

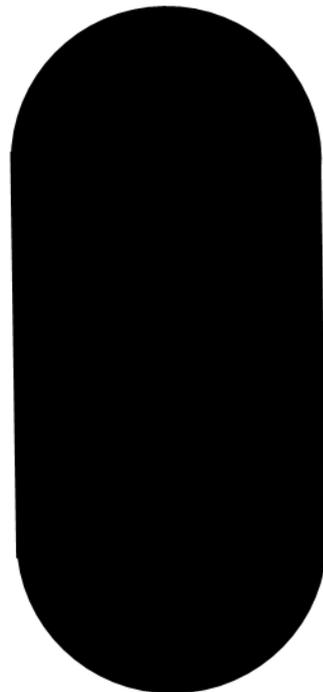
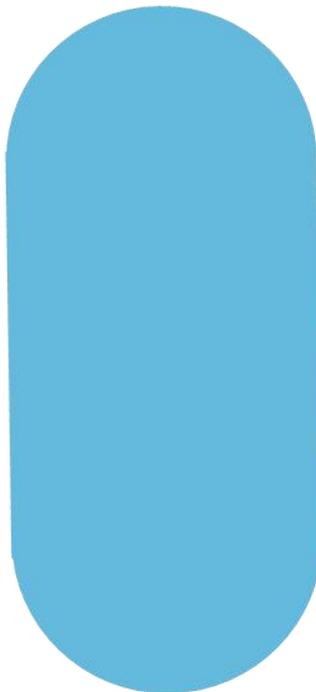


LAND AT COVENTRY (BRANDON) STADIUM,  
RUGBY ROAD, COVENTRY, CV8 3GJ

STATEMENT OF CASE ON BEHALF OF RUGBY BOROUGH  
COUNCIL

LOCAL PLANNING AUTHORITY REFERENCE: R18/0186

PLANNING INSPECTORATE REFERENCE: APP/E3715/W/23/3322013





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## 1. INTRODUCTION

1.1 This is the Statement of Case of Rugby Borough Council in respect of an appeal made against the Council's decision to refuse permission for the following proposed development:

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

1.2 The proposed development relates to land at Coventry (Brandon) Stadium, Rugby Road, Coventry, CV8 3GJ.

1.3 The planning application was validated on 16<sup>th</sup> January 2018 and considered by the Council's Planning Committee on the 9<sup>th</sup> November 2022, which resolved that planning permission should be refused.

1.4 The formal Decision Notice was issued by the Council on 16<sup>th</sup> November 2022. The application was refused permission for the following reason:

*“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).”*

1.5 This Statement outlines the Council's case in defending its decision to refuse planning permission as set out in paragraph 1.4.



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## 2. THE APPEAL CONTEXT

### Site Description

- 2.1 The appeal site is Coventry Stadium (also known as Brandon Stadium), situated on the north side of the Rugby Road (A428). It is located approximately 3 miles northeast of Coventry city centre and 1 mile east of the village of Binley Woods, which falls within Brandon Parish.
- 2.2 The site itself spans an irregularly shaped parcel of brownfield land, measuring 10.86 hectares in total. The site comprises a racing circuit with a grandstand which provided visitor viewing and dining, bar and toilet facilities, ancillary buildings (storage areas, dog kennel, shop, laundry room, offices, first aid room and smaller buildings housing score boards and food outlets). Previously, the stadium was used to host speedway, stock car, and greyhound racing events.
- 2.3 A substantial area of car parking comprising gravel and hardstanding is located to the front of the buildings with the main accesses from Rugby Road and a separate emergency access off Speedway Lane.
- 2.4 Public access rights do not extend through the site; however, there are public rights of way located alongside the site's boundaries.
- 2.5 Regarding the site's immediate surroundings, it is positioned on the northern side of Rugby Road (A428), the primary route connecting Rugby and Coventry.
- 2.6 Speedway Lane is found to the southeast of the site and features several existing dwellings facing it. On the north side of Rugby Road, there are residential properties marking the southwest boundary.
- 2.7 Along the southern edge of the site, there is a cluster of trees, with the majority benefiting from protection through a Tree Preservation Order (No. 222).



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- 2.8 To the north of the site lies New Close/Birchley Wood, an area predominantly defining the boundary. This comprises designated Ancient and Semi-ancient natural woodland.

### Planning History

- 2.9 There is currently an undetermined application (reference R22/0071) submitted in connection with the site, which was validated on 4<sup>th</sup> April 2022. This application comprises the change of use of hangar one to a museum, the change of use of under-stand bar area into a gymnasium and training centre, and the change of use of the existing dog kennels into a bar and catering outlet all in association with the use of the stadium as an established sporting facility.
- 2.10 There is no other planning history of relevance to this appeal, however the Committee Report sets out the extensive history of the site on pages 3-5 and as set out within the agreed Statement of Common Ground (reference).

### Planning Policy

- 2.11 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission and planning appeals should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 2.12 The Council will refer to relevant components of the statutory development plan for the site, namely the Rugby Borough Local Plan 2011-2031 and the Brandon and Bretford Neighbourhood Plan (both adopted June 2019).
- 2.13 Reference will also be made to the National Planning Policy Framework (NPPF), guidance within the National Planning Practice Guidance (NPPG), and Supplementary Planning Documents (SPDs) as a material consideration where relevant.



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2.14 A list of relevant policies to the determination of the appeal are set out below:

**Rugby Borough Local Plan 2011-2031**

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



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- POLICY SDC5: Flood Risk Management
  - POLICY SDC6: Sustainable Urban Drainage
  - POLICY SDC7: Protection of the Water Environment and Water Supply
  - POLICY D1: Transport
  - POLICY D2: Parking Facilities
  - POLICY D3: Infrastructure and Implementation
  - POLICY D4: Planning Obligations

**Brandon and Bretford Neighbourhood Plan June 2019**

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



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### **Supplementary Planning Documents**

Supplementary Planning Documents will also be referred to where relevant. These include:

- Climate Change and Sustainable Design and Construction February 2023
- Planning Obligations March 2012
- Housing Needs July 2021

- 2.15 The reason for refusal cited a breach of Policy HS4(c) of Rugby's Local Plan. In summary, this requires that existing open space, sports and recreational buildings and land should not be built on unless the facility is surplus to requirements; the loss would be replaced by equivalent or better provision; or the proposed development is for alternative sports and recreational provision.
- 2.16 The reason for refusal also cited a breach of Policy LF1 of the Brandon and Bretford Neighbourhood Plan. In summary, 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(s).
- 2.17 The reason for refusal also cites paragraph 99(c) of the Framework which requires that existing sports buildings and land should not be built on unless the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 2.18 Having regard to paragraph 219 of the Framework, full weight should be given to policies HS4 and LF1 having regard to their consistency with policies of the Framework.



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### 3. THE COUNCIL'S CASE

3.1 The Council will produce evidence to support the reason for refusal that demonstrates the proposed benefits of the new facility (namely the provision of a 3G football pitch with a pavilion) do not clearly outweigh the loss of the former use. This will cover:

#### Loss of sporting facility

3.2 The Council will present evidence demonstrating the significance of the former use that would be lost as a consequence of the development.

3.3 The Council will present evidence to demonstrate the facility is not surplus to requirements.

3.4 The Council will also refer to evidence as to the need for the former use, and the fact that the reinstatement of the former use is a realistic proposition.

#### 3G football pitch

3.5 The Council will present evidence that there is not a clear identified need for the alternative sports provision proposed (namely the 3G football pitch and pavilion) in this location.

3.6 The Council will make reference to published evidence and the responses of relevant consultees in demonstrating there is not a clear identified need.

3.7 The Council will present evidence that the benefits arising from the 3G football pitch and pavilion do not outweigh the loss of the existing sports facility, and thereby conflicts with the development plan.

#### Material Considerations

3.8 The Council will consider the material considerations in this appeal, and whether they indicate a departure from the up-to-date development plan. These will include the proposed developments consistency with the policies of the Framework.



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- 3.9 The Council will present evidence as to the weight it gives to the delivery of new homes, including affordable homes.
  - 3.10 The Council will present evidence as to the weight it gives to economic benefits arising from the development.
  - 3.11 The Council will present evidence as to the weight it gives to the proposed biodiversity net gain.
  - 3.12 The Council will conclude that the material considerations identified are not sufficient to warrant a departure from the development plan.



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**LIST OF CONDITIONS IF THE APPEAL IS ALLOWED**

Please see a list of draft conditions within the Statement of Common Ground.



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## **LIST OF RELEVANT DOCUMENTS**

- Rugby Borough Local Plan 2011-2031 (2019)
- Brandon and Bretford Neighbourhood Plan (2019)
- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Planning Obligations Supplementary Planning Document (2012)
- Housing Needs Supplementary Planning Document (2021)
- Climate Change and Sustainable Design and Construction Supplementary Planning Document (2023)