

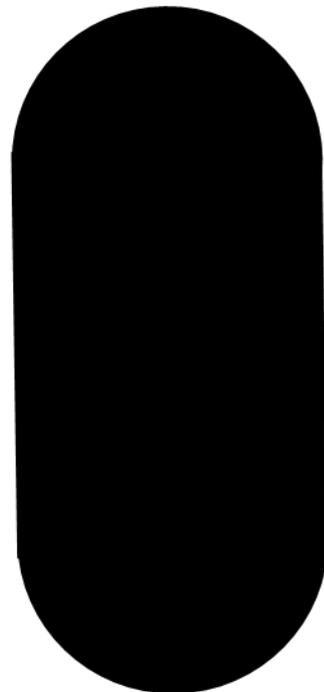
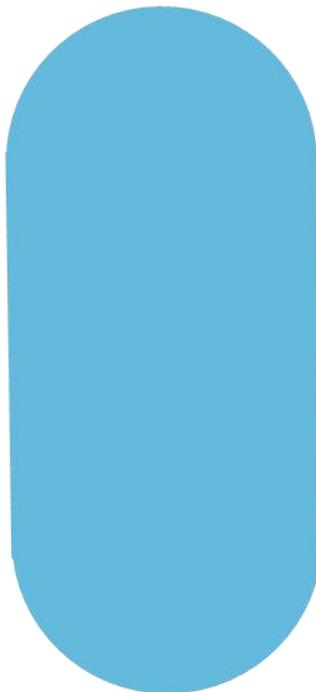


LAND AT COVENTRY STADIUM,
RUGBY ROAD, COVENTRY, CV8 3GJ

PROOF OF EVIDENCE OF GARY STEPHENS MRTPI ON BEHALF
OF RUGBY BOROUGH COUNCIL (CD.16.1.1)

LOCAL PLANNING AUTHORITY REFERENCE: R18/0186

PLANNING INSPECTORATE REFERENCE: APP/E3715/W/23/332013





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1. QUALIFICATIONS AND EXPERIENCE

- 1.1 My name is Gary Stephens. I am a Partner at Marrons, and have been with them since 2013. I hold a BA (Hons) degree in Countryside Planning from the University of Gloucestershire, and a Master of Arts Degree in Town and Country Planning, and a Postgraduate Certificate in Urban Design from the University of the West of England. I am a member of the Royal Town Planning Institute.
- 1.2 I have over 26 years' experience of working in town planning both in local government (forward planning and development management) and the private sector. Prior to my employment by Marrons, I was Development Manager at Warwick District Council overseeing teams dealing with planning applications, planning appeals and the preparation of the Council's Local Plan. This included acting as a case officer in the determination of major applications of all types.
- 1.3 In my current role, I act for a number of developers in preparing applications for planning permission. In addition, I have represented local authorities in defending their decisions at planning appeals. During my career, I have therefore given evidence at a number of Section 78 and Local Plan Inquiries, EiPs and LDD Examinations on a range of town planning matters.
- 1.4 I was approached by Rugby Borough Council in June 2023 to represent them in defending this appeal. I have subsequently visited the appeal site and examined the relevant national planning policy, guidance and development plan policies. I have read the application, its supporting documents, and correspondence received from third parties.
- 1.5 The evidence which I have prepared and provide for this appeal (in this Proof of Evidence) is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.



2. SUMMARY

- 2.1 This Proof of Evidence addresses the Council's case in respect of defending its decision to refuse planning application reference R18/0186, for the development of land at Coventry Stadium, Binley Woods, Rugby.
- 2.2 The submitted planning application sought outline planning permission (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from Rugby Road, provision of open space and associated infrastructure and provision of a sports pitch, erection of a pavilion and formation of associated car park.
- 2.3 Planning Committee resolved on 09/11/2022 to refuse planning permission on the grounds that 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 formal Decision Notice was issued on 16/11/2022.
- 2.4 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for assessing development proposals is the Development Plan, which comprises the Rugby Borough Council Local Plan 2011-2031 and Brandon and Bretford Neighbourhood Development Plan.
- 2.5 The Appellant has failed to demonstrate the sports/community facility should be built upon in accordance with Policy HS4 C of the Local Plan and Policy LF1 of the Neighbourhood Plan. The proposed development is therefore contrary to the Development Plan.
- 2.6 Whilst there are benefits associated with the appeal proposal, these are considered insufficient material considerations to suggest a decision otherwise than in accordance with the Development Plan. The appeal should therefore not be allowed.



3. INTRODUCTION

3.1 This Proof of Evidence addresses the Council's case in respect of defending its decision to refuse planning application reference R18/0186, for the development of land at Coventry Stadium, Binley Woods, Rugby.

3.2 The submitted planning application sought outline permission (with matters of access, layout, scale, and appearance included) for residential development (Use Class C3) including means of access into the site from Rugby Road, provision of open space and associated infrastructure and provision of a sports pitch, erection of a pavilion and formation of associated car park.

3.3 Planning Committee resolved on 09/11/2022 to refuse planning permission. The formal Decision Notice was issued on 16/11/2022 and includes the following reason for refusal:

“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).”

3.4 This Proof of Evidence will draw upon the evidence prepared by Mr Allen (CD16.1.2) in respect of whether the sporting facility is surplus to requirements and whether the need for the alternative provision proposed outweighs the loss of the sporting facility, before assessing the proposals against the planning policies within the Development Plan relevant to the determination of the appeal.

3.5 The Proof of Evidence will then consider whether there are any material



considerations before reaching a conclusion as to whether the appeal should be allowed or dismissed.

- 3.6 The site context and history, the details of the proposed development, and the planning policy context are all set out in the Statement of Common Ground (CD14.1) and are not repeated here.



4. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

4.1 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for assessing the appeal proposal is the Development Plan. The Development Plan for the site comprises:

- Rugby Borough Council Local Plan 2011-2031 (2019) (CD8.2); and
- Brandon and Bretford Neighbourhood Plan (2019) (CD8.3).

4.2 The policies within the development plan pre-date the National Planning Policy Framework. In accordance with paragraph 219 of the Framework, existing policies should not be considered out of date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevant policies for this appeal are considered to have full weight.

4.3 Having regard to the Inspector's main issues, the following matters are addressed.

Whether the proposed development forms inappropriate development in the Green Belt, the effect on openness and Green Belt purposes.

4.4 This main issue relates to Policy GP2: Settlement Hierarchy of the Local Plan which states that only where national policy on Green Belt allows will development be permitted. Policy H2 of the Neighbourhood Plan is also relevant and states that redevelopment of brownfield land will be supported subject to no conflict with national Green Belt policy.

4.5 The proposed development is not considered to form inappropriate development (see paragraph 149(g) of the NPPF) as it comprises the complete redevelopment of previously developed land, and would not have a greater impact on the openness of the Green Belt than the existing development.



4.6 As explained at Section 5 of the Officer's Report to Planning Committee (CD06), the "Comparative Coverage Plan" Rev B (CD1.7) submitted with the planning application shows that the proposed development will occupy approximately 4.1 hectares whereas the existing built form occupies 4.35 hectare. The proposed buildings would be of smaller scale in footprint and height in comparison with the existing buildings on the site.

4.7 The proposed development is therefore considered to comply with Policy GP2 of the Local Plan and Policy H2 of the Neighbourhood Plan.

Whether the stadium is surplus to requirements having regard to national and local planning policies.

4.8 Policy HS4 C. of the Local Plan requires that the stadium "should not be built upon unless ...". It is therefore for the Appellants to demonstrate that an exception applies. Only one of the three exceptions listed in Policy HS4 C. needs to be demonstrated in order to comply with the policy. The 2nd exception does not apply on the facts of this case as no new stadium is being proposed.

4.9 This main issue relates to the 1st exception, and whether it has been clearly shown that the building/land is surplus to requirements. The wording of the policy is identical to the wording of paragraph 99. a) of the NPPF.

4.10 Policy LF1 of the Neighbourhood Plan similarly requires that proposals that would remove a community facility (including the Brandon Stadium) must demonstrate that the facility is no longer needed or viable. Policy H2 d. of the Neighbourhood Plan contains similar requirements.

4.11 As set out in the evidence of Mr Allen, Coventry Stadium has not been proven by the Appellants to be surplus to requirements. The 1st exception within Policy HS4 C. therefore is not met. The Appellants have also not demonstrated the community facility is no longer needed in order to comply with that part of Policy LF1.



Whether it is financially viable to reinstate the speedway stadium.

- 4.12 This main issue relates to Policy LF1 of the Neighbourhood Plan which requires that proposals that would remove a community facility (including the Brandon Stadium) must demonstrate that the facility is no longer needed or viable. Having established above that it has not been proven the facility is not needed, it is relevant to then consider whether it has been demonstrated that the facility is not viable and that there is no prospect of viability being improved with either the current or other community use(s).
- 4.13 As set out in the evidence of Mr Allen, it has not been demonstrated that use of the community facility would not be viable. The Appellants have therefore not demonstrated the community facility is not viable in order to comply with that part of Policy LF1.

Whether there is an identified need for the alternative sports provision proposed

- 4.14 This main issue relates to the 3rd exception within Local Plan Policy HS4 C, and whether the need for the alternative provision clearly outweighs the loss.
- 4.15 As set out in the evidence of Mr Allen, whilst there is a need for a 3G pitch within the Borough, that need would not be met by the proposed development having regard to the location and nature of facility proposed. The 3rd exception within Policy HS4 C. therefore is not met.

Whether the benefits of the alternative sports provision outweigh the loss of the former speedway use.

- 4.16 This main issue relates to the 3rd exception of Local Plan Policy HS4 C, and more closely aligns with the wording of paragraph 99. c) of the NPPF.
- 4.17 Having regard to the evidence of Mr Allen, the benefits of the sports pitch and pavilion are limited having regard to the location and nature of the facility proposed. In these circumstances, these benefits are not considered to outweigh the loss of the former use. The 3rd exception within Policy HS4



C. therefore is not met.

Summary

4.18 The Appellant has failed to demonstrate the sports/community facility should be built upon in accordance with Policy HS4 C of the Local Plan and Policy LF1 of the Neighbourhood Plan. The proposed development is therefore contrary to the Development Plan.



5. MATERIAL CONSIDERATIONS

5.1 This section considers whether there are any material considerations in this case which indicate the appeal should be determined other than in accordance with the Development Plan.

National Planning Policy Framework

5.2 The NPPF is a material consideration in planning decisions. These policies are particularly relevant to the specific matters under consideration in this appeal.

5.3 Paragraph 60 requires 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, and that the needs of groups with specific housing requirements are addressed.

5.4 The Council has identified and updated annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement, and therefore moderate weight is attached to the delivery of housing.

5.5 As at 21st August 2023, 27 people are on the Council's Housing Waiting List for properties within Brandon and Bretford. The provision of 25 affordable homes is considered to have significant weight having regard to the evidence of housing need provided by the Council.

5.6 Paragraph 81 states that decisions should help create the conditions in which businesses can invest, expand and adapt. The appeal proposal would support direct and indirect jobs during the construction phase (and a smaller number of jobs when the proposed development is operational). The number of direct and indirect jobs is not quantified, however it is likely to be relatively low and therefore is a benefit which attracts limited weight.

5.7 Paragraph 92 states that decisions should enable and support healthy lifestyles, for example through the provision of sports facilities. The



provision of a sports pitch will support healthy lifestyles, however the loss of the sporting facility will not.

5.8 Paragraph 120 states that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Notwithstanding the land is brownfield, the land is not suitable for homes due to the conflict with the Development Plan outlined above. Further, the land is not within a settlement.

5.9 Paragraph 174 states that development should result in a net gain for biodiversity. The appeal proposal would enable a net gain of 16.28% based on the DEFRA Biodiversity Metric 4.0, which is a benefit which attracts limited weight.

The overall planning balance

5.10 In conclusion, there is a clear conflict with the Development Plan as a whole. Whilst there are benefits associated with the appeal proposal, these are considered insufficient material considerations to suggest a decision otherwise than in accordance with the Development Plan. The appeal should therefore not be allowed.