

Rugby Borough Local Plan Examination

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16 May 2018

By email via the Programme Officer

Dear Ms Chapman,

Examination of Rugby Borough Local Plan

As indicated at the close of the examination hearings on 26 April 2018, I am writing to set out my thoughts on the Rugby Borough Local Plan at this stage and the way forward for the examination. My comments are based on all that I have read, heard and seen to date. However, I emphasise that the examination is not yet concluded and consultation on main modifications is still to take place. Therefore, these comments are without prejudice to my final conclusions on the Plan.

Overall, I consider that, subject to main modifications, the Plan is likely to be capable of being found legally compliant and sound. I will set out my reasoning for this in my final report. The main modifications include changes proposed by the Council in the Table of Suggested Changes (LP54A) where I consider they should be treated as main modifications, together with the further modifications to individual policies and their supporting text as discussed at the hearings. I have invited the Council to prepare a consolidated set of these proposed main modifications for my consideration prior to public consultation on them.

In addition, after further consideration of the matters and issues discussed at the hearings, I have concluded that main modifications are necessary in respect of the following key issues in the Plan.

Lodge Farm (DS3.15)

Whilst the Plan's overall development strategy focussing the majority of new housing and employment development at Rugby, with some limited housing development at Main Rural Settlements (MRSs) to sustain the borough's rural communities, is sound, the proposed new MRS at Lodge Farm (DS3.15) would not be soundly-based as part of this strategy.

In terms of the suitability of this location for major development, the proposed site for Lodge Farm is situated around 10 kilometres (km) from the centre of Rugby and 24 km from Coventry. Paragraph 34 of NPPF expects plans to ensure that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Even if the new village could viably support a new bus service and cycle route into Rugby, the distance and

journey times to both Rugby and Coventry by either of these modes or a combination of them would be unlikely to encourage their use. Whilst some day to day journeys to the local shops, surgery and primary school could be made on foot within the village, trips to secondary school, employment locations and main shopping and leisure destinations off-site would be largely car dependent. As such, I am not persuaded it is a location which could be made sustainable in transport terms. Whilst paragraph 34 also notes that account needs to be taken of policies for rural areas, the emphasis in paragraph 55 of the NPPF is that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It is not apparent that Lodge Farm would support existing surrounding rural communities to any significant extent, since its local facilities would be scaled to serve the needs of the new community.

Lodge Farm is also located in the countryside, within the Leam and Rainsbrook Valleys. Although not subject to a national or local designation, the landscape surrounding the site is open and attractive, visible from the surrounding valley sides including the Rainsbrook escarpment, and contains many historic features, including both designated and non-designated heritage assets. The area also has a distinctive settlement pattern, characterised by small scale villages and hamlets. It is a core planning principle in paragraph 17 of the NPPF that account should be taken of the intrinsic beauty and character of the countryside. The development of a new settlement of 1,500 dwellings in this setting, even with the inclusion of landscaping and green space, would cause significant harm to the intrinsic beauty and character of the countryside in this part of the borough.

Whilst it would provide additional market and affordable housing and support new transport and secondary school infrastructure within Rugby, Lodge Farm is not required to meet those needs. The site would deliver some 665 homes within the Plan period, which represents around 4% of the total housing land supply of 15,369 homes for the borough over the Plan period. Without Lodge Farm, the remaining housing land supply would still exceed the housing requirement of 12,400 dwellings by 18%, significantly boosting the supply of housing and meeting both the market and affordable housing needs of the borough. In terms of the 5 year housing land supply, based on the housing trajectory in the submitted plan, Lodge Farm would contribute just 25 dwellings to the Plan's first 5 years of housing land supply and therefore the borough would not be reliant on it to ensure a 5 year deliverable supply of housing sites. Neither would the loss of 80 dwellings per year, which Lodge Farm would contribute to each of the remaining years of the plan period, compromise the delivery of a rolling 5 year housing land supply.

In terms of its contribution to the borough's infrastructure requirements, the Lodge Farm development would contribute to the costs of the proposed new secondary school and spine road at South West Rugby. However, from evidence presented to the hearings, the South West Rugby development on its own would be viably able to deliver the full strategic transport and education requirements necessary to support that development, including the spine road network and Homestead link around Dunchurch. Therefore, the Lodge Farm allocation is not required to meet the development or infrastructure needs of the borough.

For these main reasons, I find that the allocation of Lodge Farm as part of the Plan's development strategy is not positively prepared, justified as an appropriate site, effective in addressing the cross-boundary unmet needs of Coventry or consistent with national policy in enabling the delivery of sustainable development. Therefore, in order to make the Plan sound, the main modifications should include the deletion of the proposed allocation at Lodge Farm, together with consequential modifications to the related policies and supporting text of the Plan.

Main Rural Settlement Allocations (DS3.6-DS3.14)

The Plan includes 9 residential allocations at 7 of the most sustainable MRSs in the borough. The Wolvey Campus (DS3.14) site would involve the redevelopment of an existing employment site in the Green Belt. Provided that the extent and scale of housing development were contained within the existing built footprint of the site and did not have a greater impact on the openness of the Green Belt or its purposes, then the development proposed by the allocation of this site would not be likely to constitute inappropriate development in the Green Belt under paragraph 89 of the NPPF.

All of the remaining MRS allocations would require the alteration of Green Belt boundaries. Paragraph 83 of the NPPF requires that Green Belt boundaries should only be altered in exceptional circumstances through the preparation or review of a Local Plan. My report will contain my conclusions on exceptional circumstances, having regard to the benefits and harm which may arise from each site.

However, at this stage I am clear that exceptional circumstances have not been justified for the proposed allocation on land off Lutterworth Road at Brinklow (DS3.7). The Parish Council is bringing forward a neighbourhood plan which seeks to identify a range of smaller sites to meet the housing needs of the village. The site at Lutterworth Road is well outside the village boundary and poorly related to the existing form and historic features of Brinklow on its northern side. The site is open and particularly visible on the approach to the village along the Fosse Way from the north. Development of 100 homes here would represent a significant encroachment into the countryside, which would cause harm to the openness and purposes of the Green Belt, as well as to the character of the countryside and the setting of the Brinklow Conservation Area and the Scheduled Ancient Monument comprising the motte and bailey. The suggested landscape buffer would do little to mitigate this harm. As such the allocation is not justified.

The loss of 100 dwellings on this site from the housing land supply could be compensated for in part by increasing the capacities of other MRS allocations. It was agreed at the hearings based on the evidence put forward that the sites at Long Lawford (DS3.8) and Binley Woods (DS3.6) could accommodate around 150 and 75 dwellings respectively, providing an additional 63 dwellings. Further housing to meet the needs of Brinklow is also likely to come forward through the emerging neighbourhood plan.

Accordingly, to make the Plan sound it should be modified by deleting the proposed allocation DS3.7 at Brinklow and increasing the dwelling capacities of the sites at Long Lawford and Binley Woods to 150 and 75 dwellings respectively.

Coton House (DS3.1)

Policy DS3 proposes a further allocation of 100 dwellings at Coton House to the north of Rugby. This follows the residential redevelopment of the former institutional buildings surrounding the Grade 2* listed house and Grade 2 listed former stable block. However, the allocated site includes the open parkland either side of the main Lime tree avenue entrance to the estate. The proposed allocation and the current planning application have been the subject of heritage impact assessments and advice from Historic England, which demonstrate the importance of the historic parkland to the setting of the listed buildings. The Council's own assessment concludes that as a result of the allocation the entire context and interpretation of the Coton House estate would be lost. Historic England finds that, even with landscape mitigation, the proposals would suburbanise the approach to the estate and have at least a moderately serious impact on the significance of the heritage assets.

Even if this did not amount to substantial harm, paragraph 134 of the NPPF requires that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposal. The public benefits stated at the hearings are the contribution of the site to the housing requirements and land supply of the borough and the highway improvements to the A426 which would follow from the number of houses proposed. However, given the generous surplus in the overall housing land supply of 15,396 dwellings and in the 5 year supply against the housing requirement, the contribution of the Coton House allocation to meeting housing needs would be very limited. I am not persuaded that the benefits arising from improvements to the surrounding highway network, including the addition of a roundabout on the A426, would justify or outweigh the harm either on its own or in combination with the limited housing benefit.

In addition, the site is remote from facilities in Rugby. Various measures were discussed at the hearings to improve access from the site to Rugby by sustainable modes of travel and to provide pedestrian access to facilities at the motorway service area recently approved at junction 1 of the M6. However, due to the distance and journey times from the main facilities in Rugby and the significant highway infrastructure around the site including the M6 between it and Rugby, the Coton House site is not in a location which will minimise the need to travel or maximise the use of sustainable transport modes. As a result the development would be largely car dependent.

For all of these reasons, the proposed allocation at Coton House is not justified and would not enable the delivery of sustainable development in accordance with the policies of the NPPF. Therefore, to make the Plan sound it should be modified by deleting the proposed allocation DS3.1.

Housing Land Supply

I have considered the consequences of deleting the housing allocations at Coton House (DS3.1), Brinklow (DS3.7) and Lodge Farm (DS3.15) on the housing land supply. Taking account of the increase in the capacity for the allocations at Long Lawford and Binley Woods, the cumulative impact would be a reduction in the housing land supply from 15,369 to 14,567 dwellings for the plan period and from 5229 to 5,067 dwellings for the first 5 years of the plan period. This would still provide for an overall surplus of 17% against

the housing requirement and a deliverable supply of 5.3 years. Whilst the Council's hearing evidence suggested that the proposed allocation at Ryton (DS3.9) may not come forward within the first 5 years, at the hearing the site promoter confirmed that the football club were close to confirming a relocation site for its training facility and therefore that it would deliver the housing allocation of 75 units by 2022/23. However, even if this site were not 'deliverable', the plan would still show a deliverable housing supply of 5.2 years. Accordingly, with the modifications to the residential allocations, the plan would remain sound in terms of its housing supply against the expectations of paragraph 47 of the NPPF.

Employment Land

With regard to the provision of employment land, my report will contain my conclusions on this matter, including the provision for sub-regional strategic investment sites and the treatment of the strategically significant employment sites at Ansty and ProLogis within the Green Belt. However, a further modification is required to the proposed employment allocation at South West Rugby for B8 warehousing. Whilst the site is well located to the strategic road network to support logistics uses, the scale of buildings permitted on this site should take account of the potential impacts on the surrounding landscape and the setting of any nearby heritage assets, including Thurlaston Conservation Area. Currently Policy DS8 does not provide such safeguards and, to be effective, should be modified to address this.

Policy H1 – Housing Mix

Having reviewed the wording of this policy and its supporting text in encouraging a mix of housing in the borough, I remain concerned that as drafted it is neither justified nor effective in two respects. Firstly, it is unduly restrictive on the list of circumstances in which a housing mix at variance with that set out in the latest SHMA can be considered. Paragraph 50 of the NPPF states that the mix should reflect local demand, implying that market factors should also be taken into account. Additional criteria should be included in the policy to reflect this. Secondly, the supporting text in paragraph 5.9 of the Plan suggests that future updates to the housing mix required in the borough will be included in a Housing Needs SPD. This would not accord with the role of supplementary planning documents in paragraph 153 of the NPPF in adding to policy burdens. Accordingly, main modifications should be proposed to Policy H1 and its supporting text to ensure consistency with the NPPF in both of these respects.

Policy ED1 – Protecting Employment Land

Policy ED1 seeks to protect existing employment land where it continues to make a viable contribution to economic development. This is a key component of maintaining a balance between housing and jobs and supporting growth across all sectors of business, in particular small and medium enterprises seeking lower value commercial premises. However, the NPPF is clear that plans should avoid the long term protection of employment sites where there is no reasonable prospect of a site being used for that purpose. In such instances, it says applications for change of use should have regard to market signals. The proposed policy allows for change of use where a site is proven to be no longer viable for employment purposes, but the emphasis is on the use of a marketing exercise of up to 24 months to

demonstrate an absence of viability. As currently drafted the policy is unduly inflexible on this point. Whilst the supporting text refers to the continuing relevance of other tests for assessing the potential to release employment land these do not feature in the policy. The employment studies forming the evidence base for this policy recommend 6 tests, including evidence of active marketing for a period of 2 years. To be effective and justified, and therefore sound, Policy ED1 should be modified to apply a wider range of market signals tests to applications for change of use of employment land. This would ensure a more robust assessment of the need for the retention of employment sites.

Policy HS4 – Brandon/Coventry Stadium

I heard evidence at the hearings about the potential redevelopment and loss of the Brandon or Coventry Stadium. Notwithstanding the current condition of the site, it is evident that the stadium was until recently in active use for speedway and stock car racing. In the light of this, the absence of a policy to safeguard existing sports and recreational buildings from being built on unless surplus to requirements or replaced elsewhere, in line with paragraph 74 of the NPPF, renders the Plan unsound. Such safeguards are in place for open space and community facilities in the borough, but not sports facilities. Accordingly, main modifications should be included to apply the tests in Policies HS3 and HS4 and their supporting text to sports facilities. This would also ensure that any planning application for the redevelopment of the Brandon Stadium could be assessed against evidence for its need, viability and alternative provision.

Rugby Parkway Station

Warwickshire County Council is bringing forward a new Parkway Station at Houlton on the Rugby Radio Station site. This is one of the key transport schemes to support the growth of the town and mitigate the adverse effects of traffic, by providing an alternative point of access to rail services away from the centre of Rugby. Policy GP4 provides the basis on which to resist planning permission which would prejudice the provision of infrastructure. However, specific reference to the parkway station in the supporting text of this policy and in the IDP would make the Plan effective in providing the necessary safeguarding to the parkway station. Therefore, these should be included as main modifications.

Secondary education site at Coton Park East

The statement on secondary education submitted by Warwickshire County Council following the Stage 1 hearings forecasts a shortfall in secondary school places during the plan period in Rugby. The proposed new schools at Rugby Radio Station and South West Rugby would not provide sufficient capacity. The main area of deficiency is in the north of Rugby. The local education authority's (LEA) preference is for the expansion of existing secondary schools in the town to meet this need. However, should the capacity not be available on existing school sites, the Council has proposed the inclusion of a reserve site of 8.5 hectares for a new secondary school at Coton Park East. It has been suggested that the location of this parcel of land will be identified in the masterplan SPD for Coton Park East. However, the site should also be identified as an allocation on the Policies Map. It is important that the site is not sterilised if the capacity can be found

elsewhere, given that it would take up land otherwise forming part of the Coton Park East housing allocation. Accordingly, it is reasonable and justified for the reservation to be time limited. The LEA has advised a period of 24 months should be sufficient to either negotiate agreements for expansion of existing schools or complete the purchase of land for a school at Coton Park East. Whilst this appears optimistic it is supported by the statement of common ground between the County Council and the developer for Coton Park East. This would also allow the Council to bring forward replacement housing land should this be required to supplement the overall housing land supply. The Plan should be modified accordingly to ensure it is positively prepared in meeting the education infrastructure needs of the borough. In particular, main modifications should be made to Policy DS7, the IDP and the supporting text to Policy D3, which should reference the reserved site as an allocation on the Policies Map.

Conclusion and Way Forward

This letter does not cover all of the matters and issues discussed at the hearings. However, other matters will be addressed in the proposed main modifications where these were agreed at the hearings. My report will set out my final conclusions on all of the main issues taking account of the responses to the consultation on the proposed main modifications.

If the Council is content to adopt the Plan subject to the above further main modifications, I should be grateful if you would prepare the precise wording for me to consider as part of the consolidated set of main modifications you are preparing. The main modifications would then need to be the subject of SA and HRA, insofar as this is necessary, followed by public consultation. I will need to agree the final version of the proposed main modifications before they are published for consultation. I will also need to see the draft SA and HRA before they are published alongside the proposed main modifications.

If, however, the Council does not agree with this course of action or any individual aspects of it, I would be grateful if you would advise me of the Council's position and alternatives as a matter of urgency.

I would also be grateful if the Council would arrange for this letter to be added to the examination website as soon as possible. However, I need to be clear that I am not inviting or proposing to accept comments on this letter from any other examination participants.

Yours sincerely,

Mike Hayden

INSPECTOR