

Our Ref: PJF/dj/10173
(Please reply to Banbury office)

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15th May 2019

Planning Policy Manager

Stafford Borough Council

Civic Centre

Riverside

Stafford

ST16 3AQ

Dear Mr Yendole,

TOWN AND COUNTRY PLANNING ACT 1990

Representation to Stone Neighbourhood Plan Response to the Examiner's Initial Enquiries into the Stone Neighbourhood Plan 2016-2031.

I write on behalf of Mr and Mrs Preston who own a parcel of land on north of Trent Road, 'the Site'. The extent of the Site is edged in red on the attached Location Plan. The Site was designated in the Submission Stone Neighbourhood Plan (SNP) as a Local Green Space (LGS) under references LGS02 and LGS41. Representations were submitted to the Submission Plan in December 2018, relating to whether the site fulfilled the role of an LGS as included in the National Planning Policy Framework (the Framework). (I have attached the representation for ease of review).

Since the representation was made, a new iteration of the Framework was published in February 2019. The Framework does not alter the approach to the designation of LGS. Bearing this in mind, the previous December 2018 representations continue to be relevant. In terms of why the site does not fulfil the role of an LGS, the reasons included in that representation remain pertinent.

It is noted that the Parish Council has not answered any specific questions, set by the Examiner's in his initial comments, relating to specific sites included in the question '*Do all of the proposed Local Green Spaces (LGS) meet*

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the NPPF criteria'. The Town Council only refer to consultation exercises and information gathering rather than the approach taken when assessing each site. In essence, I believe the Examiner's question relating to LGS remains unanswered.

In respect of the Site at Trent Road, it is confusingly included in 2 references LGS 02 and LGS41 in Appendix E of the NP.

LGS02: Cauldon Way. Land north of Trent Road as shown in LGS02 is not protected and is not assessed as part of the text. The Site is not publicly accessible, and does not provide an area for local residents with children to meet. It is requested that the Site is removed from this designation. The Cauldon Way play area is not associated with the land north of Trent Road which is also shown on this map.

LGS41: Trent Road To confirm, there are no TPO's on the Site. For the reasons included in Framptons previous representation, LGS41 does not fulfil the Framework criteria that sets the threshold for LGS designations. The continued inclusion of the Site as an LGS is contrary to national policy.

The process of formulating and 'making' a NP is underpinned by legislation, primarily Section 38A to 38C of the Planning and Compulsory Purchase Act 2004; the Neighbourhood Planning (General Regulations) as amended; and, the Section 38A and 38C (5) and schedule 4B of the Town and Planning Act 1990. Guidance found in paragraph 69 of the Planning Practice Guidance states that *'a neighbourhood Plan should not constrain delivery of national policy objectives'* but should rather *'plan to support positive growth'*.

Paragraph 101 of the Framework states that policies for managing LGS should be consistent with those for Green Belts. Consequently, LGS is a restrictive and significant policy designation and provides protection that is comparable to Green Belts. It is essential that a robust evidence base demonstrates that any LGS designation accords fully with the criteria included in paragraph 100 of the Framework. The SNP in its current form fails to provide any robust justification for the LGS designations. The SNP in its present form cannot be 'made'.

To ensure that any NP is compatible with planning legislation, the 1990 Act requires the plan to meet *'Basic Conditions'* as set out below:

- **(a) having regard to national policies and advice contained in guidance issued by the Secretary of State;**
- (b) having special regard to the desirability of the preserving of any listed buildings setting or any features of special architectural or historic interest that it possesses;
- (c) having special regard to the desirability of preserving or enhancing the character of any Conservation area;
- **(d) the making of the order contributes to the achievement of sustainable development;**

- (e) the NP is in general conformity with strategic policies contained in the development plan for the area of the authority (or any part of that area) development;
- (f) that the NP does not breach, and is otherwise compatible with, EU obligations;
- (g) prescribed conditions are kept in relation to the order and prescribed matters have been complied with in connection with the proposal order.

The SNP fails the 'Basic Conditions' (a) and (d) above and should be returned to Stone Town Council.

Yours sincerely

A handwritten signature in blue ink that reads "Debbie Jones".

Debbie Jones

Stafford Borough Council

Stone Neighbourhood Plan 2016 - 2031

- 1) An OBJECTION is submitted to the identification of Site LGS41 Trent Road as Local Green Space (Appendix E Local Green Space Designations).
- 2) It is submitted that the individual characteristics of this parcel of land do not satisfy the national planning policy for the identification of the land as 'Local Green Space' (Framework 2012 paragraph 77). The Framework 2018 does not alter the approach to the designation of Local Green Space (paragraph 100).
- 3) The imposition of a Local Green Space designation through a development plan imposes a severe restriction upon an owner's prospect for using land to meet development needs. That is the reasoning why national planning policy (Framework 2012):
 - Envisages that LGS designation will not be appropriate for **most** green spaces.
 - The onus rests with the plan-making authority to prove that the land has special qualities to the local community.
- 4) It is not the role of LGS policy to pre-empt proposals that may come forward for built development by seeking to impose some form of 'blanket restriction' upon existing open land. The individual characteristics of the site must be special, i.e. capable of distinction for its contribution to community life from an area of open space which has no particular qualities.
- 5) The Framework 2018 (100) makes clear that LGS should only be used where it is 'demonstrably special to a local community and holds a particular local significance'. Appendix E applies a 'tick box' analysis under the following headings:
 - Not extant (this is opaque as to meaning)
 - Not allocated for development
 - Not an extensive tract of land
 - Is local in character
 - Is in close proximity to serving area
 - Is demonstrably special to the local community

- 6) All the criteria identified at the Framework 2012 (77) or Framework 2018 (100) have to be satisfied to justify such a designation and restriction on future use of land.
- 7) For Site 41 it is contended that the matters of 'particular significance' comprise its Beauty; Tranquil and Wildlife. The Neighbourhood Plan further contends that the site is 'A buffer zone between developments and protected trees'. The trees on the site are not, as suggested, subject to a Tree Protection Order. Fundamentally this claimed purpose is not a role for Local Green Space. Sufficient control lies within the Development management system to safeguard important trees within any proposal for development.

In respect of the other claimed qualities, it is submitted:

Beauty

- 8) This parcel of open land has no particularly distinguishing merits to warrant the description of 'beauty'. The site is simply a parcel of open land. All open land within a settlement will provide some form of visual amenity to the local community. It is submitted that there are no particular features of this site which reasonably create an elevated status to a parcel of land which is special to the local community by reason of its 'beauty'.

Tranquil

- 9) The public have no right of access across this parcel of land. As such the local community has no ability to contend that the parcel of land is demonstrably special by reason of being tranquil. The site boundary with Trent Road is formed with a substantial hedgerow which limits the extent to which the public may have views across the land. In reality the site simply comprises an area of greenfield land both within Stone Town's urban area (Map 10 – Stone Town Key Diagram) and the settlement framework of Stone. The drawn Settlement Boundary is simply a line on a plan and does not properly reflect the relationship of this site to the existing settlement form. Trent Road and the A34 to the west would form a logical Settlement Boundary so as to include site 41 within the defined Settlement Boundary.

Wildlife

- 10) Any parcel of greenfield land, like most brownfield land will provide a habitat for wildlife. Such a feature is not itself justification for a LGS. The Framework considers that such a designation is not proven unless the site is special to the local community 'by reason of the richness of its wildlife'.
- 11) No evidence is available through the Green Space Audit that this site has a 'richness of wildlife'. The extent to which wildlife may occupy the habitat provided on site has no distinguishing features to the existence of wildlife that may be typically anticipated on greenfield sites.
- 12) It is submitted that in reality a LGS notation is being sought on Site 41 as a restrictive planning policy to frustrate the opportunity for built development rather than the site genuinely having special qualities to the local community. It is submitted that the Neighbourhood Plan fails to demonstrate that this site is of 'particular importance' to the local community.
- 13) In 2015 the site was subject to a planning application for up to 11 dwellings (Ref: 15/23033/OUT). The Planning Officer's Report is attached as **APPENDIX 1**. The Officer's Report refers to the site:
 - Being allocated for housing development in the 2001 Local Plan (Section 1).
 - The site has limited opportunities for protected species (Section 5).
 - The Council's Biodiversity Officer did not object to the development for reasons relating to biodiversity (Section 5).
 - The description of the site refers to the site being 'rural in character'. No reference is made to any distinguishing characteristic of being 'tranquil'.
- 14) 25 letters of objection were received from 16 addresses. None of the matters raised identify a 'richness of wildlife'. The claim as to impact upon protected species is disputed by the Council's ecologist. Reference is made to 'loss of amenity', but no submission is made to a loss of tranquillity. None of the grounds of objection contend a distinguishing quality of this site for its beauty.
- 15) The single reason for refusal (Decision Notice attached as **APPENDIX 2**) is that:

'Approval of this application, therefore, would contribute towards a disproportionate amount of development taking place at this level of sustainable settlement hierarchy.'

- 16) The appointed Planning Inspector identified the main issue between the parties as being ‘whether the proposed development would represent sustainable growth’. In his Decision Letter (attached as **APPENDIX 3**) the Inspector stated:

‘because the Council can demonstrate that there are already sufficient sites to meet new development requirements in Stone, there is no need to release greenfield sites for development, such as the appeal site.’

- 17) The Inspector will have considered the substance of other objections raised by the public during the application process. The Inspector did not identify ‘any other matter’ supporting his decision to refuse planning permission relating to:

- The beauty of the area
- Characteristics of tranquillity
- The impact of development on wildlife, or
- The need to protect the open nature of the site as a buffer between development and ‘protected trees’ (as stated above, none of the trees are subject to a TPO).

CONCLUSION

- 18) It is submitted that the Neighbourhood Plan has failed to substantiate demonstrable qualities of this parcel of land which are special to the local community so as to justify the designation of LGS. Site 41 should be removed from the list of sites at Annex E. The site has insufficient qualities to justify the LGS designation. In accordance with national planning policy such a designation should not be applied to this site. For the reasons stated above, the site properly should be regarded as an area of greenfield land within the urban framework of Stone and should be included within the Stone Settlement Boundary.

Attach: Planning Officer’s Report 15/23033/OUT

Decision Notice

Appeal Decision Letter



LAND NORTH OF TRENT ROAD, STONE SITE LOCATION PLAN