

Old Orchard Public Consultation

The Parish Council of Stretton on Dunsmore would like to register its opposition to the granting of planning application R20/0285.

The applicant has submitted a detailed proposal for the erection of 26 dwellings on land which it has an interest but additionally utilising land under the control of the Parish Council. This is somewhat of a hostile application to the extent that the applicant has not sought leave to submit an application on the Parish Council's behalf, has no agreement to use, rent or purchase the land in question and has chosen not to engage with the Parish Council about establishing such an agreement.

The site in question was previously in the Green Belt and was released as part of the Rugby Local Plan in 2019 with the direct intention of it being an early contributor to housing stock and a means of adding new properties in the Main Rural Settlements. Without this change any application for developing the site would be instinctively refused on the basis that it was within the Green Belt.

The Parish Council supports the development of the Old Orchard site in principle and it is supportive of the type, style and density of housing proposed by the applicant but is resolute in its opposition to the use of the existing playing field as part of the development. There is no prospect that agreement will be reached in the lifespan of any planning approval and the Parish Council will consider protecting the land it controls such that it cannot be developed in the future.

It is well understood that the planning process does not consider property ownership in evaluating an application but, where there is no foreseeable way that the proposal could be delivered, an approved application would simply stall and fail to deliver the benefit intended for the site. The Borough Council would therefore be right to reject the application on the basis that its undeliverability is contrary to the Rugby Local Plan and is a strategic disadvantage to achieving housing supply.

On the detailed application documents we would offer the following comments-

Application Form

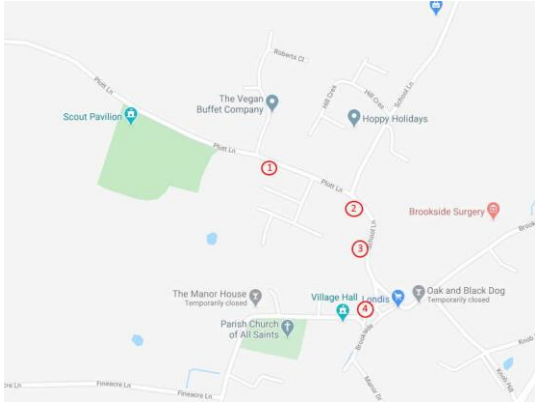
The application form (at question 8) asks “Do the proposals require any diversions/extinguishments and/or creation of rights of way?” to which the applicant answers in the negative. This may be true for public footpaths and bridleways but is not entirely correct. The Parish Council has the benefit of an enduring pedestrian and vehicular access across part of the site (the old park entrance) for use by the public. If the proposal went ahead this would conflict with the garden and building of plot 9.



Photo courtesy of Google Streetview



The application form (at question 11) asks “Will the proposal increase the flood risk elsewhere?” to which the applicant answers in the negative. This statement is misleading. The development of the site inevitably decreases the porosity of the surface leading to a quicker runoff time and increased runoff quantities. The application contains a drainage layout but no quantitative data for runoff and minimal details of the SUDS design, or its assumptions. Even with on-site attenuation and the stated off-site flow limit of 5 l/s this discharge is assumed to go to the Plott Lane storm water sewer. That drain does not currently have the capacity to take anything more than a 1 in 30 year storm event from existing developments and excess water flows over the ground surface towards the centre of the village where it has significant potential to cause property damage.



Plott Lane storm water out of drain event. November 2019.
1 in 30 year storm



Adding the engineered outflow from the development will increase the frequency of 'out of drain' events and/or increase peak flood levels in the village centre.

In addition the design has no strategy preventing damage from overflow of the SUDS system. There is no mitigation for events in which the attenuation pond is at capacity. The result of a storm event exceeding the SUDS design threshold is that excess flow would adopt the overland route and also end up in the centre of the village thereby meaning that the flow control mechanism has value only in a very narrow range of conditions and a failure mode that has no mitigation at all.

The Flood Risk Assessment submitted as part of the application is limited to the risk of on-site flooding and does not consider its contribution to off-site flooding at all.

Air Quality Statement

Rugby Borough Local Plan Policy HS5 seeks to encourage development in locations where sustainable transport opportunities exist and developments of over 10 units should seek to achieve air quality neutral standards. In this respect the Air Quality Report is inadequate. It does nothing to address the effect of the development upon the surrounding community. There is no baseline assessment or data from which a measurement can be taken and no prediction of the post

development air quality. The report does not include changes to air quality as a result of the additional motor vehicle trips generated. Specifically the effect on the air quality in the centre of the village by virtue of the additional peak hour outward and peak hour inward journeys. These cannot be assumed to be neutral unless restrictions are placed upon vehicle ownership or vehicle type. The development has very defined transit in and out routes which are constrained by the intended destination so it would be reasonable to expect that a forecast could be made.

The location of the proposed access road into the site would mean that all motor vehicle movements pass below and within 1m of the current children’s play area. No indication of the likely change in air quality is calculated or estimated.



The proposed access road abuts the current children’s play equipment area

The AQS asserts “Schools and village amenities can readily be reached on foot from the development” However the footpaths are not good, contiguous or accessible and a failure to plan for improvement will encourage additional motor vehicle journeys. The footway to the south of Plott Lane ends at the extent of the applicant’s site and requires a pedestrian to cross to the north side of Plott Lane for 100m before crossing back to access the centre of the village. That is not a straightforward route and indeed it is not even a complete route. Having crossed to the north side of the road the footpath ends at a layby and requires the pedestrian to walk on the highway, then ascend a flight of steps before descending a ramp and re-crossing to the south side. It is not a direct or accessible route for anyone with mobility issues, parents with buggies or children with bicycles.



Footpath on the south side (left of frame) ends abruptly



Footpath on the north side ends and pedestrians must take the steps



before descending a ramp and crossing back to the south side

Ecological Impact Assessment

The Ecological Impact Assessment identifies the diversity and value of the site but states (4.7.44) that the mitigation measures identified are not sufficient to maintain the favourable conservation status. The application does not plan for additional measures. Of the two principle mitigation measures identified in the EIA the way that the proposed development implements each of them is a concern.

The first (creation of a small pond at the site to provide suitable breeding habitat for GCNs) is also cited in the drainage plan as an attenuation pond for surface water. It cannot be both. If it is kept full for use by GCN then it will not have capacity for storm water attenuation. If it is free draining for use in the SUDS scheme it has no value as a breeding ground for GCN as it will not support the requisite flora nor water level required. In any event the sudden flushing and emptying of such a pond with contaminated wash water from the impervious areas of the development would be detrimental to the GCN breeding season.

The second measure (a 7m wide GCN peripheral connectivity corridor) is marked on the layout plans as a Protected Species Mitigation Zone but gives no information as to how this would be managed; a) post sale to ensure that it remains protected and is managed effectively, b) during the construction phase to ensure minimal disturbance in the first year. Without a long term commitment to ownership or maintenance of the area there is a real danger that it will be subsumed into gardens or subsequently developed.

The layout plan details post and three rail fencing between the garden areas and the Protected Species Mitigation Zone. This style of fencing offers no protection to the identified species from the residents or their domestic pets and would endanger the purpose of the mitigation zone. To be sustainable the zone must be screened with fencing that is capable of excluding domestic animals and children.

The Landscape Plan shows proposed tree planting in the Protected Species Mitigation Zone which is desirable from a screening standpoint but is not compatible with the desired open scrubland habitat required for the GCN species. There is clearly competing tension between commercial landscaping imperatives and the ecology mitigation resulting in compromises to both elements of the design.

Biodiversity

Rugby Borough Local Plan Policy NE1 places a requirement for developments to provide a net gain in biodiversity and accord with the mitigation hierarchy outlined within the NPPF. Further the Government's Planning Practice Guidance provides a biodiversity metric which can be used to demonstrate whether or not biodiversity net gain will be achieved. The metric allows the calculation of losses and gains by assessing habitat distinctiveness, condition and extent. These factors are then translated into biodiversity units. In order to provide a net gain, a development must have a significantly higher biodiversity unit score after development than before. The applicant's own Biodiversity Impact Assessment Calculations show a loss of 6.78 habitat diversity units. Paragraph 175 of the NPPF stresses that where significant harm to biodiversity cannot be avoided, mitigated against or compensated for, permission should be refused.

Open Space

Rugby Borough Local Plan Policy HS4 outlines the need for developments greater than 10 units to contribute to the provision of open space. The application makes no mention of open space provision on-site or arrangements to deliver off-site.

Screening

Plots 21-26 back onto the pre-existing play area and are likely to be adversely affected by noise. The existing design has no screening, solid fencing, sound adsorption planting or other mitigation. The Parish Council is concerned that without this the new development will be the source of tension and complaint from future residents.

Transport Statement

The Transport Statement uses data from an automatic traffic count in the second week of February 2020 and does not take account of the additional trips which will be generated by the Squires Road

development proposal. The Squires Road application does not consider the Old Orchard development. Unless both of these applications take account of the other any projections for vehicular movements would severely underestimate the post development total.

Table 1 of the TS is labelled 'Volumetric Summary of A3400 Stratford Road Traffic Flows' which is not within the local area. Whilst probably a typographic error it does raise concerns over the accuracy of information presented. The TS states (2.3.2) that the survey shows good adherence to the 60mph speed limit but fails to note that the speed limit is in fact 30mph at this point.

The TS also implies (2.5.1, 2.8.1 and 2.8.2) that footways into the village centre and bus stops are accessible and contiguous which is not the case as detailed above. It asserts that footways to accommodate residents of the new development are already provided but demonstrates a lack of knowledge and proper investigation in making these judgements. The Rugby Borough Local Plan policy HS1 has a focus on meeting the needs of specific groups within the population; improving walking and cycling opportunities and encouraging healthy lifestyles through providing good access to services and facilities with minimal reliance on private cars. This application fails to meet that policy.

The TS does not highlight the proximity of the proposed access to the limit of the 30mph zone on Plott Lane (approx. 12m from the centre line of the proposed access), raise any concerns nor propose that it be changed.

The proposed design interrupts the current pedestrian access to the recreation area and children's play by inserting an estate road with vehicular traffic. However the TS does not make observations on how or where pedestrians would cross, their numbers or any issues relating to their safety. The TS does not consider the physical layout of the junction, suitability of the existing road width, visibility splays or mitigation measures.

The application itself does not allow for any highway safety improvements such the widening of Plott Lane adjacent to and opposite the proposed road access, formalising the kerb or adding footway to the opposite kerb, moving the start of the 30mph zone, adding warning signs or additional street lighting.

Design and Access statement

The Design and Access statement simply states that the development "*will use the existing site entrance to the Parish Council's community land*" but completely understates the development required to achieve this. The proposal requires the relocation of existing fencing and security gates, re-routing of the pedestrian access to the park, the installation of new surface water and foul drains along the centre of the access road, the installation of additional footways, installation of street lighting and street furniture for lit signage, adoption of the private access into the highway scheme and inevitably resurfacing of the carriageway.

The Parish Council is rightly concerned that the use of the existing recreation ground entrance as an adopted road will change the dynamics for pedestrian access to the play area. Currently pedestrians have uninterrupted footpath access to the park entrance. Under the proposal they will have to follow the estate road, make a road crossing close to the junction but not at a point where they have good sight lines for Plott Lane traffic, and negotiate a new footway. The current arrangement is possible for unaccompanied children but will become extremely dangerous under the new layout. The 'magnetic' attraction of a play area does add additional crossing imperative and, at a three way junction, adds additional risk which is not mitigated in any way.

The grade of the access road is also a concern as it is a significant rise onto the site and will necessarily mean that traffic turning in will add impetus to avoid stalling thereby not being prepared to brake. Crossing at the recently proposed footpath location takes pedestrians out of the motorist's sight line and increases the risk of making a crossing.

Green belt

The release of the Old Orchard from the Green Belt (Rugby Borough Local Plan Policy DS3) was specifically accompanied by a requirement (Rugby Borough Local Plan Policy DS6) that the new Green Belt boundary should be physically delineated by a significant enduring green boundary or features that define the new boundary beyond that of simple fences or property edges. The western boundary of the proposed plan does not have any such feature. The proposed GCN mitigation zone cannot serve as dual use given that the characteristics of a definition barrier are in direct contrast to the environmental constraints required for GCN (open scrub land)

Even with the addition of a significant barrier to the western border, the edge of the Green Belt would not be well defined in the north western corner as the proposed access road crosses the Green Belt boundary at an angle 30m before joining the public highway.

The development site as planned involves adding main drainage to the existing playing field entrance, introducing street signage, street lighting, re-orienting the footpath, the playing field gates and ultimately adopting the road. All of which would be in the Green Belt. Whilst no housing is specifically destined for outside the Green Belt boundary the upgrading of the highway in this manner must be considered as part of the site application and therefore at least part of the development proposed is in the green belt. The application should be rejected on that basis alone.

At a minimum adopting the park entrance and upgrading it to part of the housing estate muddies the Green Belt boundary. It also sets a dangerous precedent of ungreening the Green Belt and gives a possible lead in for future development of the playing field into housing which is exactly the circumstances the requirement to define the boundary (DS6) was trying to mitigate.