



LIVING
SPACE

Rugby Local Plan
Development Strategy
Rugby Borough Council
Town Hall
Evreux Way Rugby
CV21 2RR

Delivered by email only to localplan@rugby.gov.uk

2nd February 2024

RE: LIVING SPACE HOUSING REPRESENTATIONS TO THE RUGBY LOCAL PLAN REVIEW ISSUES AND OPTIONS CONSULTATION

This document comprises Living Space Housing's ("Living Space") representations to the Regulation 18 ("Reg. 18") version of the Rugby Local Plan Review, Issues and Options consultation. These have been prepared in relation to our land interest in Ryton-on-Dunsmore, Land West of High Street. We therefore submit the following representations to the Rugby Council Reg. 18 Consultation, February 2024.

1. The Site – Land at High Street, Ryton-on-Dunsmore ("Ryton")

- 1.1 The application site is located to the south-west of Ryton-on-Dunsmore ("Ryton"), a village in Warwickshire. The village is approximately 7km south-east of the centre of Coventry and 12km west of the centre of Rugby. Ryton is within the authoritative boundary of Rugby Borough Council.
- 1.2 Ryton has a number of existing services, including a Primary School, a convenience store, a village hall, a place of worship, a number of pubs, and recreational field. It is also the current home of Coventry Football club. There is a bus service (25) through the village which runs along High Street with a service between Coventry and Rugby.
- 1.3 The application site comprises circa 1.19ha of Greenfield land. To the north and east of the site is residential development associated with the village of Ryton. The A445 runs along the southern boundary, with the Coventry Football Club (Sky Blue Lodge) beyond that. To the west is a wooded area, with a logistic development being completed to the north-west of the site associated with Prologis Park.
- 1.4 The site (known locally as Lamb's Field) is located adjacent to, but wholly outside of the Green Belt. There are no Listed Buildings in close proximity to the site and there is no conservation area. The site is wholly in Flood Zone 1 and is free from TPOs.
- 1.5 There is a public right of way (PROW) through the site.

Figure 1: Location of Land at High Street, Ryton-on-Dunsmore



1.6 The site location plan is included at **Appendix 1**.

2. Planning Context

2.1 The site currently has a live planning application (LPA ref. R22/1120) for 37 dwellings, submitted by Living Space Housing. The application was submitted on 27 October 2022 and is currently under consideration.

2.2 The Ryton-on-Dunsmore Neighbourhood Plan was made on 20 July 2021. Within the Neighbourhood Plan, the site is safeguarded for residential development under Policy H2 of the made Ryton Neighbourhood Plan. The policy details that it will be considered for residential development where:

a) *It is required to remediate a substantial shortfall in the supply of housing land due to the failure of the Leamington Road (Coventry City Training Ground) Site (allocated under Policy H1 in this Plan and Policy DS3 in the Rugby Local Plan) to deliver the anticipated scale of development required. Any assessment as to whether or not the site has failed can only be made after the first five years from the date of Local Plan adoption;*

or:

b) *It becomes necessary to provide for additional homes in the Parish in accordance with any new development plan document that replaces the 2019 Rugby Local Plan or any updated version of this Neighbourhood Plan*

2.3 Within the current Local Plan, the Leamington Road site (DS3.7) is allocated for “around 75” dwellings but this is caveated with the following:

**** Implementation of site allocation DS3.7 can only occur when adequate replacement of the pitch provision and training facility has been made to the satisfaction of Rugby Borough Council and Sport England and in accordance with national planning policy.**

2.4 The Local Plan was adopted in June 2019, so it will reach its 5th Anniversary in June 2024. Within the adopted Local Plan trajectory, at appendix 2, the Leamington Road site was expected to deliver 25 dwellings in 2020-21 with the remaining 50 during 2021-22 to ensure the site delivered within the first 5 years of the Plan. This trajectory was not reached, and it has since been updated (within the published 5 Year Housing Land Supply Position Statement 2022-2027) to capture a revised delivery schedule of 30 dwellings in 2027-28 and the remaining 45 in 2028-29, well outside of the first five years of the Local Plan adoption. It is understood that there remains to be no planning application on the site for residential development. As well as this, it is well published that the football ground is still being invested in and undergoing works to improve the football pitches.

2.5 Within the National Planning Policy Framework (NPPF), there is a definition of deliverable:

Deliverable: *To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:*

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

2.6 Therefore, the allocation of the Leamington Road site has clearly failed to meet the definition of deliverable in the previous Plan period and Living Space consider that the site is not deliverable and should be deleted as an allocation through the Review. Further, Living Space consider that this has triggered the safeguarding obligation in the Neighbourhood Plan.

2.7 Land at High Street remains available and deliverable within the Local Plan period. It sits within the development framework for Ryton. With the deletion of the Leamington Road site, Land at High Street should be allocated to help meet the residual housing need for Ryton-on-Dunsmore.

3. Policy Background

3.1 Rugby Council are currently consulting on the Issues and Options version of the Rugby Borough Local Plan. The current timetable for the remainder of the review is as follows:

- Issues and Options consultation (Regulation 18) - November and December 2023
- Preferred Options consultation (Regulation 18) – July 2024
- Pre-submission consultation (Regulation 19) – January 2025
- Submission for examination – June 2025
- Adoption – December 2026

4. Rugby Local Plan Regulation 18 Public Consultation

4.1 The following provides Living Space Housing's general comments on the proposed policies within the Regulation 18 version of the Rugby Local Plan, as well as commentary on parts of the Plan specifically relevant to our interest at Land at High Street, Ryton-on-Dunsmore. Living Space generally support the proposed policies, but provide specific comments which we believe the Council will need to address to ensure that policies can be found sound.



- 4.2 Living Space's interest is with residential development, so these representations will comment on the policies most relevant to housing delivery.

7. Climate Change Policies

21. Should we adopt a minimum tree canopy policy for new development?

- 4.3 Living Space agree that including tree planting on new developments often positively attributes to good design and climate improvement, as well as helping meet mandatory Biodiversity Net Gains. National Planning Policy also acknowledges the importance of tree planting, at paragraph 136 of the National Planning Policy Framework (NPPF). Therefore, Living Space generally support that new tree planting and tree retention should be sought on new developments.
- 4.4 However, in practical terms, trees can often create conflict between different statutory consultees, particularly Highways, due to management issues. Further, certain trees cannot be planted in areas used for drainage solutions. On smaller sites, this can often create issues with accommodating tree planting, and may result in the planting of smaller trees. Further, requiring a minimum tree canopy cover would also be difficult to enforce post planning permission, particularly in private areas which are managed by occupiers.
- 4.5 A minimum tree cover could also impact biodiversity negatively as certain species of planting cannot be sustained beneath tree canopies due to overshadowing so could ultimately fail to establish if canopy coverage is prioritised through an unsympathetic mathematical calculation. Additionally, within the latest DEFRA metric for measuring Biodiversity Net Gain, Living Space understand that all new tree planting are required to be classified as small trees. Therefore, requiring a minimum tree canopy could also cause conflict with this.
- 4.6 A policy requiring a minimum canopy cover would create unnecessary pressures on design for public and private areas. This should therefore be a matter considered on a case-by-case basis further to in principle support for tree planting, rather than a specific coverage requirement being mandated, and this would be better addressed through a Supplementary Planning Document (SPD) or similar.

22. Should we identify priority locations or allocate sites for biodiversity net gain for sites which are unable to provide all the net gain on site and, if so, where?

- 4.7 Yes. On 12th February 2024, the mandatory obligation for a 10% Biodiversity Net Gain on all application received after that date will be fully enforceable. This requirement is in its infancy and the full impact on the deliverability of development sites is yet unknown, particularly as Biodiversity can change over time. In order to react to this mandatory target, Councils should ensure that they have a reasonable option for off-site improvements if their identified allocations cannot adequately delivery on-site improvements.

23. Would you support the creation of additional country parks as part of delivering biodiversity net gain?

- 4.8 Yes. However, it should be noted that Country Parks will likely be subject to human disturbance which could compromise the overall biodiversity benefit.

24. Should we require developers to prioritise the delivery of biodiversity gain within close proximity to the development?

- 4.9 Where possible, off-site improvements should be delivered locally. However, the Council should build in flexibility to this depending on the type of habitat which is required. For example, Rugby and Warwickshire

have a number of rare habitats which are difficult to re-create, including acid grassland. Further, many brownfield sites which are 'left to nature' develop rare habitats, such as mosaic habitats.

- 4.10 In cases where sites are found to have rare habitats, enough flexibility should be built into policies to allow for bespoke mitigation schemes.

25. We are considering requiring all new residential developments to be net zero. Do you agree?

- 4.11 Building Regulations in England set the standard for all new residential buildings. Part L of the Building Regulations 2010 concerns the Conservation of fuel and power and on-site generation of electricity. This is an approved document which sets out the minimum efficiency levels for new builds.
- 4.12 Living Space agree that improving the sustainability of homes is important, but consider it would be onerous for planning policy to add another layer of regulation above and beyond the requirements of Building Regulations.

8. Design Coding and Guidance

29. Should we produce design codes as part of our new local plan?

- 4.13 Design Codes can provide a useful guide for developing site layouts and the detailed design of schemes. However, these should be appropriately informed by all statutory consultees and stakeholders within the Authority to assure that any design principles do not cause conflicts and that they are achievable in relation to other policies within the Local Plan. For example, onerous design requirements could cause issues when considering site density and overall deliverability of sites. It should be acknowledged that Design Codes are there to be used as guidance and should be flexible enough to be applicable on a site-by-site basis.
- 4.14 Furthermore, the updated National Planning Policy Framework (NPPF) now provides more emphasis on well-designed and "beautiful" places. For example, paragraph 136 explicitly expresses that planning policies and decisions should ensure that new streets are tree-lined, unless there are clear, justifiable and compelling reasons why this would be inappropriate. Therefore, certain design aspirations are already defined within National policy and do not need to be unnecessarily repeated.

9. Land for Housebuilding

31. How many homes should we be planning for?

- (a) *Minimum local housing need*
 (b) *The HEDNA 2022 need*
 (c) *Other (please specify)*

- 4.15 The Coventry and Warwickshire Housing & Economic Development Needs Assessment (HEDNA) (November 2022) was prepared to provide a joint and integrated assessment of the need for housing, economic growth potential and employment land needs looking forward to the period of 2041 to 2050. The HEDNA evidence shows that Coventry and Warwickshire can be regarded as a coherent housing market area and functional economic market area.
- 4.16 Paragraph 61 of the NPPF details that strategic policies should be informed by a local housing need assessment. This demonstrates that it is important for the needs of the housing market area to be appropriately addressed through the Local Plan review, as they are clearly closely linked in their economic and housing requirements. Adopting the HEDNA figure would closely align with the Government's aspirations to boost housing delivery in areas where it is needed. The HEDNA has clearly identified a

specific housing need, which would be achievable within the proposed Plan period. Therefore, Living Space consider the HEDNA figure should be adopted.

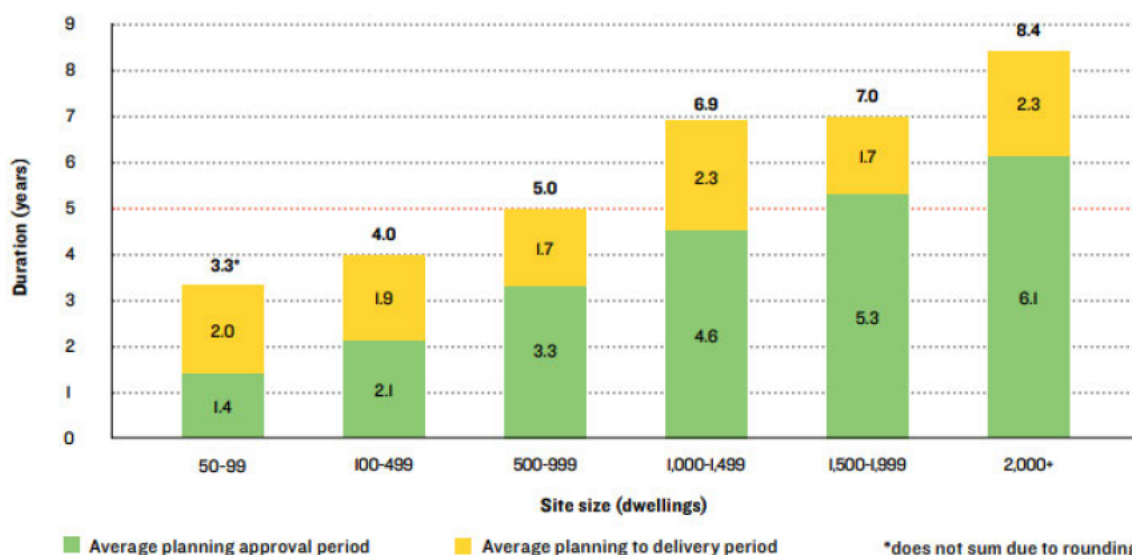
4.17 In February 2020, Lichfield published the second edition of their *Start to Finish*¹ paper which provides an update to their original findings published in 2016. *Start to Finish* has been used across the planning sector since it was first published as a respected evidence base to demonstrate the realistic delivery timescales of housing sites. The second edition focuses mainly on larger sites of 500+ dwellings, but it includes the below table and figure which show the average planning approval period by size of site in years and the average timeframes from validation of first application to completion of the first dwelling:

Table I: Average planning approval period by size of site (years)

Site Size	1st edition research (years)	This research (years)
50-99	1.1	1.4
100-499	2.4	2.1
500-999	4.2	3.3
1,000-1,499	4.8	4.6
1,500-1,999	5.4	5.3
2,000+	6.1	6.1

Source: Lichfields analysis

Figure 4: Average timeframes from validation of first application to completion of the first dwelling



Source: Lichfields analysis

4.18 If the Council are seeking to rely on larger allocations to meet their housing requirement, they should ensure that the proposed timescales for the delivery of their larger strategic sites are realistic. The strategic allocations should also be supported by a sufficient supply of smaller sites which are readily available and deliverable to ensure the Council has a robust supply, in line with paragraph 70 of the NPPF².

¹ *Start to Finish*, Nathaniel Lichfield & Partners Ltd (2020)

² National Planning Policy Framework (NPPF) 2023, paragraph 70, page 19



- 4.19 Land at High Street, Ryton-on-Dunsmore is suitable, available and deliverable within the Plan period and should be included within the Local Plan as an allocation. The site is within the development framework for the settlement and there is a live planning application for 37 dwellings which would be deliverable within the first 5 year of the new Local Plan.

33. Please provide any comments you have on the suitability of any of the broad locations listed above for new housing. Are there any locations that we have missed?

- 4.20 Living Space agree that Ryton-on-Dunsmore should be included within the broad locations for growth. It is a Main Rural Settlement on the edge of Coventry and is capable of supporting further housing growth. Land at High Street is available and deliverable through the Local Plan period and the delivery of 37 dwellings on this site should be included within the housing allocations and trajectory for the Local Plan.

34. Do you support a requirement for all new dwellings to meet the additional Building Regulations standard for accessible and adaptable dwellings and for at least ten percent of dwellings to be suitable for wheelchair users?

- 4.21 Living Space agree that homes should be built to be future proof. However, as explored in our answer to question 25, any policies requiring above and beyond Building Regulations should be flexible enough to ensure schemes remain viable and deliverable.

10. Other Topics

38. Do you support a policy protecting stadia as community and sports facilities? If so, which stadia should we protect?

- 4.22 In the previous Local Plan, the Leamington Road training ground (or Sky Blue Lodge) was allocated for housing. However, due to the requirement to replace the training ground prior to development of the site for housing it has rendered the allocation undeliverable. This was mainly due to changes in the needs of the football club.

- 4.23 The requirement to replace the pitch is derived from Paragraph 103 of the NPPF, which details that 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.*

- 4.24 A Local Plan should be positively prepared and avoid unnecessary duplication of policies, including policies in the Framework. Therefore, the loss of community and sports facilities is already protected at a National level. Given this, Living Space would contend that the Council should generally protect stadia facilities to accord with National Policy and it is not necessary to duplicate this. However, the Council should avoid allocations, such as the Leamington Road (DS3.7) site, within the Plan review which require the replacement of sports facilities. These clearly cannot be considered deliverable due to the replacement obligations in National Policy.



5. Conclusion

- 5.1 Living Space Housing politely requests that these representations are taken into account. Land at High Street, Ryton-on-Dunsmore is readily available and deliverable within the desired timeframe, and Living Space are currently progressing a planning application for 37 dwellings on the site.
- 5.2 I trust that you will find the above acceptable. However, should you require any further information, please do not hesitate to contact me.

Yours faithfully,

[Redacted signature]

[Redacted name]

Planning Manager

[Redacted contact info]

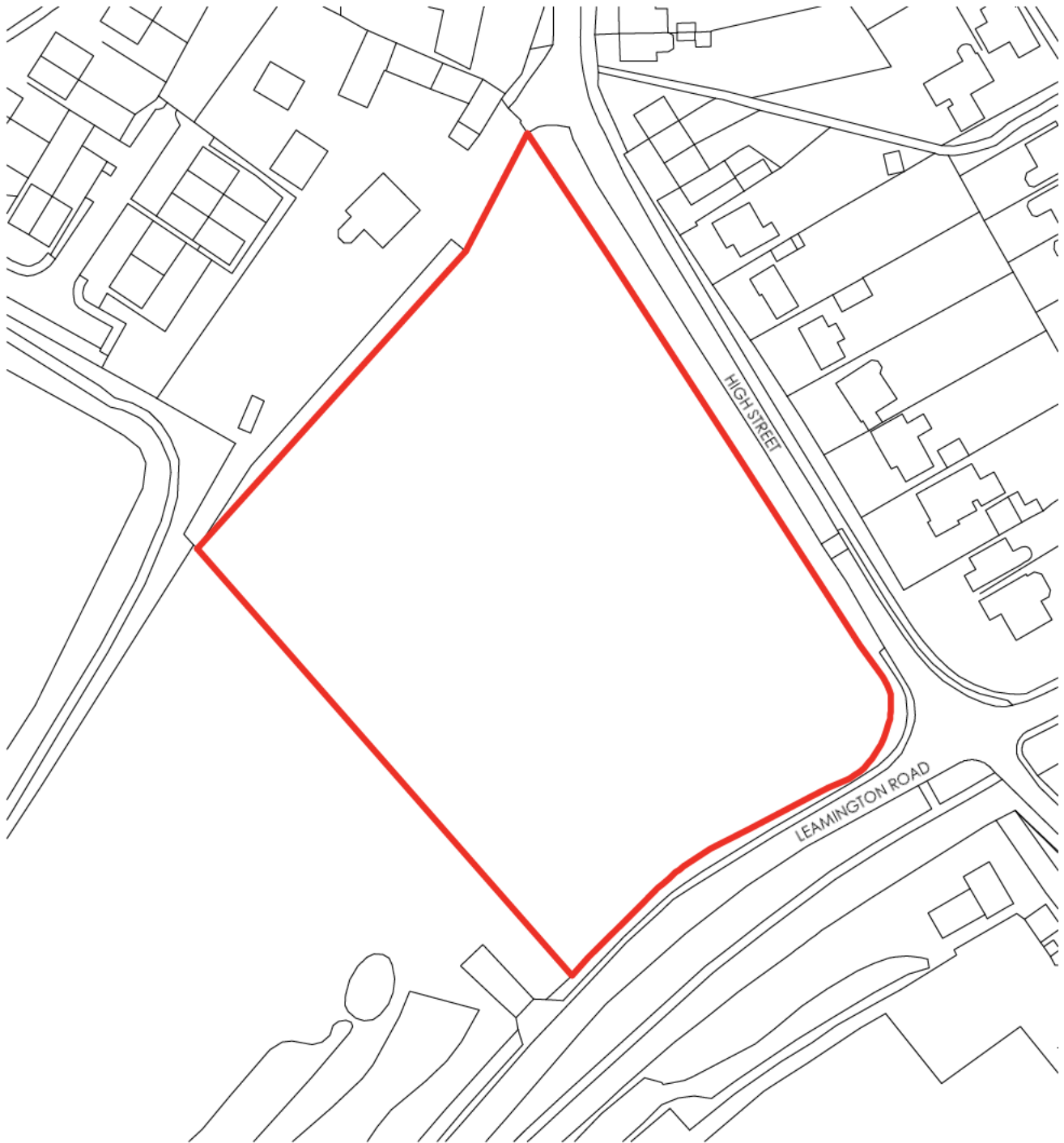
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Appendix I – Site Location Plan





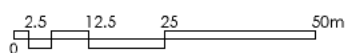
Key

 Site Boundary

B Landscape corridor removed
 A Landscape corridor added
 Amendments

PG 27/4/22
 PG 22/11/21
 By Date

PLANNING



Job No/Drawing No 21419/1001B		Job Title High Street, Ryton on Dunsmore	
Scale 1:1250 @ A4	Date 09/21	Drawn PG	Drawing Title Location Plan
All Dimensions to be checked on site		OS Licence No: 100022432	



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