting restrictions to the new access points to the development along Kirkmanshulme Lane/Pink Bank Lane;

(b) Traffic Regulation Order (TRO) to introduce the coach parking to Kirkmanshulme Lane and revoke the HGV TRO also along this road.

Detailed design plans and particulars of these works shall be submitted to and approved in writing by the City Council as local planning authority prior to the first speedway event taking place.

Reason - To ensure safe access to the development site and create coach parking along Kirkmanshulme Lane in the interest of pedestrian and highway safety pursuant to policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012).

39) Prior to the first use of the development for speedway events, details of the siting, appearance and specification of the fume extraction system shall be submitted for

approval in writing by the City Council, as Local Planning Authority. The approved details shall be implemented as part of the development and be in place prior to the first use for speedway events and thereafter retained and maintained in situ.

Reason - To ensure a suitable fume extraction system is put in place in the interest of visual and residential amenity pursuant to policies SP1 and DM1 of the Manchester Core Strategy (2012).

40) Prior to any use of the stadium hereby approved for any large scale non sporting events (events with a spectator capacity exceeding 2,500), full details of the proposed event including the nature, the proposed hours, the expected number of visitors and the proposed car parking arrangements shall be submitted to and approved in writing by the City Council, as the Local Planning Authority. The event shall then be operated in accordance with the approved details.

Reason - To ensure that a satisfactory strategy is implemented for the development that respects the highway network and residential amenity of the area in accordance with Policies SP1 and DM1 of the Manchester Core Strategy (2012) and saved policy DC26 of the Unitary Development Plan for the City of Manchester (1995).

41) No development shall commence, and the two artificial grass pitches on the application site shall remain available for use and operational, until a scheme to ensure the continuity of the existing hockey use has been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]. The scheme shall include:

- o the permanent relocation arrangements for hockey as well as any interim relocation arrangements and;
- o details of all existing hockey use on the application site;
- o interim facilities that the hockey uses would transfer to (including dates and times), mechanism(s) for ensuring that capacity on the interim facilities is made available;
- o a plan showing the proposed layout of the permanent relocation site;
- o information on any users that would be displaced from existing facilities as a result of the permanent / interim relocation arrangements (including how displaced users would be accommodated elsewhere);
- o and a timetable for implementation.

Thereafter, the approved scheme shall be implemented and complied with in full.

Reason - To secure continuity of sporting use, until a re-provision scheme has been agreed, pursuant to policies EN10, and DM1 of the Manchester Core Strategy .

Informatives

This permission does not grant approval under Building Regulations.

Date: 12 September 2014

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Notes

1. This permission refers only to that required under the Town and Country Planning Act 1990 does not include any consent or approval under any other enactment, byelaw, order or regulation.

2 If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of the notice of the decision.

The Planning Inspectorate have introduced an online appeals service that can be used to make appeals online. This service is available through the Appeals area of the Planning Portal – www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal).

This may include a copy of the original planning application form and any supporting documents supplied to the local planning authority. By you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information, that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission. More detailed information about data protection and privacy matters is available on the Planning Portal.

Alternatively, appeals can be made on a form which is obtainable from Planning Inspectorate, Customer Support Unit, Room 3/15, Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 or by telephone 0117 372 6372.

The First Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances that excuse the delay in giving notice of appeal.

3. The statutory requirements are those set out in Section 79(6) of the Town and Country Planning Act 1990, namely Sections 70(1) and 72(1) of the Act.

4. If either the local planning authority or the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990

5. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Appendix 8

**Planning Decision Notice for
Replacement Swindon Stadium**



SWINDON
BOROUGH COUNCIL

GRANT PLANNING PERMISSION

Application Number: S/12/1826/JABU

Ward: St Andrews

Parish: Blunsdon St Andrew

Proposal:

Demolition of existing stadium and construction of new stadium, with youth training facilities, 16,745 sq.m. of business (B1) floorspace, a care home and 450 no. residential dwellings - Access not reserved (Variation of conditions 3, 8&9, 12-15, 18, 25-27, 29&30, 32-34, 38, 43, 45&46 and 48 from previous outline permission S/07/1365).

Site Address:

Abbey Stadium, Lady Lane Swindon SN2 4DN

Agent:

Mr James Walker
Pegasus Planning Group
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
Gloucestershire
GL7 1RT

Applicant:

Landvest PCC Ltd. And Gaming International
Ltd.
c/o agent

WARNING:

**IF YOU DO NOT COMPLY WITH THE CONDITION(S) BELOW,
THE COUNCIL MAY TAKE LEGAL ACTION AGAINST YOU**

Reason for granting planning permission: The proposal does not conflict with the relevant development plan policies and there are no material planning considerations that outweigh the provisions of the development plan.

Conditions

Scope of the Permission

1. The submission of Reserved Matters and the implementation of development shall be carried out in broad accordance with the mix and disposition of land uses shown on the Illustrative Master Plan (drawing number G2212 (05) 104 revision B)

Reason: To define the scope of the permission.

Relevant Policies: DP2 Wiltshire and Swindon Structure Plan 2016 (2006), DS6, DS7, DS8 and R1 Swindon Borough Local Plan 2011 (2006).

Town and Country Planning Act 1990

Permission for Development

1. The Local Planning Authority HEREBY GRANT PLANNING PERMISSION for the development proposed in the application subject to the scheduled conditions. Which is hereby expressly incorporated herewith and of which brief details are, by way of identification only, set out in the schedule (see overleaf).
2. “The Local Planning Authority”, and “the application” referred to above, are those described in the schedule overleaf.
3. The scheduled conditions have been imposed for the reasons set out in the schedule.

Notes

If the Applicant is aggrieved by the decision of the Local Planning Authority to grant permission for the proposed development with conditions, the applicant may appeal to the Secretary of State in accordance with section 78 of the Town and Country Planning Act 1990, within 6 months of the date of the decision. Appeals must be made on a form that is obtainable from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or alternatively you may appeal online at www.planningportal.gov.uk

If the permission to develop land is granted with conditions and the owner of the land claims that the land has become incapable of reasonable/beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that his interest in the land be purchased in accordance with the provisions of Part 6 of the Town and Country Planning Act 1990.

Abbey Meads Design Brief

2. The development shall be carried out in broad accordance with the approved Design Brief (Version 3, dated January 2008), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory development.

Relevant Policies: DS6, DS7 Swindon Borough Local Plan (1999).

Outline Permission Listing Reserved Matters

3. Approval of the details of the layout, scale, external appearance and landscaping of the development (herein after called the reserved matters) for each development phase or sub phase, as may be approved pursuant to condition 7, shall be obtained from the local planning authority in writing, before any development is commenced. No development shall take place within each phase or sub phase until those details of each phase or sub phase have been submitted to and approved by the Local Planning Authority.

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and to define the scope of the permission, ensuring that the details of the development are satisfactory.

Relevant Policies: DS6 and DS7 Swindon Borough Local Plan 2011 (2006).

Time Limit for Application of Reserved Matters

4 Time Limit for Application of Reserved Matters Applications for the approval of Reserved Matters referred to in condition 3 above, shall be submitted to the Local Planning Authority before the expiration of 5 years from the date of this permission and shall be carried out in accordance with this outline approval.

Reason: To enable the Council to review the suitability of the development in accordance with Section (92(2) of the Town and Country Planning Act 1990 (as amended).

Time Limit for Start of Development

5. The development hereby permitted shall be begun either before the expiration of 5 years from the date of this permission, or before the expiration of 2 years from the date of the last of the Reserved Matters to be approved, whichever is the later.

Reason: To enable the Council to review the suitability of the development in accordance with Section 92(2) of the Town and Country Planning Act 1990 (as amended).

Scale of Development

6. The development hereby permitted shall not exceed the following capacities:

- a) 6,840 square metres of D2 Stadium (including youth training and conference facilities) having an associated maximum spectator capacity of 4,500.
- b) The above Stadium to include a market facility, which shall not exceed 3,712 square metres.
- c) 450 dwellings
- d) 13,400 square metres of B1 (a) Office; and
- e) 3,345 square metres of B1(c) Light Industry.

The maximum floor area and/or number of bedrooms in respect of the care home shall be submitted to and agreed in writing prior to the submission of the Reserved Matters.

Reason: To define the scope of the development in the interests of amenity and highway safety.

Relevant Policies: DS6, DS7 and DS8 Swindon Borough Local Plan 2011 (2006).

Phasing of Development

7. No part of the development hereby permitted shall be commenced until a programme for the phasing of development has been submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure the proper planning of the development in the interests of amenity.

Relevant Policies: DP2 Wiltshire and Swindon Structure Plan 2016 (2006) and DS6 Swindon Borough Local Plan 2011 (2006).

Construction Management Plan

8. No development shall commence within each phase or sub phase as may be approved pursuant to condition 7, until a Construction Management Plan for each phase or sub-phase has been submitted to the Local Planning Authority for approval in writing and shall include the following information;

- a) A scheme to show the routes of construction vehicles and vehicles associated within the construction work, for example site operatives and deliveries to and from any part or phase of the development, from the adjacent highway network.
- b) Details of construction operation hours and delivery hours including for site workers;
- c) A method statement for the control of noise, dust, smoke vibration, fumes and debris during construction.

Reason: To ensure the proper planning of the development in the interest of highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Temporary Access and Parking

9. No site works or use by site traffic within each phase or sub phase as may be approved pursuant to condition 7, shall commence until a temporary access and a site compound to include car parking area for site operatives and for construction traffic has been laid out and constructed within that phase or sub-phase as may be approved pursuant to condition 7, in accordance with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the proper planning of the development in the interests highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Wheel Washing

10. Prior to the commencement of any site construction works, wheel cleaning facilities shall be provided, used and maintained on site for the duration of the site construction all in accordance with details that shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Flood Risk Assessment

11 The development shall be designed and constructed in accordance with the Flood Risk Assessment, produced by Peter Brett Associates dated May 2007 (Ref 15255/200/B), and the addendum letter dated 20 August 2004.

Reason: To protect the development and its occupants from the risk of flooding, and to prevent the increased risk of flooding.

Relevant Policies: C5 Wiltshire and Swindon Structure Plan 2016 (2006);

Strategic Drainage Plan

12 With the Reserved Matters application(s), a strategic drainage plan for the whole site, incorporating sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a strategic drainage plan is provided for the master planned development.

Relevant Policies: C5 Wiltshire and Swindon Structure Plan 2016 (2006);

Sustainable Urban Drainage System

13 For each phase or sub-phase of development, no works shall commence until sustainable drainage details, have been submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to improve water quality.

Relevant Policies: C5 Wiltshire and Swindon Structure Plan 2016 (2006).

Contaminated Land, Ground and Surface Water - site assessment

14 No development within the areas identified as phases 1- 4 or 5 - 11 of phasing plan 13107/4070/D submitted for discharge under condition 7 of outline planning permission S/07/1365 shall commence until the following has been completed for those groups of phases or areas:

- a) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
 - o A risk assessment to be undertaken relating to human health, groundwater and surface waters and other relevant receptors associated on and off the site that may be affected, and
 - o Refinement of the Conceptual Model, and
 - o The development of a Method Statement detailing the remediation requirements.
- b) The site investigation has been undertaken and completed in accordance with the details approved by the Local Planning Authority and the risk assessment has been undertaken.
- c) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health, ground and surface waters and other relevant receptors, using the information obtained from the Site Investigation has been submitted to the Local Planning Authority. This should be approved in writing by the Local Planning Authority prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause pollution of Controlled Waters.

Relevant Policies: C5 Wiltshire and Swindon Structure Plan 2016 (2006); ENV23 Swindon Borough Local Plan 2011 (2006).

Contaminated Land, Ground and Surface Water - remedial works

15 The remediation requirements in the Method Statement as detailed above pursuant to condition 14 and as may be agreed in writing by the Local Planning Authority, shall be fully implemented before the development is commenced within areas comprising phases 1 - 4 and 5 - 11 of phasing plan 13107/4070/B. Upon completion of the remediation measures detailed in the Method Statement for areas comprising phases 1 - 4 and 5 - 11 of phasing plan 13107/4070/C, a report shall be submitted to the Local Planning Authority to verify that the required works regarding human health, ground and surface water and other relevant receptors have been carried out in accordance with the approved Method Statement(s) for those areas. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect Controlled Waters by ensuring that the remediated site has been reclaimed to an appropriate standard.

Relevant Policy: ENV27 Swindon Borough Local Plan 2011 (2006).

Soakaways and Water Table

16 No soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 2 metres in depth below existing ground level.

Reason: To prevent pollution of groundwater.

Relevant Policies: C5 Wiltshire and Swindon Structure Plan 2016 (2006); ENV23 Swindon Borough Local Plan 2011 (2006).

Soakaways on Contaminated Ground

17 No soakaways shall be constructed in contaminated ground

Reason: To prevent pollution of groundwater.

Relevant Policies: C5 Wiltshire and Swindon Structure Plan 2016 (2006); ENV23 and ENV27 Swindon Borough Local Plan 2011 (2006).

Sewerage Infrastructure

18 No foul water from the site shall be discharged into the sewerage system with the exception of:

- a) the new stadium;
- b) the youth training facilities;
- c) no more than 60 dwellings; and
- d) no more than 75 beds within the care home;

until either:

- (i) the drainage works planned by Thames Water have been completed, or
- (ii) 31st March 2014 (whichever is the earlier),

Unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the foul water discharge from the site shall not be detrimental to the existing sewerage system.

Relevant Policies: DP2 Wiltshire and Swindon Structure Plan 2016 (2006); DS8 and CF13 Swindon Borough Local Plan 2011 (2006).

Water Supply Infrastructure

19 The development hereby permitted shall not be commenced until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

Relevant Policies: DP2 Wiltshire and Swindon Structure Plan 2016 (2006); DS8 and CF13 19 Water Supply Infrastructure Swindon Borough Local Plan 2011 (2006).

Protection of Bats

20 No demolition or partial demolition of existing buildings or management and felling of trees on the site shall take place before a survey has been undertaken to confirm whether or not bats or bat roosts are present. If bats or their roosts are present, mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Such measures as may be approved shall be implemented to the satisfaction of the Local Planning Authority prior to the demolition or felling of any roost.

Reason: To ensure the preservation of bats and their associated environment.

Relevant Policies: C3 Wiltshire and Swindon Structure Plan 2016 (2006); ENV18 Swindon Borough Local Plan 2011 (2006).

Protection of Badgers

21 Prior to the commencement of works a survey for the presence of badgers and occupied setts shall have first been completed in accordance with a scheme that shall have first been submitted and approved in writing by the Local Planning Authority. Proposals to protect all identified badgers and occupied badger setts within that area shall be implemented in accordance with a scheme that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of badgers and their associated environments.

Relevant Policies: C3 Wiltshire and Swindon Structure Plan 2016 (2006); ENV18 Swindon Borough Local Plan 2011 (2006).

Highway Infrastructure

22 The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture (where all applicable) shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority before their construction is commenced. For this purpose, plans and sections, indicating as appropriate the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Consolidated and Surfaced Roads and Footways

23 The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriage way to at least base course level between the dwelling and the existing highway.

Reason: To ensure that the development is served by an adequate means of access.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Access to Stadium

24 The Stadium hereby permitted shall not become operational until the highway access works from Lady Lane are completed and fully operational

Reason: In the interests of highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Loading and Unloading

25 No commercial or other non-residential building(s) shall be occupied or otherwise used for any purpose until provision has been made within the site for the loading and unloading of goods vehicles.

Reason: In the interest of amenity and road safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006)

Parking Areas

26 Plans showing the parking areas in relation to the stadium and ancillary facilities, employment units and care home shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. These areas shall be surfaced in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority, and constructed to the satisfaction of the Local Planning Authority before the uses commence and shall not be used other than for the parking of vehicles in connection with the developments hereby permitted.

Reason: In the interest of amenity and highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Car Parking Standards

27 Before the development hereby authorised is brought into use the residential car parking provision conforming to the Borough Council's car parking standards, together with manoeuvring facilities shall be completed in accordance with details and materials to be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter for the duration of use.

Reason: To enable vehicles to enter and leave the parked areas in forward gear and to be reasonably accommodated within the development site in the interest of amenity and highway safety.

Relevant Policies: T6 Wiltshire and Swindon Structure Plan 2016 (2016); DS6 and T1 Swindon Borough Local Plan 2011 (2006).

Garage Standards

28 All single garages and any associated hard standings to be constructed in connection with the residential development shall conform to the Borough Council's standards. Any garages shall thereafter be retained for the parking of vehicles in connection with the use of the development hereby permitted.

Reason: In the interest of amenity and highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Cycle Parking Standards

29 Before the development hereby permitted is brought into use, cycle parking facilities conforming to the Borough Council's standards shall be completed in accordance with details and materials to be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter for the duration of use.

Reason: In the interest of cycle user amenity and safety.

Relevant Policies: T5 Wiltshire and Swindon Structure Plan 2016 (2006); DS6 and T1 Swindon Borough Local Plan 2011 (2006).

Motorcycle Parking Standards

30 Before the development hereby permitted is brought into use, secure motorcycle parking facilities conforming to the Borough Council's standards shall be completed in accordance with details and materials to be submitted to and approved in writing by the Local Planning Authority and shall be retained and maintained thereafter for the duration of use.

Reason: In the interest of motorcycle user amenity and safety.

Relevant Policies: DS6 and T1 Swindon Borough Local Plan 2011 (2006).

Access off Lady Lane

31 The proposed B1(c) use and stadium development (with the exception of the associated pits and kennels and coach / Park and Ride drop-off and turning facilities) shall be served by a new access at Lady Lane, as shown on drawing G2212(05)104B. No through highway access shall be permitted onto Salzgitter Drive at any time, other than in emergencies unless agreed in writing by the Local Planning Authority. The stadium and market areas will have controlled access from Lady Lane when the primary uses are not open for business and will have uncontrolled access from Lady Lane when the primary uses are open for business, in accordance with the submitted details in the Stadium and Market Parking Strategy.

Reason: In the interest of highway safety.

Relevant Policies: DS6 and T1 Swindon Borough Local Plan 2011 (2006).

Access off Salzgitter Drive

32 A new access to the site from roundabout 1 (RB1) at Salzgitter Drive, as shown on approved drawing G2212(05)104 shall be provided prior to the first occupation of the proposed B1(a) development, Stadium Pits and kennels and coach / Park and Ride drop-off / turning facilities. No through access into the stadium shall be permitted other than in emergencies. The stadium pits and kennels and coach / Park and Ride drop-off / turning facilities areas will have controlled access from Salzgitter Drive at evening and weekends.

Reason: In the interest of highway safety.

Relevant Policies: DS6 and T1 Swindon Borough Local Plan 2011 (2006).

Stadium Parking

33 Prior to the proposed stadium being brought into use a car park with a maximum of 290 spaces shall be provided in accordance with details submitted to and approved in writing by the Local Planning Authority as part of the Reserved Matters application. This shall be reserved for the sole and exclusive use of the stadium and its ancillary uses and shall not be used by the B1(a) and B1(c) uses hereby permitted.

Reason: In the interest of highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Pedestrian / Bicycle Route

34 No works shall commence within the relevant commercial phase as may be approved pursuant to condition 7, on the development site until a plan detailing a 3 metre wide cycle / pedestrian route from Salzgitter Drive northerly along the new business park access road has been submitted and approved in writing by the Local Planning Authority.

Reason: For the convenience of pedestrians and cyclists in the interests of highway safety.

Relevant Policies: T5 Wiltshire and Structure Plan 2016 (2006); T1, T5 and T6 Swindon Borough Local Plan 2011 (2006).

Pedestrian Crossing Points

35 No work shall commence on the development site until a plan showing full details of the position of 4 sets of uncontrolled crossings along Salzgitter Drive have been submitted and approved in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

Relevant Policies: T5 Wiltshire and Structure Plan 2016 (2006); T1 and T5 Swindon Borough Local Plan 2011 (2006).

Right of Way

36 The definitive right of way shall be maintained through the site. Plans showing the siting and construction details shall be submitted and approved in writing by the Local Planning Authority before works commence on the site.

Reason: In the interest of highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Taxis, Coaches and Park & Ride

37 No development shall take place within the stadium site until details of coach and taxi drop-off and waiting points, including the drop off and waiting points for the Park and Ride facilities, have first been submitted to and approved in writing by the Local Planning Authority. The physical works comprising the routes and interchanges shall thereafter remain in their approved form for so long as the area remains in use.

Reason: In the interests of amenity and highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Landscape Protection and Maintenance

38 All landscaping shall be carried out in accordance with the reserved matters approved schemes of landscaping; this shall include a planting schedule, timetable of works, details of the positions, species and crown spread of all existing trees and hedgerows on the land, detailing those to be retained, together with measures for their protection during development. Any planting which, within a period of 5 years from the date planted, dies, is removed or becomes seriously damaged or diseased, shall be replaced by one of similar size(s) and species within the next planting season.

Reason: To ensure that the appearance of the development is acceptable.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Tree Protection

39 No materials, plant, soil or spoil shall be stored underneath, and no burning of materials shall take place within 5 metres of the furthest extent of, the canopy of any tree or group of trees on the site shown for retention on the approved plans. No existing tree shall be lopped, topped, felled, destroyed or wilfully damaged including any damage to roots, without the prior written consent of the Local Planning Authority

Reason: To ensure minimal interference with trees that are to be retained on the land and ensure that damage does not occur to the trees during building operations.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Maximum Building Heights

40 With the exception of the stadium and unless otherwise agreed in writing by the Local Planning Authority, no building shall exceed a maximum height of 9 metres to the eaves line, above ground level.

Reason: In the interest of amenity.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

External Storage

41 No goods, plant, equipment, machinery or materials shall be deposited or stored, or articles displayed, or processes undertaken on site in relation to the stadium and ancillary facilities, the employment units and the care home without the prior written consent of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Storage of Chemicals, Gases and Liquids

42 There shall be no storage of oils, fuels or chemicals on the site other than in storage facilities constructed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution and safeguard the amenities of the area.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Waste and Recycling Storage

43 No dwellinghouse hereby approved shall be occupied until facilities have been provided for the storage of refuse and recycling materials, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Utilities

44 Unless otherwise approved in writing by the Local Planning Authority, no utility metre boxes shall be affixed or installed at the front of any dwellinghouse or to the side of any dwellinghouse where it fronts a highway or footway.

Reason: In the interests of visual amenity.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Internal Noise Levels

45 For each phase of residential development as may be approved pursuant to condition 7 above, no works shall commence until a design has been submitted to and approved by the Local Planning Authority to achieve internal noise levels in bedrooms and living rooms in dwellings post construction of the development on the site, of 30 dBLAeq T (where T is 23:00 - 07:00) and 35 dBLAeq T (where T is 07:00 - 23:00) and the dwellinghouses on the relevant phase shall be constructed in accordance with the approved design.

Reason: In the interests of amenity.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Mechanical Ventilation

46 Where the internal noise levels in bedrooms and living rooms can only be achieved by closing windows, supply air mechanical ventilation shall be provided to the room. The standard of ventilation to be achieved is that contained in the Noise Insulation Regulations 1975 (or an equivalent) and details of this shall be submitted to and approved by the Local Planning Authority. All supply air ventilation systems shall have a standard and boost facility. All the controls on mechanical ventilation systems shall be easily and practically accessible by the occupants of each dwelling. All ventilation systems shall be retained in their approved form whilst the dwelling is occupied.

Reason: In the interest of amenity.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Lifetime Homes

47 Two percent of the dwellings constructed on the site pursuant to this permission shall provide ramped access with flush thresholds into all doorways, doorway widths, space for internal circulation and for through-the-floor lift vertical circulation, and for use of a bathroom, toilet and kitchen at entry level designed to provide for wheelchair user occupiers which shall first be agreed in writing by the Local Planning Authority. These features and provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.

Reason: In the interest of disabled access.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Sustainable Construction

48 The Reserved Matters for each phase or sub-phase of development as may be approved pursuant to condition 7, shall include a comprehensive Sustainability Strategy to be incorporated in the development for that phase of the site; such details shall be submitted to and approved by the Local Planning Authority in writing, before any works commence on site. The Strategy shall be prepared taking into account how the development will seek to achieve the standards within the Swindon Sustainable Design and Construction Supplementary Planning Document with particular focus on issues of rainwater harvesting and grey water recycling, given water sensitivity issues in Swindon. The development shall be implemented in accordance with the Sustainability Strategy as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the provision of an environmentally sustainable development.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Market

49 The market shall not be open to the general public or trading for any purpose other than between the hours of 09:00 and 15:00 on Wednesdays and Saturdays and between the hours of 09:00 and 16:00 on Sundays unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

Relevant Policy: DS6 Swindon Borough Local Plan 2011 (2006).

Informatives

1. This decision is in respect of the following plans and documents: Location Plan - drawing number G2212 (05) 101 Illustrative Master Plan - G2212 (05) 104 New stadium overlay - G2212 (05) 105 Design and Access Statement, Powell Dobson, May 2007 Design Brief (revision 3), Powell Dobson, January 2008 Planning Statement, Terence O'Rourke, May 2007 Transport Assessment, Pinnacle Transportation Ltd, May 2007 Report on Trees at Abbey Meads Site, Keith Rushforth, February 2007 Statement of Community Involvement, Terence O'Rourke May 2007 Flood Risk and Drainage Assessment, Peter Brett Associates, May 2007 Archaeological Evaluation, Cotswold Archaeology, 2000, 2003 and 2007 Sustainability Assessment, Terence O'Rourke, May 2007 Geoenvironmental and Geotechnical Desk Study, Peter Brett Associates, October 2004 Geoenvironmental and Geotechnical Desk Study and Tire 1 Preliminary Risk Assessment, Peter Brett Associates, February 2007 Phase 1 Protected Species Survey and Phase 2 Ecology Surveys, ECOSA, March 2007 Noise Impact Assessment, Alan Saunders Associates, May 2007 Utility Site Audit, Peter Brett Associates, April 2007 Stadium Events Travel Plan, Transport Planning Associates, 7 January 2011 (as amended)

**Authorised by Bernie Brannan, Board
Director – Service Delivery**



**Decision Dated:
8th August 2013**

Appendix 9

**Planning Decision Notice for Market Use
at Brandon Stadium**



THE RUGBY BOROUGH COUNCIL
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
REFUSAL OF PLANNING PERMISSION

Notice is hereby given that the Borough Council in pursuance of its powers under the above mentioned Act, as amended and Rules, Orders and Regulations made there under, refuses planning permission for the development referred to hereunder for the reasons specified.

APPLICATION NUMBER:

R07/1268/PLN

DATE OF APPLICATION:

20/06/2007

ADDRESS OF DEVELOPMENT:

Coventry Stadium
Rugby Road
Brandon
Coventry
Warwickshire
CV8 3GJ

APPLICANT/AGENT:

Greyhounds At Coventry Ltd
Coventry Stadium
Rugby Road
Brandon
Coventry
Warwickshire
CV8 3GJ

APPLICATION DESCRIPTION:

Change of use of the car park to use for a Sunday market.

RELEVANT DEVELOPMENT PLAN POLICIES & PROPOSALS/REASON(S) FOR REFUSAL:

REASON FOR REFUSAL: 1

The site is located in the Green Belt where there is a presumption against inappropriate development. It is the policy of the Local Planning Authority, as set out in the Development Plan and having regard to guidance contained in PPG2 Green Belts not to grant planning permission except in very special circumstances, for changes of use other than for the purposes of agriculture and forestry, outdoor sports and recreation facilities, cemeteries and other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

The proposed development does not fall within any of the categories which are normally acceptable in the Green Belt and as such, constitutes inappropriate development having an adverse effect on the rural character of the area and detrimental to the openness of the Green Belt. In the opinion of the Local Planning Authority, there are no special circumstances, which would justify the granting of planning permission in the face of a strong presumption against inappropriate development derived from the prevailing policies and it is considered that the development fails to preserve the openness and character of the Green Belt. The proposed development is therefore contrary to Policies E1 and E2 of the Rugby Borough Local Plan 2006.

R07/1268/PLN

REASON FOR REFUSAL: 2

The proposals would introduce a range of stalls and vehicles into the area. These would be out of keeping with the character of the area and would have a detrimental impact on visual amenity. The proposals are therefore contrary to policies GP1 and E5 of the Rugby Borough Local Plan 2006 which seek to ensure that all new development is in character with its surroundings.

REASON FOR REFUSAL: 3

Due to the nature, scale and intensity of the proposed use the development would be detrimental to the amenity of the occupiers of nearby residential properties by reason of noise and nuisance generated by the use of the land and associated vehicular activity. The proposals are therefore contrary to policy GP3 of the Rugby Borough Local Plan 2006 that specifically seeks to protect amenity.

REASON FOR REFUSAL: 4

The site is situated outside the boundary of Rugby Town Centre as defined in Rugby Borough Local Plan 2006. Policy TCR2 of the Rugby Borough Local Plan 2006 state that retail uses should be developed in town centre locations unless it can be demonstrated that there is a need for the facility and that no suitable sites are available in a town centre, or edge of centre, location. No information has been submitted with the application to demonstrate that there is a need for an additional market in the Rugby area. The proposal is therefore contrary to policy TCR2 of the Rugby Borough Local Plan 2006 that requires a need for facilities to be demonstrated when they are proposed outside of the town centre.

REASON FOR REFUSAL: 5

The application has not been accompanied by a Transport Assessment to demonstrate whether the impact of the proposals on the local highway network, as such it has not been demonstrated whether the proposals meet the current highway standards set out in PPG13 Transport. Based on the information submitted the Local Planning Authority is of the opinion that the possible intensification of the use of the access, may be detrimental to highway safety and contrary to policies T1 and T3 of the Rugby Borough Local Plan 2006 which seek to ensure that development does not affect the safety of road users.

REASON FOR REFUSAL: 6

The site is located in a rural location that may not be easily accessible by sustainable modes of transport. The application has not been accompanied by a Green Travel Plan to demonstrate what measures will be implemented to reduce the reliance on private car travel and promote sustainable travel. The proposal is therefore contrary to policy T2 of the Rugby Borough Local Plan 2006 that specifically requires the submission of a Green Travel Plan for none residential developments of this size.

ADOPTED POLICIES:

Policies GP1, GP3, E1, E2, E5, T1, T2, T3, T5 and TCR2

The development plan policies referred to above are available for inspection on the Borough Council's web-site www.rugby.gov.uk or at the Council Offices.



ANNA E. ROSE Head of Planning and Culture

PLANNING DEPARTMENT,
TOWN HALL,
EVREUX WAY,
RUGBY,
CV21 2RR

DATE: 26/09/2007

Appendix 10

**Full Council Report and Minutes, Rugby
Borough Council 22/12/22**



1 December 2022

RUGBY BOROUGH COUNCIL

An ordinary meeting of Rugby Borough Council will be held in the Council Chamber at the Town Hall, Rugby at 7.00pm on Wednesday 14 December 2022.

Members of the public may also view the meeting via the livestream available on the Council's website.

Mannie Ketley
Chief Executive

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Apologies for absence.
2. Minutes.
To approve the minutes of the ordinary meeting held on 23 November 2022.
3. Declaration of Interests.
To receive declarations of -
 - (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (c) notice under Section 106 Local Government Finance Act 1992 - non-payment of Community Charge or Council Tax.
4. To receive the Mayor's Announcements.

5. Questions pursuant to Standing Order 10.
6. To receive the reports of Cabinet and Committees which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

(a) Cabinet – 5 December 2022

(1) Rugby Town Centre Regeneration Strategy 2022 – Growth and Investment Portfolio.

(2) Local Plan Review – Growth and Investment Portfolio.

(3) Bicentenary of rugby union 1823 – 2023 – Leisure and Wellbeing Portfolio.

(4) Finance and Performance Monitoring 2022/23 – as at 30 September 2022 – Finance, Performance, Legal and Governance Portfolio.

7. To receive and consider the reports of officers.

(a) Adoption of the Brinklow Neighbourhood Development Plan and Decision Statement – report of the Chief Officer – Growth and Investment.

(b) Review of RBC Support for the Voluntary and Community Sector (VCS) in Rugby.

(c) Council Tax Reduction Scheme 2023/24 – report of the Communities and Homes Portfolio.

(d) Appointments to Outside Bodies – Rugby First – report of the Chief Officer – Legal and Governance.

(e) Update of Council's Constitution – report of the Chief Officer – Legal and Governance (report to follow).

(f) Review of the Garden Waste Service – report of the Chief Officer – Operations and Traded Services (report to follow).

8. Notices of Motion pursuant to Standing Order 11.

(a) This council recognises the importance of the sporting heritage within the borough, not only in respect to the game of rugby, but also to other long established and well supported sports associated with Brandon Stadium. We therefore request that, following the overwhelming public desire to reopen Brandon Stadium, this council explores options available to bring Brandon Stadium back into use and any likely public advantages to the local and wider communities, should this be achievable.

Proposer: Councillor Gillias

Seconder: Councillor Lowe

(b) Rugby is one of the fastest growing towns in the country with over 11,000 homes expected to be built in the next 10-15 years. Each of these homes will require a water supply. Climate change is already manifesting itself in different ways in the UK. We are seeing prolonged periods of dry weather and increasing temperatures in the summer and heavy downpours in Autumn and Winter which fall on to baked ground and runs off rather than soaks in.

In addition to this, nearby towns including Northampton, are also seeing an increase in house building and are likely to be competing with Rugby for water from the same source. Modern lifestyles use more water – dishwashers, automatic washing machines showering every day, washing cars and watering lawns all contribute to the increased use of something we have previously taken for granted.

It is beyond dispute that the planned increase in housebuilding in the borough and further afield will add to the pressure on the water supply and to the difficulties faced by householders and our local farmers, businesses, schools and hospitals during periods of drought and even after rain starts to fall. The growing impact of climate change will only add to this problem.

The Labour group therefore calls on the Portfolio Holder for Communities Homes and Digital Communications to begin discussions with Severn Trent to find out what steps they are taking to ensure that the security of the water supply for Rugby is assured over the medium to long term, and to report back to full council at the April meeting.

Proposer: Councillor Ms Livesey
Seconder: Councillor Harrington

(c) Everybody in the Borough wants to be proud of our town centre. It should be our beating heart economically, socially, and culturally. At the moment it is struggling, and our town centre businesses are facing huge challenges due to the unprecedented financial crisis we ~~they~~ are currently facing. In addition, Rugby Borough Council has a substantial financial investment in a service Level Agreement to Rugby First as well (as the large contributions made by local businesses).

We believe that it's time for change. We know that Local stakeholders believe it's time to do things differently in order to support the wishes of Rugby council taxpayers and local independent businesses and see our town centre prosper .

The Rugby Borough has grown significantly over the last ten years, and we believe with the right support Rugby Town Centre can grow and thrive again. In order to do that we need to engage all major stakeholders on a cross party apolitical basis.

We know from feedback that we have received from local stakeholders that they believe things need to change as well.

We therefore call on this council to put in place a cross-sector partnership which will bring a range of knowledge, skills and resources to respond to the key challenges to rebuild Rugby Town Centre as part of a constructive Forum for change, as part of a constructive Forum for change.

The Forum would set out the strategic vision for the town, identify resources, build community partnerships and provide scrutiny for the delivery and review of the following,

- SLA with Rugby First
- Review Rugby First Accounts to ensure that this Council, Rugby Residents and local business financial investments are adding value

- Review the Rugby First business plan and constitution
- Develop a Memorandum of Understanding for Rugby First going forward or AN Other appropriate body
- Determine the exact level of central government funding secured for Rugby town centre (and wider Borough) since 2019
- Ascertain through surveys the current level of trade amongst local businesses within the town centre (and repeat this survey on a regular basis)

The forum membership should include Town Centre Councillors, Local Businesses, Borough and County Council Officers, Rugby School, Police, community centres, churches and charities amongst others.

Proposer: Councillor Moran
 Seconder: Councillor Slinger

9. Correspondence.

10. Common Seal.

To order the affixing of the Common Seal to the various orders, deeds and documents to be made or entered into for carrying into effect the several decisions, matters and things approved by the Council and more particularly set out in the reports adopted at this meeting.

11. Motion to Exclude the Public under Section 100(A)(4) of the Local Government Act 1972.

To consider the following resolution:

“under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of information defined in paragraphs 2 and 3 of Schedule 12A of the Act.”

PART 2 – EXEMPT INFORMATION

1. To receive the reports of Cabinet and Committees which have met since the last meeting of the Council and to pass such resolutions and to make such orders thereon as may be necessary:

(a) Cabinet – 5 December 2022

(1) Proposed sale of land – Communities and Homes Portfolio.

2. To receive and consider the private reports of officers.

(a) Review of the Preventing Homelessness Improving Lives (PHIL) project – report of the Chief Officer – Communities and Homes.

(b) Estates and Project Management Team: Role Changes – report of the Chief Executive.

(c) Review of the Trade Waste Service – report of the Chief Officer – Operations and Traded Services.

QUESTIONS AT COUNCIL

A Councillor may ask a question at the meeting by giving notice in writing of the question to the Chief Executive no later than midday on Thursday 8 December 2022. The rules relating to Questions are set out in Part 3a of the Council's Constitution.

MINUTES OF COUNCIL

14 DECEMBER 2022

PRESENT:

The Mayor (Councillor Ms Watson-Merret), Councillors Mrs Allanach, Mrs A'Barrow, Mrs Brown, Mrs Crane, Daly, Douglas, Edwards, Ellis, Mrs Garcia, Gillias, Harrington, Mrs Hassell, Miss Lawrence, Lawrence, Lewis, Ms Livesey, Lowe, Mahoney, Mistry, Moran, Mrs New, Mrs O'Rourke, Mrs Parker, Picker, Poole, Rabin, Ms Robbins, Mrs Roberts, Roberts, Roodhouse, Mrs Roodhouse, Sandison, Slinger, Srivastava, Ward and Willis.

50. SUSPENSION OF COUNCIL STANDING ORDERS

Due to the lengthy agenda and the number of motions and possible amendments, it was moved by the Mayor, seconded by the Deputy Mayor and

RESOLVED THAT – paragraphs 13.6 (g) and (h) of Part 3A of the Council Standing Orders be suspended.

51. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received from Councillors Miss Dumbleton, Eccleson, Ms Maoudis, Mrs Timms and Dr Williams.

52. MINUTES

The minutes of the ordinary meeting held on 23 November 2022 were approved and signed by the Mayor.

53. DECLARATIONS OF INTEREST

Item 7(b) of Part 1 – Review of RBC Support for the Voluntary and Community Sector (VCS) in Rugby – Councillor Ms Robbins (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a trustee of Brownsover Community Association).

Item 7(a) of Part 1 - Adoption of the Brinklow Neighbourhood Development Plan and Decision Statement – Councillor Gillias (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Ward Councillor).

Item 7(b) of Part 1 – Review of RBC Support for the Voluntary and Community Sector (VCS) in Rugby – Councillor Rabin (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a director of Help Good Grow(Rugby)).

(f) Review of Garden Waste Services

Council considered the report of the Chief Officer – Operations and Traded Services (Part 1 – agenda item 7(f)) concerning a proposed review of garden waste services.

RESOLVED THAT - a cross party working group be established to review the Garden Waste Service with a focus on efficiency, cost and customer service and the results be reported to Council in February.

58. NOTICES OF MOTION PURSUANT TO STANDING ORDER 11

Council considered the following Motions, notice of which had been given pursuant to Standing Order 11.

(a) Councillor Gillias moved and Councillor Lowe seconded the motion as set out below.

“This council recognises the importance of the sporting heritage within the borough, not only in respect to the game of rugby, but also to other long established and well supported sports associated with Brandon Stadium. We therefore request that, following the overwhelming public desire to reopen Brandon Stadium, this council explores options available to bring Brandon Stadium back into use and any likely public advantages to the local and wider communities, should this be achievable.”

Further to debate, the Mayor put the motion to the vote and declared it carried.

(b) Councillor Ms Livesey moved and Councillor Harrington seconded the motion as set out below.

“Rugby is one of the fastest growing towns in the country with over 11,000 homes expected to be built in the next 10-15 years. Each of these homes will require a water supply. Climate change is already manifesting itself in different ways in the UK. We are seeing prolonged periods of dry weather and increasing temperatures in the summer and heavy downpours in Autumn and Winter which fall on to baked ground and runs off rather than soaks in.

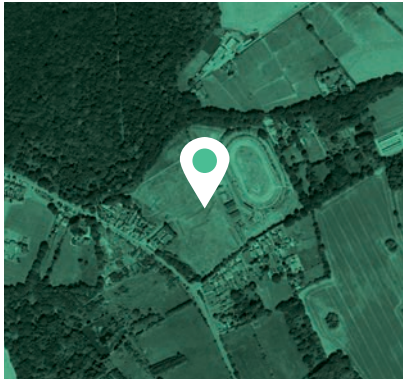
In addition to this, nearby towns including Northampton, are also seeing an increase in house building and are likely to be competing with Rugby for water from the same source. Modern lifestyles use more water – dishwashers, automatic washing machines showering every day, washing cars and watering lawns all contribute to the increased use of something we have previously taken for granted.

It is beyond dispute that the planned increase in housebuilding in the borough and further afield will add to the pressure on the water supply and to the difficulties faced by householders and our local farmers, businesses, schools and hospitals during periods of drought and even after rain starts to fall. The growing impact of climate change will only add to this problem.

Appendix 11 - Economic Benefits Assumptions Note by Lichfield

The economic benefits of Coventry Stadium, Rugby Road

The proposed development of 124 new homes, including 20% affordable housing, at Coventry Stadium, Rugby Road offers the opportunity to stimulate economic growth, create jobs, assist in meeting the housing needs of Rugby, add to local authority revenues, and importantly, re-develop the former Speedway Stadium.



The proposal



124 New homes
20% Affordable homes

Other details:

The proposals include the provision of a 3G Sports Pitch, Pavilion for community use, and will deliver a Biodiversity Net Gain.

Construction benefits



£29.3m
Construction value
(total construction cost)



£16.7m GVA
Economic output
(additional GVA p.a.)



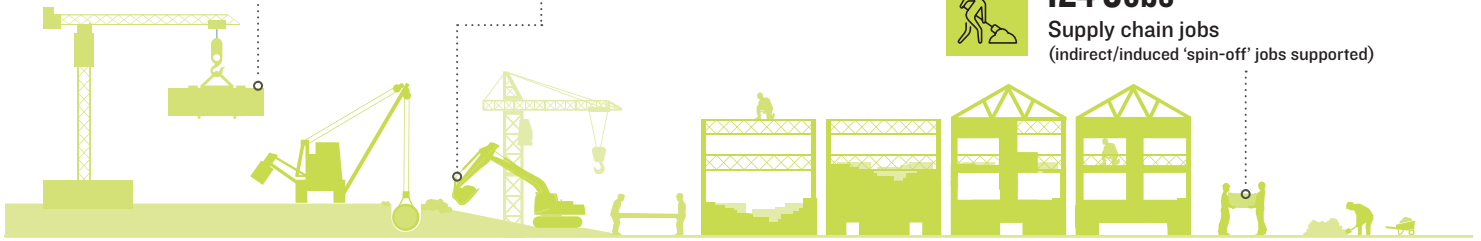
104 Jobs

Construction jobs
(temporary jobs over the 4.25-year build period)



124 Jobs

Supply chain jobs
(indirect/induced 'spin-off' jobs supported)



Operational and expenditure benefits



£682,000
First occupation expenditure
(spending to make a house 'feel like a home')



£257,000
Resident expenditure
(within local shops and services p.a.)



3 Supported jobs
(from increased expenditure in local area)

Local Authority revenue benefits



£915,000
New Homes Bonus payments
(over a 4 year period)



£557,000
Council Tax revenues
(p.a.)



£1.86m
Planning contributions
(SI06)



Coventry Speedway Economic Impact Assessment Assumptions Note

Brandon Estates Limited

18 August 2023

Lichfields is the pre-eminent planning and development consultancy in the UK

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for over 60 years.

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1.0 Introduction

1.1 This note has been produced by Lichfields on behalf of Brandon Estates Limited in relation to the ongoing Appeal (Appeal Ref: APP/E3715/W/23/3322013) in respect of a refused application (Ref: R18/0186) for “Demolition of existing buildings and outline planning application (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from the Rugby Road, provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park” at Coventry Stadium, Rugby Road, Brandon, Rugby (“the Site”).

1.2 This report provides an overview of the methodological approach and key assumptions that underpin the economic benefits summarised in the supporting Infographic. The figures are **underpinned by Lichfields’ eVALUATE framework. eVALUATE is regularly used by local authorities to assess the economic impact of development, as well as by many of the UK’s leading developers, investors and house builders.**

The Proposed Development

1.3 Brandon Estates Limited is seeking outline planning permission for up to 124 dwellings including means of access into the site from the Rugby Road, alongside the provision of open space and associated infrastructure and provision of sports pitch, erection of pavilion and formation of associated car park at the Site. The development proposals also make provision for 20% affordable housing on site.

Table.1 Proposed Housing Mix

No. of Beds	Market	Affordable	Total
1 Bedroom	0	0	0
2 Bedroom	19	15	34
3 Bedroom	54	11	65
4 Bedroom	25	0	25
Total	98	26	124

Source: Brandon Estates Limited

2.0 Construction Benefits

Direct Construction Employment

- 2.1 Using labour coefficients from the HCA's *Calculating Cost per Job Best Practice Note* (2015), it is possible to calculate the number of direct construction jobs supported by the proposed development over the course of the construction phase. Taking account of the **composition of the proposed development, a 'new housing' coefficient is considered** appropriate when calculating the number of direct construction jobs. This coefficient assumes that 19.9 direct FTE jobs per £1 million of construction value in 2011 prices will be supported over the course of a year.
- 2.2 To use the coefficient, the construction cost of £29.3 million has been deflated from 2023 to 2011 prices using the UK Government GDP Deflator (2023). Applying the new housing coefficient to the deflated construction cost of c.£22.0 million and then dividing the result by the length of the construction phase (4.25 years) leads to the proposed development supporting 103 gross direct FTE jobs annually over the construction phase¹.
- 2.3 Although national and regional construction firms often use their own labour on projects, it is typical that a share of the contractors employed are drawn from the local labour pool. However, it is difficult to determine the likely source of labour to fill these jobs before contracts have been let. It is reasonable to expect that a proportion of the construction jobs to be taken up by local workers, particularly if measures are in place to raise local skill levels and encourage local recruitment (e.g. through apprenticeships).
- 2.4 Following the uplift in construction activity nationally over recent years and during the recovery from the Covid-19 pandemic, it is likely there will now be a sufficient supply of local workers with construction skills and businesses which have developed to support/supply this activity.

Indirect and Induced Employment

- 2.5 Construction also involves acquisitions from a number of suppliers, who in turn purchase from their suppliers through the supply chain. The relationship between the initial direct spending and total economic effects is known as the **'multiplier effect', which demonstrates** that an initial investment can have much greater indirect effects as this spending is diffused through the economy.
- 2.6 In addition, local businesses would be expected to benefit to some extent from a temporary increase in expenditure from the direct and indirect employment effects of the construction phase. Although only a proportion of these benefits would be felt in the local area, it would be expected that the local economy would gain a sizeable temporary boost from the wage spending of workers in shops, bars and restaurants, and other services and facilities. Such **effects are typically referred to as 'induced effects.'**
- 2.7 Research undertaken on behalf of the National Housing Federation indicates the construction industry has an indirect and induced employment multiplier of 2.21 in the West Midlands². Applying this multiplier to the 105 direct construction FTE jobs p.a. indicates an additional 124 FTE jobs p.a. would be supported by the proposed development in sectors across the UK economy. This is in addition to the 103 direct construction FTE jobs discussed earlier.

¹ Homes and Communities Agency (2015): *Calculating Cost per Job: Best Practice Note*

² NHF Local Economic Impacts Calculator (LEIC): Methodology and Assumptions (April 2019)

Gross Value Added

- 2.8 GVA is a measure of the difference between what is produced as outputs (goods and services) and the inputs (raw materials, semi-finished products etc.) used in the production of those outputs. It represents the additional value that is added through economic activity.

Direct Gross Value Added

- 2.9 Through an analysis of Experian data (July 2023) it is estimated that the average FTE construction worker in the West Midlands region generates £83,318 of GVA per annum. On the basis of the above, it is assumed that the 103 construction jobs could generate c.8.6 million in GVA during each year of construction.

Indirect and Induced Gross Value Added

- 2.10 Research by the National Housing Federation³ concluded that the house building industry has a GVA multiplier equivalent to 2.18 in the West Midlands. This means that every £1 of direct GVA supported by the industry is worth £2.18 in total. Applying this multiplier figure to the direct GVA impacts derived above indicates that the development proposals could support c.£10.1 million of indirect GVA per annum in total.
- 2.11 This equates to around £18.7 million direct, indirect, and induced GVA in total per annum. It should be noted that not all of this will be retained locally.

³ Ibid

1.0 Expenditure Benefits

2.12 First Occupation Expenditure

- 2.12 It is commonly accepted that households embark on a period of increased expenditure once they **move into a new property in order to put their stamp on the house and make it ‘feel like home’**. Recent research by OnePoll⁴ suggested that this initial injection of expenditure could average approximately £5,500 per home. Applying this to the proposed development of 124 new homes would suggest that first occupation expenditure associated with the site could be in the order of £682,000. It is estimated (based upon the assessment of shopping patterns in the local area outlined in the narrative below) that a proportion of this expenditure is likely to be retained locally.

2.13 Net Additional Local Expenditure

- 2.13 The ONS Family Expenditure Survey (2021 Edition) provides a breakdown of household expenditure, at the national level, for a series of Output Area Classification [OAC] supergroups – defined according to their socio-economic characteristics. The predominant OAC supergroup within the existing residential areas surrounding the proposed **development site is classified as ‘suburbanites’**. It has therefore been assumed that the residents of the market housing would also be suburbanites.
- 2.14 The ONS Family Expenditure Survey indicates an average weekly household expenditure for **‘suburbanites’ of £556.30** per week. These figures are expressed at the national level and therefore require regional adjustments. The ONS Family Expenditure Survey indicates that the weekly expenditure of the average household in the West midlands region stands at 90% of the UK average. Having regard to the above, the total gross expenditure expected from new residents at the Site is estimated to be in the region of £3.1 million per annum.
- 2.15 The expenditure estimates should be presented on a net additional basis, and therefore there is a need to make suitable allowance for the fact that not all spend will be new to the area, whilst some new expenditure may not be retained within Preston. Data from the **DTLR’s English** Housing Survey-Tenure by Distance moved (2013/14) has been used to estimate the proportion of households at the site that are likely to be new to the local area. For the purposes of this analysis, this has been defined as those households moving a distance **greater than 10 miles**. An analysis of the Council’s most recent retail study⁵ has been used to estimate the percentage of new resident spend on both convenience and comparison goods likely to be retained with the **Rugby Borough Council’s** area. It is estimated that an overall expenditure retention rate of around 12% would be realistic.
- 2.16 Having regard to the methodological approach outlined above, it is estimated that the net additional expenditure to be generated by the scheme could be in the order of around £256,000 per annum.

2.17 FTE Jobs Supported by Net Additional Expenditure

- 2.17 It is estimated that the net additional expenditure per annum could support the creation of 3 new FTE jobs in the local area (primarily in the retail, leisure and hospitality and catering sectors). This has been calculated having regard to ONS data sets which provide a

⁴ <https://www.barratthomes.co.uk/the-buying-process/home-buying-advice/>

⁵ RBC Retail and Main Town Centre Uses Study 2015

breakdown of the proportionate share of the average household's weekly expenditure; and 'cost per job' estimates by sector.

3.0 **Local Authority Revenue Benefits**

New Homes Bonus

- 3.1 **Under the UK Government's New Homes Bonus (NHB) scheme**, the Council has the potential to benefit from additional funding provided by the Government if the dwellings included within the proposed development are delivered. Using standard methods of calculation, as contained within the Ministry of Housing, Communities and Local Government (MHCLG) NHB calculator⁶, it is estimated that delivering the 124 dwellings could generate about £915,000 of NHB payments over four years.

Council Tax

- 3.2 The proposed development would generate an increase in Council Tax receipts, providing a boost to the revenue base of Rugby Borough Council in the long-term. Having regard to levels of Council Tax levied by the local authority in the 2023/24 financial year, it is estimated that the development could generate around £557,000 per annum in additional council tax payments in perpetuity.

S106 Contributions

- 3.3 The proposed development will deliver c.£1.86m of S106 funding which will contribute towards improvements to local infrastructure. In particular, the proposed development would deliver the following contributions:

- 1 Open Space Commuted Sum – £152,320.32;
- 2 Healthcare:
 - a University Hospitals Coventry and Warwickshire NHS Trust Contribution – £82,170; and
 - b CCG Contribution – £26,911.
- 3 Education:
 - a Early Years Contribution – £128,785;
 - b Primary Education Contribution – £676,121;
 - c Secondary Education Contribution – £582,087;
 - d Primary SEND Education Contribution/Secondary SEND Education Contribution – together – £72,762; and
 - e Post 16 – £116,417.
- 4 PROW Contribution – £7,630;
- 5 Road Safety Contribution – £10,275; and
- 6 Traffic Calming Contribution – £6,000.

⁶ MHCLG, New Homes Bonus Calculator, (2018)

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Appendix 12
Schedule of Representations by
Interested Parties to Appeal

Appendix 12 – Schedule of Representations by Interested Parties to Appeal

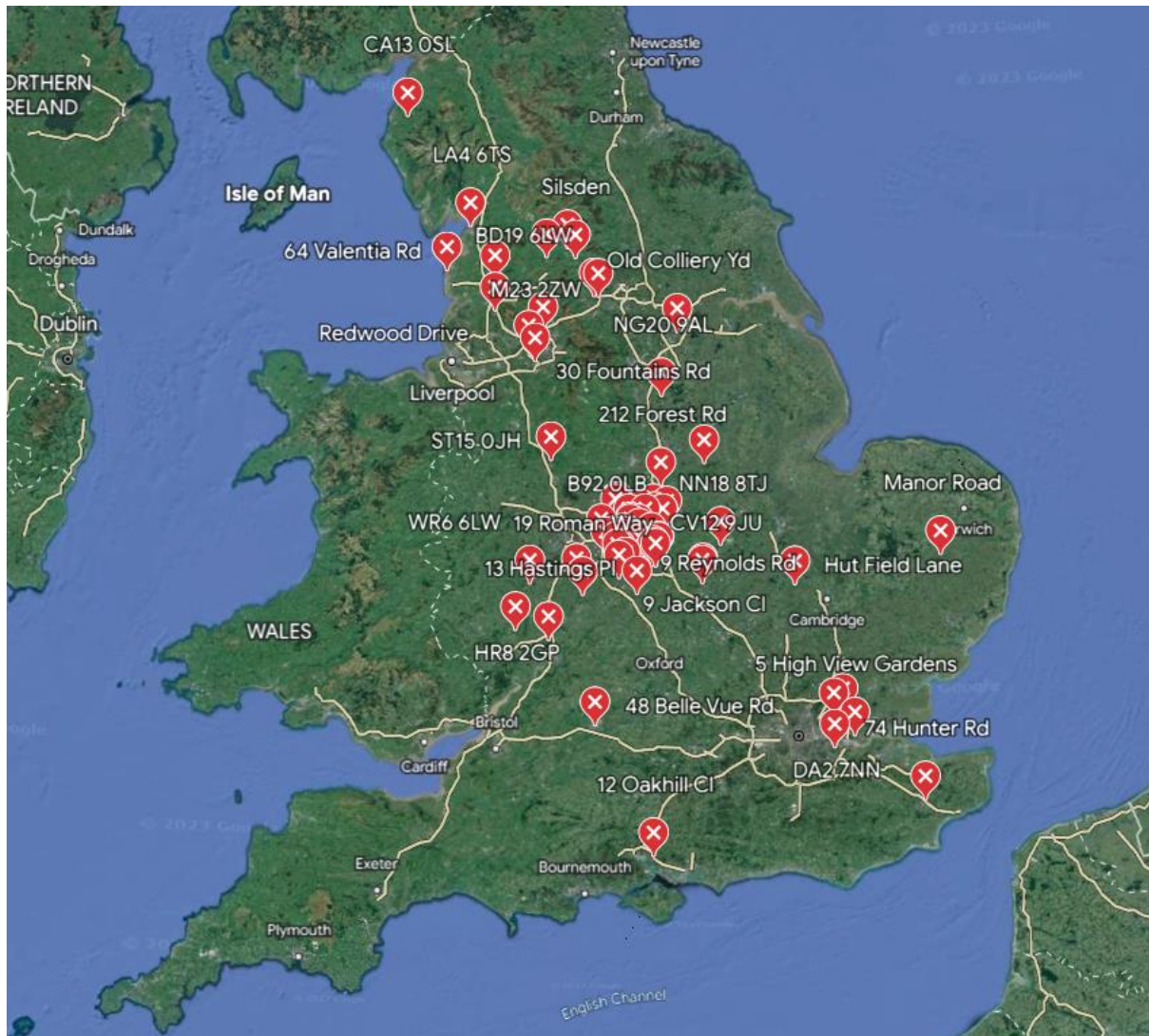
Response	Count	Percentage	Percentage (Individual responses)
Object	203	96.21	89.03
Support	6(23)	2.84	10.08
Neutral	1	0.47	0.44
Blank	1	0.47	0.44
Total:	211(228)	100	100

(Note: Brackets indicate individual responses when petition entries are disaggregated)

Appendix 13

Map of Home Addresses of Interested Parties to Appeal at National Scale

Appendix 13 – Map of Home Addresses of Interested Parties to Appeal at National Scale

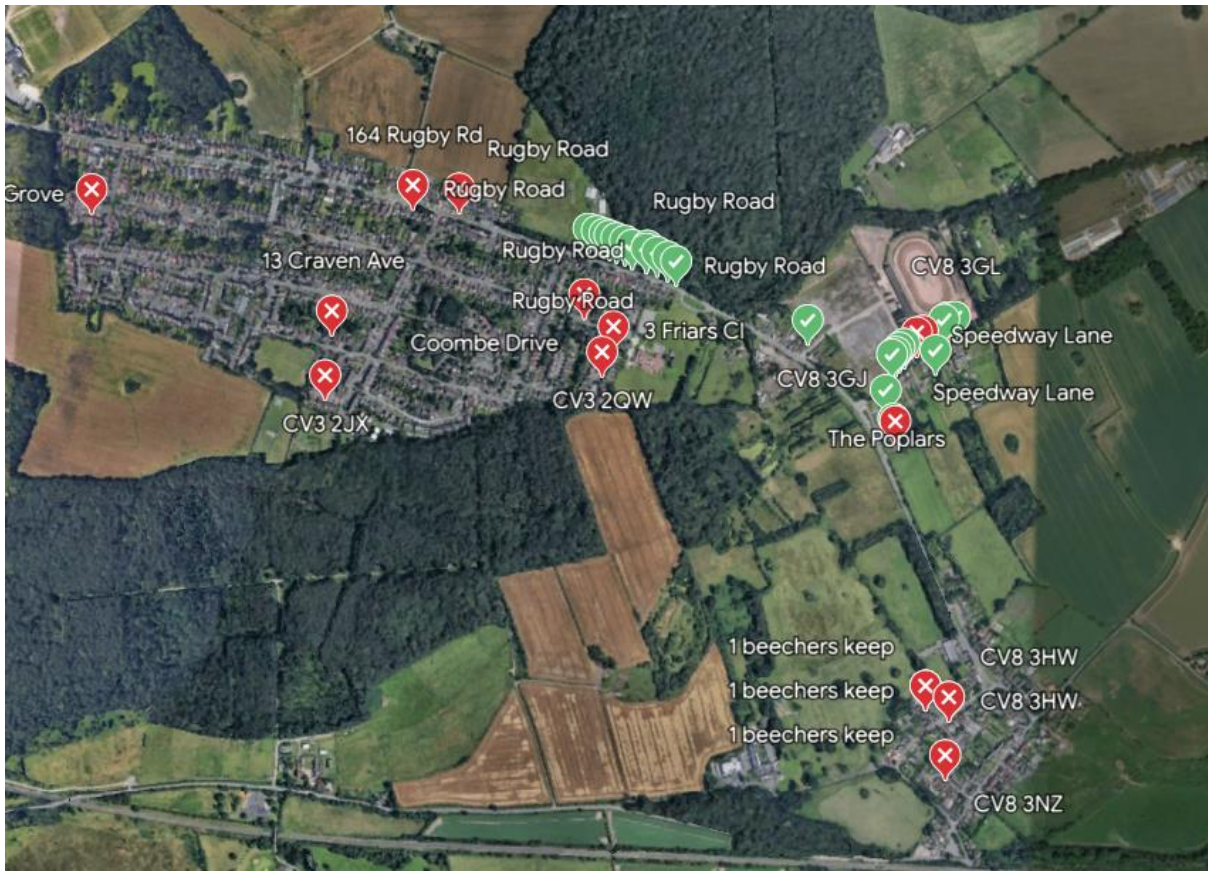


(Red cross indicates objection, green indicates approval)

Appendix 14

Map of Home Addresses of Interested Parties to Appeal Focused on Local Scale

Appendix 14 – Map of Home Addresses of Interested Parties to Appeal Focused on Local Scale



(Red cross indicates objection, green indicates approval)