

Fradley Estates

Staffordshire Moorlands Local Plan Examination

HEARING STATEMENT IN RESPECT OF MATTER 8 - ALLOCATIONS VILLAGES

ISSUE 3 - LAND OFF ASH BANK ROAD, WERRINGTON (DSR4)

1. Introduction

- 1.1. Representations were submitted on behalf of Fradley Estates ('FE') to the submission version of the Local Plan ('LP'). Those representations (referred to in this statement as "Original Representations") objected to the proposed allocation DSR4 land off Ashbank, Werrington. A copy of the Original Representations are appended at Appendix 1. The appendices to the Original Representations are not appended to this statement with the exception of appendices 1 and 2 to the Original Representations which are included again given their materiality.
- 1.2. The examination programme in respect of the LP includes consideration of allocation DSR4 on Wednesday, 17 October as matter 8 - allocations villages issue 3.
- 1.3. FE wishes to make the following points ahead of the examination hearing. This statement addresses the issues identified by the inspector as matter 8 issues 3.3, 3.4 and 3.5. FE relies on its Original Representations in respect of issues 3.1, 3.2 and 3.6

2. Can safe and suitable accesses and sustainable links to village facilities be achieved for the site? (Issue 3.4)

- 2.1. One of the principal purposes of the examination is to test whether the LP is sound. Paragraph 182 of the NPPF (2012), which remains the relevant version of the NPPF for the LP, states that this requires that the LP is:-
 - **Positively prepared;**
 - **Justified** - the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - **Effective** - the plan should be deliverable over its period based on effective joint working on cross-boundary strategic priority; and
 - **Consistent with national policy** - the plan should enable the delivery of sustainable development in accordance with the policies and the framework.
- 2.2. The LP fails these requirements in relation to DSR4 for the reasons set out below and, more particularly, in FE's original representations.

3. Effective

To be effective, the LP should be 'deliverable over its period'. The available evidence demonstrates that the DSR4 site is not deliverable as safe and suitable access cannot be achieved.

- 3.1. The inspector is referred to the comments of the Highway Authority, which are provided at Appendix 2 of FE's Original Representations (these are appended to this statement). The Highway Authority stated in respect of WE003 that ***"Access off the west frontage closest to the lights would not be supported. It would be too close to the lights and likely cause problems at the traffic light controlled junction. Access at the eastern length of***

frontage may be acceptable if adequate visibility splays can be achieved. It should not form a crossroads with Oak Mount Road. Look at third party land to provide access. TA is required to look at the effect of traffic from the development on Ash Bank Road".

The inspector's attention is drawn in particular to the reference to "*look at third party land to provide access.*".

- 3.2. The inspector is also referred to the transport technical note provided by SCP Consultants on behalf of FE – this is also appended to this statement. This technical note represents the most detailed assessment of highway matters in relation to DSR4. SCP advise that the required visibility splays of 120 metres cannot be achieved without third party land. Their assessment, therefore, accords with that of the Highway Authority. This means to achieve a safe access would require acquisition of third party land and there is no evidence that such land has been or can be secured. Indeed, given that the necessary land is owned by local residents and most local residents in this location object to the allocation of DSR4, it seems highly unlikely that such land can be secured.
- 3.3. The only safe conclusion that can be drawn from the above evidence is that safe access cannot be achieved to WE003 and that therefore the site cannot be regarded as deliverable. For the Council to merely record in policy DSR4 that "*adequate visibility splays and access shall be provided in line with the requirements of the Highway Authority*"; and "*a traffic assessment to consider the effect of traffic from the development on Ash Bank Road*" is wholly unacceptable as the consequence of pursuing that approach is that the LP will be allocating a site on the basis of technical evidence which states that safe access cannot be achieved. The LP must therefore be unsound on this basis.
- 3.4. In relation to WE0052, the inspector is also referred to the comments of the Highway Authority at Appendix 2 of FE's original representations, which stated "***Access onto Ash Bank Road would be very difficult because of location of signalised junction and location of an existing access (Oakmont Road), could struggle to provide adequate visibility because of the brow of the hill. TA would be required***".
- 3.5. SCP's assessment also concludes that:-
 - The existing bus stop layby which runs along the frontage of WE0052 would need to be relocated to enable access to be delivered;
 - There does not appear to be a suitable location with sufficient space to enable the bus stop to be relocated so that it can continue to serve existing residents satisfactorily;
 - Visibility to the east is obstructed by the narrow footpath and adjacent boundary and SCP do not think that the necessary 120 metre visibility splay can be achieved.
- 3.6. In relation to WE0052, the technical evidence does not provide any justification for the Council to conclude that safe access can be provided to WE0052. Again, for the Council to merely require visibility splays and a transport assessment when any application comes forward is wholly unsatisfactory. The consequence of such an approach is that the Council is allocating a site which the technical evidence demonstrates cannot provide safe access.

- 3.7. The LP cannot therefore be regarded as passing the test of soundness as the LP in relation to DSR4 is neither effective nor consistent with national policy.
- 3.8. Having regard to the Original Representations and supporting evidence submitted by FE in relation to its land in Werrington at Langton Court and Tregaron Court which demonstrates that that site has no highway issues/constraints it follows that the LP also fails the **justified** test of soundness on the basis that the allocation of DSR4 cannot be regarded as the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence. The available for the reasons set out in FE's Original Representations demonstrates that the FE site is clearly a more appropriate strategy for the LP in relation to housing allocations in Werrington.

4. Can Sustainable Links to the Village be Achieved? (Issue 3.4)

4.1. The SCP technical report records that:-

- The A52 (Ash Bank Road) carries 9,000 vehicles on a daily basis;
- The A52 is subject to a 40 mph speed limit;
- CrashMap reveals that there has been one serious and one slight accident along the frontage of WE0052 and one slight accident on the frontage of WE003;
- There are no pedestrian crossing facilities on the A52 in the vicinity of the DSR4 sites;
- The majority of facilities within Werrington are situated to the north of the A52.

4.2. The inevitable conclusion of allocating DSR4 is that the families and children who would be living on those sites would need to cross the busy A52 without pedestrian crossing facilities to access the majority of the community facilities. Such a position would neither be safe nor sustainable.

5. Will Living conditions for Future Occupants be Acceptable given the Proximity of the Allocations to the Prison? (Issue 3.5)

5.1. A number of concerns have already been raised regarding the suitability of allocating new housing next to the prison. In particular, a number of representations from local residents have been submitted highlighting the existing problems local residents face living near the prison, including abusive/foul language and late-night noise/banging/disturbance.

5.2. FE submits that to locate housing even closer to the prison, right on its boundary, can only exacerbate that situation and will create an unacceptable residential environment.

5.3. The Council's response is to state in policy DSR4 that it will require *"a noise impact assessment to consider the impact of the HM Young Offenders Institute. Where appropriate the assessment shall provide details of measures to mitigate the impact of noise on residential development"*. That strategy response is considered unacceptable for two reasons. Firstly, it fails to address whether the issue of noise and the conflict between the prison and housing

land use (already identified by local residents) means that the site should not be allocated for development. The available evidence clearly identifies there are significant issues and to merely suggest that further investigation of those issues takes place at the planning application stage, when the site has already been allocated in the LP, fails the test of soundness. Furthermore, FE considers that the proximity of the DSR4 sites to the prison means that it is unlikely that satisfactory mitigation can be achieved to overcome these concerns. This in FE's submission would lead to an unacceptable residential environment for the occupiers of the DSR4 allocation.

- 5.4. In contrast, the FE site does not have any such issues and would create a high quality residential environment. FE has submitted with its Original Representations a report by Louis Taylor (local estate agents) which supports the view that the allocation of the FE site in substitution for WE0003 and WE0052 would be a better strategy for the LP as the FE site is considered to be a much better housing site, without the highway safety concerns and significant amenity issues arising from the proximity of the DSR4 sites to the prison.

6. Are the Landscape Impacts Acceptable? (Issue 3.3)

- 6.1. Bright & Associates ('BA') have been retained by FE to advise on landscape issues and impact on greenbelt. BA's assessments are appended to FE's Original Representations.
- 6.2. BA have assessed that development of the DSR4 sites will result in the loss of one of the few remaining areas of open space to the south of Ash Bank Road which provides breaks/open views along the otherwise built-up frontage of Ash Bank Road.
- 6.3. BA have also assessed that site WE003 is particularly visible given the topography of the ground sloping away from Ash Bank Road such that the site is visible from long-distance and short-distance views. BA consider site WE003 makes a significant contribution to the setting of Werrington – this view is concurred with by the Council's consultants in the 2015 greenbelt review study.
- 6.4. BA have concluded that the allocation of the FE site for housing would improve the existing settlement edge on the north edge of Werrington, which would then be defined by an established and substantial woodland and Causley Brook. They consider this would create a more coherent boundary and transitional edge between open countryside and existing residential development. They have also concluded that the FE site is visually well-contained due to the existing strong boundaries and woodland planting on its periphery and it is well-related to the existing settlement with current housing immediately to the east and south and that, with the existing strong boundaries, development to this site would be seen as infilling.
- 6.5. On landscape grounds it is therefore considered that the FE site will have more acceptable landscape impacts than DSR4. The allocation cannot therefore be regarded as being justified in the context of paragraph 182 of the NPPF.

7 Conclusions

- 7.1 The available evidence does not support that the DSR4 allocation is deliverable due to lack of safe access in accordance with highway standards. The LP is not

therefore **effective** as required by the test of soundness nor in accordance with **national policy**.

- 7.2 The available evidence demonstrates that the FE site clearly ranks as a better site by reference to a number of key considerations. The LP is not therefore **justified** as required by the test of soundness.
- 7.3 The LP should be modified by the deletion of sites WE003 and WE052 in policy DSR4 and policy H2. In their place the FE Site off Langton Court/Tregaron Court should be allocated under policy DSR4 and policy H2.