

# Hammerwich Neighbourhood Development Plan 2018-2040

## Response of Parish Council to the Initial Comments of the Independent Examiner

July 2021

### Introduction

1. This document is a Response to the Initial Comments dated 29<sup>th</sup> June 2021 produced by the Independent Examiner, Mr. John Slater, setting out matters for which clarification is required. The Parish Council particularly welcomes the invitation to respond to those representations made at the Regulation 16 consultation undertaken by Lichfield District Council (LDC).

### Responses to Regulation 16 Representations

2. The Parish Council does not wish to respond to every representation made, but wish to make the following points:

*Turley Associates for Redrow Homes, First City, JVH Consultants for Walton Homes, Claremont Planning Consultancy for Harworth Group plc, Pegasus Planning for Buildings by Bespoke Ltd*

3. All these respondents are seeking to put forward their Green Belt sites for inclusion in LDC's Local Plan Review (now re-named "Local Plan 2040" – LP2040), and by extension, in the Hammerwich Neighbourhood Plan (NP).

4. We are not aware that the site promoted by JVH/Walton Homes has been put forward at any of the Regulation 14 consultations the Parish has held before Submission of the NP to LDC. The Harworth Group proposals involve filling in the gap between Hammerwich Village and the built-up area of Burntwood, merging the two settlements, contrary to one of the key purposes of Green Belt.

5. A number of the representations exhort the Parish to be in general conformity with the existing Local Plan, which of course is correct, (but would render their Green Belt proposals contrary to those older Policies, which supported a lower housing requirement figure as well). Planning Practice Guidance – Neighbourhood Planning – para 009 sets out the principle which the Parish Council has sought to follow in its approach:

*“Although a draft neighbourhood plan or Order is not tested against the policies in an emerging local plan the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic conditions*

*against which a neighbourhood plan is tested. For example, [up-to-date housing need evidence](#) is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development.”*

As explained in Section 3 of the NP, and set out in the Basic Conditions Statement, the Parish Council has sought to demonstrate general conformity with both the existing Local Plan and the LP2040 strategic policies, where these are based on up-to-date evidence and reflect the reasoning behind the policy direction LDC are seeking to take.

6. The Local Plan Review has reached the stage where a number of important evidence documents have been produced, not least a new Housing and Economic Needs Assessment and a Green Belt Review, which have informed the LP2040's policies. The LP2040 has also been through several rounds of public consultation. Basing an NP on out-of-date Local Plan policies that no longer reflect how the latest housing requirement might be met, and distributed throughout the District, would render the NP obsolete almost instantly.

7. In the event of any changes having to be made to the Local Plan as a result of the Inspector's Report, following the forthcoming Inquiry, which would affect the strategic conformity of the NP's Policies, these can be dealt with by way of an early Review of the NP. The commitment to review is set out in Section 12 of the NP.

#### Lichfield District Council comments

8. The Parish Council is grateful to the District Council for its comments during the preparation of the NP and for its latest comments at Regulation 16 consultation. The responses below to some of these comments indicate where the Parish Council are willing to accept changes (subject to the Examiner's approval) and where the Parish Council disagree with LDC, and why.

#### *LDC Comment on NP - throughout Plan*

9. The Parish Council does not agree that references to the emerging LP 2040 should be removed altogether. The reasons for this are set out at paras 5-7 above, and in paras 3.1 and 3.2 of the NP. The question is whether or not the NP should be specific in quoting Policy numbers at this stage when these may be subject to change, and indeed some have already been altered. On the one hand, if the NP is vague about the identity of the LP2040 Policy with which it aligns, it may lead to confusion, and cause difficulty in cross-checking that the NP Policy is indeed congruent with the LP2040. On the other hand, quoting a non-existent or incorrect Policy number is also confusing and unhelpful. Whilst the Parish Council would value the Examiner's recommendation on this, we feel that, as a minimum, all cross references to LP2040 should remain, whether precise quotations, updated to Publication Version of the LP2040, or as general references to sections of the new Local Plan.

*LDC Comment on NP para 1.3*

10. It was necessary for the history of the NP to be included for the Submission Version of the Plan for the benefit of the Examiner and the people of Hammerwich. Once the version for Referendum and for being Made is agreed, then this section can be deleted.

*LDC Comment on NP para 3.8*

11. Agree that “Lichfield District Council’s Biodiversity Strategy and...” should be deleted.

*LDC Comment on NP Policy H1*

12. Suggest additional wording to clarify: “Development on such sites should seek to provide as part of the development, where appropriate...”

*LDC Comment on NP para 7.9 and Policy H2 point 14*

13. LDC continue to miss the point here. A Strategic Flood Risk Assessment is just that – Strategic. It does not identify any areas in the Parish. But it does not seek to – and it cannot – identify specific locations where localised flooding from run-off, especially in bad weather, regularly occurs. Local knowledge from people who live in the Parish can provide valuable information that may help when the development of a site is being contemplated. Parish Councillors can advise not just on locations, but also on the source of the run-off and any actions the Parish Council has taken, or tried to take, to mitigate the problem. Since the Parish Council is a consultee on all planning applications in their Parish, they are in an excellent position to be able to assist in the development management process, so that if permission is recommended, any measures to avoid exacerbating the problem can be incorporated as conditions, if required. This is a locally - distinctive Policy that deals with a locally - identified problem.

*LDC Comment on NP Policy H2*

14. Part (a) of this Policy is a summary of the relevant considerations of the Sustainable Development SPD. Part (b) contains additional considerations that are a result of local consultation, and reflect more locally – distinctive concerns.

15. It is true that the NP envisages small-scale development, but each of the criteria set out in Policy H2 is as relevant to a small-scale development as it would be to a major development. The Parish is not entirely rural, and in Triangle ward provisions such as: “have good access to sustainable forms of transport”; and “provide sensitively designed, high quality, street furniture where this is necessary for the development” could be applicable in this urban area, and “incorporate additional roads (if these are needed) that are designed to reduce vehicle speeds” could be applicable to a 2-3 home development anywhere in the Parish (subject to other Policies).

## *LDC Comment on NP Policy T2*

16. The reasons for adopting a 7m x3m minimum garage size are set out below at paras 25 to 27.

17. The rationale for this Policy is:

- The LDC Parking Standards are in a Supplementary Planning Document. They do not constitute a "strategic policy" with which an NP must be in general conformity.
- The LDC Parking Standards are stated to be "maximum standards" (Sustainable Design SPD, Appendix D, para 6) and therefore they do not conform with NPPF para 106:

*" Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport"*

- It is clear that the LDC standards are very much "one size fits all". They are meant to cover a District which ranges from the historic core of Lichfield (where very low, maximum standards would be appropriate), through suburban Lichfield and Burntwood right through to villages like Hammerwich with absolutely no public transport and narrow lanes where parking overflowing onto the public highway could cause danger or obstruction.
- As explained in the NP text, there is a general trend to higher numbers of vehicles per household, particularly where there is no or inadequate public transport provision.
- In light of the above, standards higher than those in the LDC SPD are justified.
- Policy T2 has been drafted with reasonable flexibility - provision below (or above) the given standards are permitted where it can be demonstrated there would be "no unacceptable harm to highway safety or the free flow of traffic on the highway".
- It is noted that LDC has already 'made' an NP - for Elford - where standards higher than those in the LDC SPD feature (Elford Policy MD1). The justification for the Policy is similar to that set out in the Hammerwich Plan, with Hammerwich adding an explanation of the general trends towards higher numbers of vehicles per household, particularly where there is no or inadequate public transport provision. Allowing higher standards in one NP in the District, but not another, would demonstrate an inconsistent approach.

## *LDC Comment on NP Policy LEnv1*

18. The Parish Council does not agree with the deletion of "providing that the openness of the space is not harmed". This Policy has to cover the protection of open spaces located within and outside the Green Belt. If the Examiner agrees with LDC

that the wording is too much like that used to protect Green Belt, then an alternative such as “providing that the general openness of the space is maintained.”

*LDC Comment on NP para 9.11*

19. This was, and still is, a highly relevant planning appeal, concerning land which lies in the Key View area 1 of Policy LEnv2. It therefore acts as an important piece of evidence underpinning this NP Policy. LDC have sustained their suggestion through several consultations that this reference be excluded, without explaining their reason. It does not concern conformity with the Basic Conditions.

*LDC Comment on NP Policy LEc1*

20. LDC would welcome, in relation to “appropriate re-uses of redundant farm buildings will be supported” clarification as to what re-uses would be supported. It is intended to maintain flexibility, but an alternative wording would be acceptable along the lines of: “Appropriate re-use of redundant farm buildings will be supported, particularly for commercial use, but also including residential, subject to the Policies in this Plan...”

### Strategic Policies

21. *(query for LDC to respond to)*

### Policy CF1 - Protecting and Enhancing Local Facilities

22. Paragraph 6.2 is intended to be an inventory of the facilities that are available to the community, and it is derived partially from the Parish Survey, and mainly from the knowledge of Members of the NP Steering Group as residents. It is intended to demonstrate that, with a few exceptions, the Parish is relatively well-served in this respect. Whilst new facilities would be welcome - and these are set out in the chart at Figs 1 and 2\* on page 22 of the NP - the emphasis of the NP’s Policies should therefore be on the maintenance of these facilities.

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*\*Apologies – the titles for Figs 1 and 2 seem to have disappeared – this will be corrected before Referendum.*

23. Paragraph 6.8 acknowledges the limitations of the development management system to protect all these facilities, but an added clarification would be acceptable, if the Examiner sees fit, such as that underlined below:

*“It is appreciated that changes of use from some of these valued facilities to other uses can be achieved without the need for planning permission (from one type of shop to another, for example), and other changes may be outside planning control altogether, but where an application is required, the following Policy should be applied.”*

24. With regard to street lighting, in the rural parts of the Parish, the provision of street lighting on some sections of road, when there are many lanes without it, is very much seen as a welcome safety amenity by the community. Additional lighting might be gained as part of a planning consent, if it is directly related to it (see Policy H2(5)).

#### Policy T2- Parking Standards

25. Cars have grown in size in recent years. The average size of family-sized cars is now 2m wide by 4.5m long, with some (such as a large family SUV like a Kia Sorento) just under 5m. (Source: measurements from numerous *Autocar* road tests, 2020, 2021)

26. For a car to fit in to a garage the latter must be at least 3m wide (one car door open). To allow space at the rear of the vehicle for loading, and for there to be space for an access to other parts of the dwelling, plus a small amount of clearance at the front of the car for the garage door to close, an extra 1m length would appear to be necessary, giving a 6m length. For a minimal amount of storage space (e.g. for a bicycle, shelving, lawnmower, etc) another 1m would seem to be necessary, giving a total length of 7m.

27. Whilst many Authorities stipulate 6m x 3m, this would appear to be only sufficient to accommodate a car and not any ancillary storage. The Essex standard of 2009/10 however, recognises this need for both vehicle and household storage and therefore sets a minimum standard of 7m x 3m:

[https://www.rochford.gov.uk/sites/default/files/planning\\_parking\\_standards\\_design\\_and\\_good\\_practice.pdf](https://www.rochford.gov.uk/sites/default/files/planning_parking_standards_design_and_good_practice.pdf) page 39 para 3.4.14 to 3.4.16.

Given that modern houses tend to have very little internal storage space, it is inevitable that the garage will be used for this. With a 6 x 3 garage, there will then no longer be space for a car, and it cannot, therefore, be strictly counted as an off-street space.

#### Policy T3 – New Cycle Routes

28. The proposed alignment of the Lichfield Canal on an OS base is appended as APPENDIX 1 below.

#### Policy LEnv 2 – Protecting Key Views Across the Countryside To and From Hammerwich

29. Some annotated images of the Key Views have been appended to this document (APPENDIX 2). Unfortunately, just prior to the Examination period and during it, the Parish has seen considerable growth in hedge heights and tree foliage due to plentiful rain as well as sunshine. As a result, the Windmill is not quite visible from views in areas 2a and 2c during the summer months although the Church is, and the Windmill remains visible in area 2b.

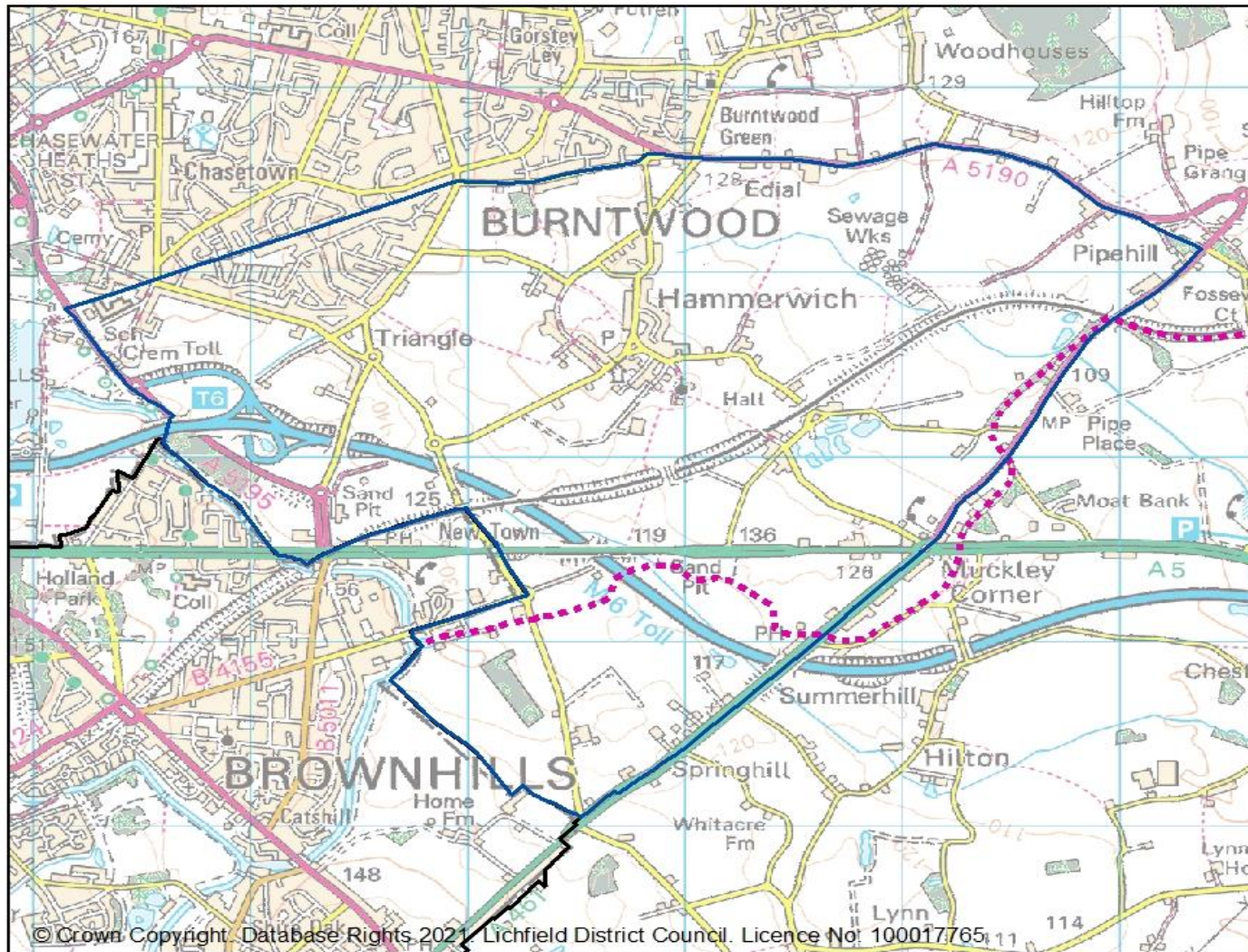
30. For the same reasons the view from the Church to Lichfield Cathedral is obstructed by tree foliage, and it was not possible to take photos at this time. The Church is, however visible from a wide area to the east of the Parish, as illustrated in Appendix 2.

### Policy LEnv 3- Local Heritage Assets

31. Firstly, it is confirmed that “Canal Bridge, Ogle Junction, Wyrley and Essington Canal” should be deleted from para 9.15, as it does not lie within the Parish area. It abuts the LDC/Parish boundary, which has caused some confusion, but is in fact within Walsall Borough. As the Canal and River Trust point out, it is a Grade II listed structure.

32. In accordance with LDC’s representations, we are happy that the heading to this section becomes “Heritage Assets” with “Local” deleted. We are happy to clarify that the buildings listed in para 9.14 on the Local List are already non-designated heritage assets. We also wish to make it clear that it is the Parish’s desire that those buildings listed in paras 9.15 and 9.16 should also become non-designated heritage assets. Those listed in para 9.15 have Historic Environment Records (reproduced in the Evidence Base), those in para 9.16 do not. To be accepted onto the Local List, all 6 (with the Canal Bridge now deleted) need to meet the LDC’s criteria for local listing, but they have not as yet been tested. This does need to be made clear, as some of the structures might fail LDC’s test.

# APPENDIX 1 MAP SHOWING PROPOSED LINE OF RESTORED LICHFIELD CANAL ON AN OS BASE



**Key**

-  Lichfield district boundary
-  Hammerwich Parish
-  Route for a restored Lichfield Canal

*Lichfield*  
district council



**APPENDIX 2 – IMAGES TO ILLUSTRATE THE VIEWS IN MAP 8 OF THE NP**



**Image 1 - View of St John the Baptist Church from Footpath 7 (between Hall Lane, Gartmore Riding Stables and Sewage Works)**



**Image 2 – Footpath 7, near Sewage Works**



**Image 3 – view from Norton Lane near junction with Hospital Road (Area 2a on NP Map 8)**



**Image 4 – View of Church and former Windmill (with white cupola) from access to High Ash Grange Farm (Area 2b)**



**Image 5 – Church from the A5 Watling Street, immediately west of Crane Brook House (Area 2c)**