

**Information on Publication of a Decision Statement for the Hednesford
Neighbourhood Plan**

2nd August 2018

1. Cannock Chase District Council has published its 'decision statement' in response to the Examiners report for the Hednesford Neighbourhood Plan (received 28th June 2018).
2. The 'decision statement' sets out the Council's decisions on the Examiners recommendations and the reasons for those decisions. It concludes that the Hednesford Neighbourhood Plan (as modified) meets the basic conditions, and other relevant legal requirements, and can therefore proceed to referendum. Further details on the referendum will be made available separately in due course.
3. The 'decision statement' and the Examiners report are available to view on the Cannock Chase Council website www.cannockchasedc.gov.uk/planningpolicy or hard copies are available to view at the following locations during normal opening hours:
 - Cannock Chase Council Civic Centre offices, Beecroft Road, Cannock, WS11 1BG
 - Pye Green Community Centre, Bradbury Lane, Hednesford, Cannock, WS12 4EP
 - Hednesford Library, Market Street, Hednesford, WS12 1AD

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Decision Statement Regarding Hednesford Neighbourhood Plan Proceeding to Referendum (02.08.18)

(Regulation 18- The Neighbourhood Planning (General) Regulations 2012, as amended)

1. Summary

- 1.1 Following an Independent Examination, Cannock Chase District Council has recommended that Hednesford Neighbourhood Plan proceeds to referendum subject to the modifications set out in Table 1 below.¹ This Decision Statement confirms that the Hednesford Neighbourhood Plan, as revised according to the modifications set out below, complies with the legal requirements and Basic Conditions set out in the Localism Act 2011, with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004, and such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended). The Plan can therefore proceed to referendum.

2. Background

- 2.1 Hednesford Town Council applied to Cannock Chase Council for the land within the Town boundary to be designated as a Neighbourhood Area on 22.04.14. In order for the Hednesford Town Council area to be designated as a Neighbourhood Area the Neighbourhood Planning (General) Regulations 2012 (as amended) required the Town Council to apply to Cannock Chase Council. The consultation ran from 21.07.14 to 14.09.14 and no objections were received in response to the proposal. The Council Cabinet ratified the designation of Hednesford Neighbourhood Area on the 20.11.2014.
- 2.2 A draft Neighbourhood Plan was launched by the Town Council at Pye Green Community Centre on 4th July 2016. Formal consultation was carried out for 6 weeks during July- August 2016. The Town Council then undertook the Regulation 14 consultation on an updated draft Neighbourhood Plan for 6 weeks during September-October 2017.
- 2.3 The Hednesford Neighbourhood Plan was submitted by the Town Council to Cannock Chase District Council in January 2018 for assessment by an independent examiner. The Plan (and associated documents) was published for consultation by Cannock Chase District Council for 6 weeks between 12th February and 26th March 2018 (the Local Authority publicity consultation period- Regulation 16). Mr Robert Yuille was appointed as the Independent Examiner for the Hednesford

¹ Decision authorised under delegated authority as per approved scheme of delegation for neighbourhood planning (Cabinet Report 14.12.17)

Neighbourhood Plan and all comments received to the Local Authority publicity consultation period were passed on for his consideration.

- 2.4 The Examiners Report was received on the 28th June 2018. The Examiner has concluded that subject to modifications the Hednesford Neighbourhood Plan meets the Basic Conditions. It has also met all of the relevant legal requirements. On this basis it should therefore proceed to Referendum.
- 2.5 Schedule 4B (12) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011, requires that a local authority must consider each of the recommendations made in the Examiner's report and decide what action to take in the response to each recommendation. If the authority is satisfied that, subject to the modifications being made, the draft Neighbourhood Plan meets the legal requirements and basic conditions as set out in legislation, then the plan can proceed to referendum.

3. Hednesford Neighbourhood Plan Examiner's recommended modifications and Local Authority's response

- 3.1 The District Council considered the Examiner's report and the recommendations/modifications contained within. Table 1 (below) sets out the Examiner's recommendations (in the order they appear in the Examiner's report) and Cannock Chase District Council's consideration of these recommendations.
- 3.2 Table 2 sets out additional modifications recommended by Cannock Chase District Council with the reasons for these recommendations. These are limited to minor, non-substantial changes arising primarily from the Examiner's recommendations
- 3.3 The reasons set out below have in some cases been paraphrased from the examiner's report to provide a more concise report. This document should be read in conjunction with the Examiner's Final report. This is available via: https://www.cannockchasedc.gov.uk/sites/default/files/hednesford_np_final_report.pdf

NB – Where new text is recommended this will be shown in **bold/underlined** with text to be deleted struck through i.e. (~~text to be deleted~~). Policy text is shown in italics, as either normal or bold/underlined to reflect if it is existing or new policy text i.e. (*policy text (existing policy)*) or **policy text (new policy)**).

Table 1

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's Decision & Reason
Front Cover	<u>Neighbourhood Plan 2017 - 2028</u>	To provide clarity on the plan period for the Neighbourhood Plan.	Agree to modification. Provides clarity on plan period.
Policy TC2	In the highlighted list of uses add the words <i>cinema, concert hall and theatre</i> . In the following line add <i>C1, and D1 and D2</i> .	For consistency with national planning policy on acceptable town centre uses, and for consistency within Policy TC2 itself.	Agree to modification. Provides consistency with national planning policy.
Policy TC2	<u>A good standard of amenity should be achieved including the provision of appropriate space at the rear for the storage of refuse bins. Appropriate space would need to be provided at the rear for the storage of refuse bins.</u>	To clarify a good standard of amenity should be ensured, in line with local planning policy.	Agree to modification. In line with local planning policy.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's Decision & Reason
Policy ROW1- second line of policy	<i>The Forestry Commission, <u>the Cannock Chase SAC</u> and the</i>	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy. Additional minor amendment proposed to refer to Cannock Chase SAC Partnership (see Table 2 below).
Policy ROW1- fifth line of policy	<i>the Cannock Chase AONB and the <u>Cannock Chase SAC while avoiding any adverse impacts on their natural heritage.</u></i>	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy.
Policy OS1- first paragraph of policy	<i>Development of open spaces within the urban area identified on the proposals map <u>in Appendix 6</u> will not be permitted unless;</i>	To provide clarification on where the open spaces (and corresponding maps) are listed.	Agree to modification. Provides clarity.
Policy OS1- first paragraph of policy	<p><i>will not be permitted unless;</i></p> <ul style="list-style-type: none"> • <i>in the case of small spaces within existing housing estates, this is associated with comprehensive estate redevelopment. In these circumstances, replacement open space of at least equivalent size and quality shall be provided as part of the redevelopment proposals; <u>or</u></i> • <i><u>the open space is no longer needed as an informal recreation area; or</u></i> • <i><u>the community benefits of redeveloping the open space outweigh its loss</u></i> 	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy.

Section in Examined Document	Examiner's Recommendation	Examiner's Reason	Local Authority's Decision & Reason
Policy OS1- final paragraph of policy	<u>Landowners will be encouraged to maintain and enhance</u> those open spaces that function as local visual amenities, wildlife corridors and areas of water storage and conveyance will be maintained and enhanced for these purposes in consultation with landowners.	To provide clarification (no certainty that landowners will agree to maintenance/enhancements).	Agree to modification. Provides clarity.
Appendix 6	Amend the list of Proposed Protected Open Spaces at Appendix 6 to include the following: <u>Verge on Heath Street opposite Hillside Close</u> Show the location of this verge on a plan.	For consistency with other open space designations in the Neighbourhood Plan.	Agree to modification. Provides consistency.
Policy H1- first line of policy	Priority will be given to <u>The building of bungalows will be supported where it is viable</u> either as a component.....	To ensure conformity with local planning policy and consistency with national planning policy.	Agree to modification. In line with national and local planning policy.
Policy H1- final line of policy	rights for extensions or limiting these to small extensions not exceeding 15 square metres; in order to.....	To ensure conformity with local planning policy.	Agree to modification. In line with local planning policy.

Table 2

Section in Examined Document	Cannock Chase District Council Recommendation	Cannock Chase District Council Decision & Reason
Neighbourhood Plan	Update page numbering as required to reflect modifications in Table 1	For clarity
Page 5, final paragraph	Amend reference to Section 10 to read Section 16	For factual accuracy
Page 8, Housing Profile	Amend to reflect correct Ward areas	For factual accuracy
Page 12, paragraph E	Amend reference to Section 10 to read Section 16	For factual accuracy
Page 25	Update Policy TC5 map to show road names	For clarity
Policy ROW1	Add 'Partnership' after 'Cannock Chase SAC' in second line of amended policy (as per Examiner modification)	For clarity
Appendix 1	Amend timetable to read Plan was submitted in January and add Examiners report received date	For factual accuracy



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Report on the Hednesford Neighbourhood Plan 2017-2028

**An Examination undertaken for Cannock Chase Council with the support
of the Hednesford Town Council on the January 2018 Submission
Version of the Plan.**

Independent Examiner: Robert Yuille MSc DipTP MRTPI

Date of Report: 28 June 2018

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Main Findings - Executive Summary

From my examination of the Hednesford Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Hednesford Town Council;
- The Plan has been prepared for an area properly designated – Hednesford Parish as shown on the map at page 3 of the Plan;
- The Plan, as proposed to be modified specifies the period to which it is to take effect – 2017 - 2028; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Hednesford Neighbourhood Plan 2017-2028

- 1.1 Hednesford is a former mining town which saw rapid growth in the nineteenth century. It stands on the edge of, and partly within, the Cannock Chase Area of Outstanding Natural Beauty (AONB) with the Hednesford Hills providing a green backdrop to the town. Following the closure of the pits, land reclamation schemes have led to the creation of new open spaces, housing areas and businesses.
- 1.2 The Plan aims to enhance the town centre on Market Street; identify buildings that are important to the character of the area; support the retention of community assets; support the extension and/or redevelopment of existing businesses, particularly on established industrial estates; identify and protect small areas of open space valued by the community; enable the development of small scale housing sites, over and above those having planning permission; identify and safeguard areas of particular character in the town and encourage improvements to existing public rights of way.

The Independent Examiner

- 1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Hednesford Neighbourhood Plan by Cannock Chase Council (the Council), with the agreement of the Hednesford Town Council (the Town Council).
- 1.4 I am a chartered town planner and former government Planning Inspector, with over 20 years' experience of development plan examinations. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the Plan is submitted to a referendum without changes; or
 - (b) that modifications are made and that the modified Plan is submitted to a referendum; or
 - (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
 - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
 - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
 - it sets out policies in relation to the development and use of land;
 - it specifies the period during which it has effect;
 - it does not include provisions and policies for 'excluded development';
 - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations (2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for the area, not including documents relating to excluded minerals and waste development, is the Cannock Chase Local Plan (Part 1) adopted in June 2014. The Council has recently decided to

commence work on a full review of the Local Plan but this is in a very early stage of preparation.

- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

Submitted Documents

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the submitted draft of the Hednesford Neighbourhood Plan dated January 2018;
 - the map on page 3 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
 - the Hednesford Neighbourhood Plan January 2018 Consultation Statement;
 - the Hednesford Neighbourhood Plan 2017 – 2028 Basic Conditions Statement;
 - all the representations that have been made in accordance with the Regulation 16 consultation;
 - the Strategic Environmental Assessment and Habitat Regulations Assessment Screening Opinion prepared by the Council and the subsequent Strategic Environmental Assessment prepared by the Council and dated August 2017; and
 - the responses (dated 24 May) by the Town Council to the questions raised in my letter of 09 May 2018.

(All these documents are on the Cannock Chase Council web site)¹

Site Visit

- 2.4 I made an unaccompanied site visit to the Neighbourhood Plan Area on 8 May 2018 to familiarise myself with it, and visit relevant sites and areas referred in the Plan and in written evidence.

Written Representations with or without Public Hearing

- 2.5 This examination has been dealt with by written representations. There was no request at the Regulation 16 stage for a Hearing and I considered one to be unnecessary as the consultation responses clearly articulated the objections to the Plan and presented arguments for and against its suitability to proceed to a referendum.

¹ View at: <https://www.cannockchasedc.gov.uk/residents/planning/planning-policy/neighbourhood-planning>

Modifications

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

- 3.1 The Plan has been prepared and submitted for examination by Hednesford Town Council which is a qualifying body for the wards within the town as designated by the Council on 20 November 2014.
- 3.2 It is the only neighbourhood plan for Hednesford and does not relate to land outside the designated neighbourhood area.

Plan Period

- 3.3 It is stated in the Basic Conditions Statement that the Plan covers the period 2017 to 2028 but this is not set out clearly in the Plan itself as is required. The front cover of the Plan should therefore be amended as shown in **PM1** to specify the period over which it is to take effect.

Neighbourhood Plan Preparation and Consultation

- 3.4 Consultations carried out during the preparation of the Plan included a questionnaire seeking opinions on a number of draft policies. 219 questionnaires were completed and these revealed general support for the draft policies consulted on. In addition, the Plan was publicised by way of press releases, a dedicated page on the Town Council web site, social media and public exhibitions.
- 3.5 The Plan has also been the subject of three public consultation exercises. The first of these was on an initial draft of the Plan and was carried out over 6 weeks commencing on 4 July 2016. Changes were made to this version of the Plan as a result of this exercise and further consultation under Regulation 14 of the 2012 Regulations was carried out over a 6 week period from 18 September 2017. Further changes were made to the Plan, the Submission Version of which was the subject to a final round of consultation under Regulation 16 of the 2012 Regulations which was carried out over a 6 week period commencing 12 February 2018. This exercise resulted in 26 consultation responses all of which have been taken into account in preparing this report.

- 3.6 One respondent at the Regulation 16 stage points out that the list of responses published by the Town Council at the Regulation 14 stage is incomplete as his response was not included. He regards the consultation exercise as a sham. I do not agree. While it is unfortunate that this omission occurred, it is clear that the most specific point this respondent makes (that St Saviour's Church should not be included in the list of buildings of local importance) has been considered by the Town Council². The Town Council has also confirmed that the respondent in question was given the opportunity to discuss the matters he raised with the Neighbourhood Planning Group and its adviser but did not do so. Moreover, I consider all the points made by this respondent at the regulation 16 stage later in this report. This respondent has, therefore in my opinion, been given the opportunity to influence the Plan and no substantive prejudice has occurred.
- 3.7 I am satisfied that the Plan has been publicised in a manner that is likely to bring it to the attention of people who live, work or carry on business in Hednesford and the Plan has, therefore, met the regulatory requirements and due regard has been had to the advice in the PPG on plan preparation and engagement.

Development and Use of Land

- 3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

- 3.9 The Plan does not include provisions and policies for 'excluded development'.

Human Rights

- 3.10 The Council has not indicated that the Plan breaches any Human Rights (within the meaning of the Human Rights Act 1998). In my independent assessment of the Plan I have identified no such breach.

4. Compliance with the Basic Conditions

EU Obligations

- 4.1 In its *Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report* dated September 2016 the Council concluded that a SEA would be required but an HRA would not. Having

² See paragraph 2.5 of the document entitled *Questionnaire On Content Of Draft Neighbourhood Plan: Content & Summary Of Responses* attached to the *Hednesford Neighbourhood Plan Consultation Statement*.

read the Screening report and visited the area I agree with this conclusion.

- 4.2 The *SEA for the Hednesford Neighbourhood Plan* dated August 2017 concluded that the plan would have either neutral, positive or significantly positive effects when assessed against a range of criteria. The statutory consultees have been consulted on the Plan and raised no objection to this conclusion. On the basis of my independent assessment I see no reason to disagree with the conclusions of this report.

Main Issues

- 4.3 Having considered whether the Plan complies with various legal and procedural requirements, it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.8 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.4 I should say at this point that the purpose of the Examination is not to delve into matters that do not fundamentally affect the Plan's ability to meet the Basic Conditions. I do not, therefore, deal with representations which, in effect, seek to improve the Plan but which are not necessary to meet the Basic Conditions.
- 4.5 I have approached the assessment of compliance with the Basic Conditions of the Plan as two main matters:
- General issues of compliance of the Plan, as a whole; and
 - Specific issues of compliance of the Plan policies.

General Issues of Compliance

- 4.6 I will deal first with the question of whether the Plan makes a contribution to the achievement of sustainable development. The clearest definition of what amounts to sustainable development in Hednesford is contained in the Local Plan. The Local Plan (Policy CP1) envisages that existing settlements such as Hednesford will be the focus of investment and regeneration whilst conserving and enhancing the landscape of, amongst other places, the Cannock Chase AONB and the Hednesford Hills.
- 4.7 To that end the Local Plan (Policy CP6) includes the allocation of a strategic site for an urban extension on land to the west of Pye Green Road for 750 dwellings with scope for this to increase to 900 dwellings. The Plan specifically accepts this site, and other large housing sites, as commitments and seeks to promote further housing. The Local Plan

(Policy CP11) seeks to improve Hednesford Town Centre as a shopping centre serving mainly local needs and it also contains a range of policies (Policies CP12, CP13, CP14 and CP15) that seek to safeguard Biodiversity and Geodiversity, the Cannock Chase Special Area of Conservation, Landscape Character, Cannock Chase Area of Outstanding Natural Beauty and the Historic Environment. In broad terms, there is nothing in the Plan which would compromise these aims – a conclusion that is supported by the findings of the SEA. I am satisfied, therefore, that, subject to Proposed Modifications set out subsequently in this report, the Plan does contribute to the achievement of sustainable development.

- 4.8 For the reasons set out in the two preceding paragraphs it follows that the Plan is, subject to the Proposed Modifications set out later in this report, in general conformity with the strategic policies of the Local Plan.
- 4.9 National Policy as set out in the Framework similarly seeks to boost significantly the supply of housing land (paragraph 47), ensure the vitality of town centres (paragraph 23), conserve and enhance the natural environment (paragraphs 109 to 125) and the historic environment (paragraphs 126 to 141). I am satisfied that, subject to the Proposed Modifications set out subsequently in this report, the Plan has regard to these policies.

Specific Issues of Compliance

Hednesford Town Centre Policies

- 4.10 The Plan contains a group of seven policies which variously seek to maintain and enhance the historic character of the core of Hednesford Town Centre around Market Street (Policy TC 1); to encourage a range of appropriate uses in that town centre (Policy TC 2); to encourage the use of section 106 and Community Infrastructure Levy funding to enhance the vitality and viability of Market Street (Policy TC 3); to encourage the development of specified areas of land adjoining the town centre for a range of appropriate uses (Policy TC 4); to seek improvements of the car park to the rear of the Co-op store and to extend the station car park (Policies TC 5 and TC 6) and to support the development of residential development suitable for the elderly on a site close to the town centre (Policy TC 7).
- 4.11 It is suggested that the Market Street area is unworthy of the protection proposed in Policy TC 1 as it is simply a muddled mess and retains none of its Victorian/Edwardian character. I do not agree. Although a number of buildings in the area have been modernised in an unsympathetic manner, the area as a whole, grouped around the public gardens centred on the town clock, is an attractive one and features on individual buildings

(such as patterned brickwork, tiling, dentil brickwork and string courses of brickwork) make a contribution to the street scene and are worthy of retention or re-instatement as proposed in Policy TC 1. Such an approach is entirely consistent with Policy CP15 of the Local Plan and with paragraph 126 of the Framework which both seek to conserve or enhance the historic environment.

- 4.12 Policy TC 2 seeks to ensure the flexible use of ground floors in Market Street and encourage the residential use of upper floors. As worded this policy would not allow for cinema, concerts hall and theatres all of which are included within the definition of Main Town Centre Uses set out in the Glossary at Annex 2 to the Framework. Similarly, the list of Use Classes referred to in this policy does not refer to Use Class D2, even though this covers gyms and fitness centres which are referred to as permitted uses elsewhere in the policy. These omissions can be rectified as shown in **PM2**.
- 4.13 It is acceptable for Policy TC 2 to seek to encourage residential uses on the upper floors of properties on Market Street but in the interests of clarity it should be stated that such proposals should achieve a good standard of amenity as shown in **PM3**.
- 4.14 With these Proposed Modifications in place I am satisfied that Policy TC 2 is in general conformity with the Local Plan (Policy CP11) which seeks to improve Hednesford Town Centre as a shopping centre. I am also satisfied that it has regard to the Framework (paragraph 23) which seeks to ensure the vitality of town centres and recognises the role that residential development can play in achieving this.
- 4.15 Policies TC 3 to TC 7 seek variously to promote projects and redevelopment proposals, including the improvement of parking provision and the provision of housing for the elderly, which have the potential to benefit the Town Centre. These policies are in general conformity with Local Plan Policy CP11 and have regard to paragraph 23 of the Framework, each of which seek to ensure the vitality and viability of town centres. I deal more fully with Policy TC 7 when considering Policy H 2 later in this report.

Rights of Way

- 4.16 Policy ROW 1 seeks to encourage improvements to existing public rights of way in order to improve access to the Cannock Chase AONB. However, it does not refer specifically to the need to avoid adverse impacts on the AONB and the Cannock Chase Special Area of Conservation (SAC). Policies CP13 and CP14 of the Local Plan do stress the need to avoid any such adverse impact as do, at a more general level, paragraphs 117 and

115 of the Framework. In order to be generally consistent with the former and to have regard to the latter, Policy ROW 1 should be amended as shown in **PM4**.

Open Spaces

- 4.17 Policy OS 1 identifies a number of open spaces which function as informal recreation areas for the local communities which it seeks to protect from development. However, as worded the policy does not specify that the open spaces in question are listed and shown on maps in Appendix 6 of the Plan. In the interests of clarity, it should, as shown in **PM5**.
- 4.18 While the desire to protect such spaces is understandable, Policy OS 1 proposes a very restrictive approach which would only allow for the development of small sites within existing housing estates where this is associated with comprehensive estate redevelopment. The policy remains silent on the fate of any of the specified open spaces not within existing housing estates or any large open spaces within existing housing estates. It makes no reference to the possibility of an open space being developed if it were to become surplus to requirements or if the benefits of such development outweighed the loss of open space (both matters that are referred to in Policy CP5 of the Local Plan and in the Framework, paragraph 74). In order to be in general conformity with the Local Plan and to have regard to national policy these matters should be referred to in Policy OS 1 as shown in **PM6**.
- 4.19 Policy OS 1 also states that various open spaces will be maintained and enhanced in consultation with the owners but there is no certainty that the owners will agree to do this. It would be more accurate to say that landowners will be encouraged to maintain and improve these sites as set out in **PM7**.
- 4.20 Local residents have suggested that land between 1 – 3 and 5 – 7 Hillside Close should be designated as open space. However, the former site has the benefit of an extant outline planning permission for a house while the latter, a small area of mowed grass at the back of the footway and very close to houses, has no obvious community function. It would not, therefore, be appropriate to designate these areas as open space. It is also suggested that the area of verge on the far side of Heath Street opposite Hillside Close should also be designated as open space. This is a broad, extensive area of grass and trees which, to my mind, provides a similar local visual amenity as other areas proposed for open space designation, such as the verges on the north side of Bradbury Lane. The Heath Street verge should, therefore, be designated as an open space as shown in **PM8**.

4.21 With the Proposed Modifications set out above in place I am satisfied that Policy OS 1 meets the Basic Conditions in that it is in general conformity with the Local Plan (Policy CP5), insofar as this seeks to promote healthy living. This policy also has regard to the Framework (paragraphs 73 and 74) which recognise the contribution that open spaces make to the health and well being of communities and which consequently seeks their protection.

Built Environment

4.22 Policy BE 1 seeks to retain buildings of local importance. It is suggested that buildings such as the now disused St Saviours Church are ugly and functional and are being protected simply because they are old. I do not agree. While St Saviours is a modest brick church originally built to serve the mining community, it contains a number of distinctive features - such as its large oculus window, its porch with a decorative brick arch, its steeply pitched roof, its prominent pinnacles and its small bell tower - which make it a landmark building in an otherwise bland street scene.

4.23 I see no reason why Policy BE 1 should unduly hamper efforts to find new uses for this or other buildings as it takes an explicitly flexible approach on such matters.

4.24 I am satisfied, therefore, that Policy BE 1 - which has attracted the support of local people and of Historic England - meets the Basic Conditions in that it is in general conformity with the Local Plan (Policy CP15) which seeks to safeguard all historic buildings and has regard to the Framework (paragraph 126) which encourages a positive strategy for the conservation and enjoyment of the historic environment.

4.25 Policy BE 2 identifies an area of special local character around Greenheath Road, Station Road and High Mount Street. It seeks to retain the Victorian and Edwardian buildings that are a feature of this area, to ensure that any infill is compatible in scale with its surroundings and that such infill makes use of materials and design details which respect the character of the area. This is in general conformity with the Local Plan (Policy CP15) which similarly seeks to safeguard historic areas and has regard to the Framework (paragraph 126) which seeks to achieve similar ends. In these respects, therefore, Policy BE 2 meets the Basic Conditions.

Housing Development

4.26 Policy H 1 states that priority will be given to building bungalows, normally 2 bedroom units, either as part of a development or, on appropriate small sites as the whole development. This policy would not

apply to housing sites with full planning or an adopted development brief - which would exclude a number of the largest housing sites in the plan area - but it would apply to other sites identified in the Strategic Housing Land Availability Assessment which have outline planning permission or which do not have planning permission, and it would apply to any windfall sites that may come forward over the period of the Plan.

- 4.27 The Town Council considers that this policy is justified by evidence of a high demand for small bungalows, particularly for the elderly - a demand that is not being met on sites currently under construction. Undoubtedly there is a demand for such bungalows and the Local Plan (paragraph 4.36) acknowledges that housing an ageing community will be an increasing issue.
- 4.28 However, it is also made plain in the Local Plan that there is a demand for other types of dwellings. For example, paragraph 4.31 refers to the need for affordable homes while paragraph 4.35 refers to a particular shortage of larger 3 and 4 bedroom properties. Consequently, Local Plan Policy CP7 seeks to achieve a balanced housing market providing for a mix of housing sizes, types and tenures - with particular emphasis being given to encouraging increased provision of smaller dwellings suited to younger people, housing suitable for households with specific needs and larger 3 and 4 bedroom houses. Nowhere in Local Plan Policy CP7 are bungalows singled out as being a particularly important component of housing demand.
- 4.29 Policy H 1, which proposes to give priority to the provision of 2 bedroom bungalows, is, therefore, significantly out of step with Local Plan Policy CP7 and cannot be regarded as being in general conformity with it. In this respect Policy H 1 does not meet the Basic Conditions.
- 4.30 The Framework (paragraph 50) enjoins local planning authorities to identify the size, type tenure and range of housing that is required in particular locations, reflecting local demand. In this instance, the evidence cited in the Plan (the South Staffordshire Housing Needs Study and Strategic Housing Market Update 10/05/12) does not distinguish between the need for houses and the need for bungalows. Possibly this is unfortunate, but it means that the evidence does not conclusively show that priority should be given to the provision of bungalows. Policy H 1, therefore, does not pay due regard to the Framework with its requirement that housing policies should be based on sufficient evidence. Policy H 1 does not, therefore, meet the Basic Conditions in this respect.
- 4.31 That said, it is not disputed that there is a demand for bungalows in Hednesford and it is legitimate for the Policy H 1 to indicate its support for

their provision, as shown in **PM9**, rather than specifying categorically that their provision is a priority.

- 4.32 Policy H 1 is also concerned with ensuring that existing bungalows remain small so as to continue to meet demand. To that end the policy states that the Council should consider withdrawing permitted Development rights for extensions or limiting the size of extensions to 15 square metres. It would be for the Council to consider on a case by case basis whether it was justified to withdraw Permitted Development rights but there can be no objection to Policy H 1, in effect, asking it to do this. However, the Council has indicated in its written response to the Plan that it regards the 15 square metre limit as arbitrary. I agree as I have seen no evidence to support this figure. The reference to a 15 square metre limit should, therefore, be deleted as shown in **PM10**.
- 4.33 With the Proposed modifications set out above in place, I am satisfied that Policy H 1 meets the Basic conditions.
- 4.34 Policy H 2 needs to be read in conjunction with Policy TC 7, as both of them support the provision of residential development suitable for the elderly on a site at the junction of Cannock Road and Station Road close to the Town Centre. Clearly there would be benefits in a comprehensive approach being taken to the development of this prominent central site. High density residential development would be an appropriate use as the site is close to shops, services and the railway station and is well served by buses.
- 4.35 Policy TC 7 refers to pursuing with the main landowner the feasibility of providing residential development for the elderly. That landowner has made representations on the Plan and does not rule out some form of housing for the over 55's on part of the site but points out that there will also be a demand for housing from younger people. He also points out that younger people already occupy dwellings on the site – a situation that will not change.
- 4.36 There is, therefore, a degree of consensus on the future use of this site although much needs to be resolved through negotiation – something which the wording of both Policy TC 7 and Policy H 2 would allow as neither are prescriptive as to the future use of the site but merely specify what use would be supported. Policies TC 7 and H 2 are, therefore, in general conformity with Local Plan Policy CP7 which seeks to encourage a choice in homes for the elderly covering a range of housing and care options. They also have regard to the Framework (paragraph 50) which seeks to plan for a mix of housing based, amongst other things, on the needs of different groups in the community including the elderly.

Industrial/Business Parks

- 4.37 Policy EMP 1 seeks to improve existing employment areas and supports residential development as an alternative use where there is no demand for employment use. This is in general conformity with Local Plan Policy CP8 which seeks to encourage the redevelopment and modernisation of existing employment sites while treating proposals for the redevelopment or conversion of employment uses on their merits. It also has regard to the Framework insofar as this seeks to secure economic growth (paragraph 18) while cautioning against protecting employment sites that have no reasonable prospect of being used for that purpose (paragraph 22). I am satisfied, therefore, that Policy EMP 1 meets the Basic Conditions.

5. Conclusions

Summary

- 5.1 The Hednesford Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.

Overview

- 5.4 The preparation of a neighbourhood plan is an exacting task involving people, many of them volunteers, in considerable work over a long period of time. The Town Council is to be commended for preparing a thoroughly researched Plan which ably tackles a number of planning issues that are of importance to the local community

R J Yuille

Examiner

Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Front Cover	<u>Neighbourhood Plan 2017 - 2028</u>
PM2	Policy TC 2 Page 22	In the highlighted list of uses add the words <u>cinema, concert hall and theatre.</u> In the following line add the following C1, and D1 <u>and D2.</u>
PM3	Policy TC 2 Page 22	<u>A good standard of amenity should be achieved including the provision of appropriate space at the rear for the storage of refuse bins.</u> <u>Appropriate space would need to be provided at the rear for the storage of refuse bins.</u>
PM4	Policy ROW 1 Page 26	Second line of policy <u>The Forestry Commission, the Cannock Chase SAC and the</u> Fifth line of policy <u>the Cannock Chase AONB and the Cannock Chase SAC while avoiding any adverse impacts on their natural heritage.</u>
PM5	Policy OS 1 Page 29	<u>Development of open spaces within the urban area identified on the proposals map in appendix 6 will not be permitted unless;</u>
PM6	Policy OS 1 Page 29	<u>will not be permitted unless;</u> <ul style="list-style-type: none"> • <u>in the case of small spaces within existing housing estates, this is associated with comprehensive estate redevelopment. In these circumstances, replacement open space of at least equivalent size and quality shall be provided as part of the redevelopment proposals; or</u> • <u>the open space is no longer</u>

		<p><u>need as an informal recreation area; or</u></p> <ul style="list-style-type: none"> • <u>the community benefits of redeveloping the open space outweigh its loss</u>
PM7	Policy OS 1 Page 29	<p><u>Landowners will be encouraged to maintain and enhance those open spaces that function as local visual amenities, wildlife corridors and areas of water storage and conveyance will be maintained and enhanced for these purposes in consultation with landowners.</u></p>
PM8	Appendix 6 Page 60	<p>Amend the list of Proposed Protected Open Spaces at Appendix 6 to include the following: <u>Verge on Heath Street opposite Hillside Close</u></p> <p>Show the location of this verge on a plan.</p>
PM9	Policy H1 Page 44	<p><u>Priority will be given to the building of bungalows where it is viable either as a component.....</u></p>
PM10	Policy H1 Page 44	<p><u>rights for extensions or limiting these to small extensions not exceeding 15 square metres, in order to.....</u></p>

