



The Old Mining College Centre
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Our Ref: GH/JM

06 February 2020

To: All Members of the Planning and Development Committee
[Councillors Birch [Chairman], Gittings [Vice-Chairman], Brown, Bullock, D Ennis, Flanagan,
Loughbrough Rudd, R Place, Taylor and Willis-Croft]

Dear Councillor

PLANNING AND DEVELOPMENT COMMITTEE

The Planning and Development Committee will meet in the **Ron Bradbury Room, The Old Mining College Centre, Queen Street, Chasetown, Burntwood** on **Thursday 13 February 2020 at 6:00 pm** to consider the following business.

Plans will be available for inspection at the Town Council's office during normal office hours and will be on display at the Old Mining College Centre on the day of the meeting.

Yours sincerely

Graham Hunt
Town Clerk

As part of the Better Burntwood Concept and to promote community engagement, the public now has the opportunity to attend and speak at all of the Town Council's meetings. Please refer to the end of the agenda for details of how to participate in this meeting.

Burntwood Town Centre Enhancements

Presentation by Mr Will Spencer, Connectivity Strategy Officer, Transport and the Connected County, Staffordshire County Council. Mr Spencer will provide an update on the proposed public realm study.

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTERESTS AND DISPENSATIONS

a) To receive declarations of interests and consider requests for dispensations, if any.

b) Planning Applications - General Declarations of Interest for District Councillors.

3. MINUTES

To approve as a correct record the Minutes of the Planning and Development Committee Meeting held on 09 January 2020 [Minute Nos. 51-56] **[ENCLOSURE NO. 1]**.

4. INFORMATION FROM THE MINUTES

Membership of the Planning Advisory Group and Neighbourhood Plan Task and Finish Group

Councillor Birch to confirm the membership of the Planning Advisory Group and Neighbourhood Plan Task and Finish Group.

5. PLANNING APPLICATIONS

To consider the enclosed schedule of planning applications **[ENCLOSURE NO. 2]**.

6. LOCAL PLAN REVIEW

Members are asked to note the response by Burntwood Town Council to the Lichfield Local Plan Review dated 22 January 2020 **[ENCLOSURE NO. 3 - FOR INFORMATION ONLY]**.

7. NEIGHBOURHOOD PLAN TASK AND FINISH GROUP : MINUTES

To approve as a correct record the Minutes of the Neighbourhood Plan Task and Finish Group Meeting held on 22 January 2020 [Minute Nos 5-9] **[ENCLOSURE NO. 4]**.

8. INFORMATION OR ITEMS FOR NEXT MEETING

PUBLIC FORUM

30 minutes will be set aside at the beginning of this meeting for you to raise issues relevant to the remit of the meeting but are not already on the agenda. So that the Members of the meeting can be properly briefed in order to enable them to provide considered response to your question, please advise the Town Clerk of the question[s] you wish to ask the Council at least three working days before the meeting. The Chairman of the meeting has the right to reject any representations that he/she considers not to be appropriate for the particular meeting.

The public forum session will usually be the first item on the agenda and normally will last up to 30 minutes. In some instances, it may not be possible at the meeting to provide an answer. Where that is the case a written response will be sent to your stated address and a copy will be made available for public inspection at the Town Council's offices.

With regard to planning applications the Chairman also has the discretion to allow you to speak where you have a legitimate interest in the application. Again, you will need to give 3 working days' notice of your wish to speak. Where more than one person wishes to speak on a particular application the Chairman may decide to limit the number of speakers or ask for a spokesperson to be appointed.

Generally, in respect of both speaking in the public forum and to specific planning applications you will have up to 3 minutes and can raise more than one issue. However, the Chairman has the option to extend the time allowed to you if they think it is appropriate.

While audio and video recordings of this meeting are entirely legal, as a matter of courtesy to Town Council members who work for this town and this Council on a voluntary basis, we would be grateful if you would let the Clerk or the Chairman know beforehand.

**MINUTES OF A MEETING OF THE PLANNING AND DEVELOPMENT COMMITTEE
HELD AT THE OLD MINING COLLEGE CENTRE, QUEEN STREET, CHASETOWN, BURNTWOOD ON
THURSDAY 09 JANUARY 2020 COMMENCING AT 6.00 PM**

PRESENT

Councillor Birch [in the Chair]

Councillors Brown, D Ennis, Gittings, Loughbrough Rudd, R Place and Willis-Croft

In attendance

Ms J Minor, Deputy Clerk

One member of the public

PUBLIC FORUM

There were no questions raised by members of the public.

51. APOLOGIES FOR ABSENCE

Councillors Bullock, Flanagan and Taylor [dispensation].

52. GENERAL DECLARATIONS OF INTERESTS AND DISPENSATIONS

All District Councillors present wished it to be recorded that their views were a preliminary view and one they may change when they hear all the evidence at the District Council's Planning Committee.

53. MINUTES

It was proposed by Councillor D Ennis, seconded by Councillor Loughbrough Rudd and following a unanimous show of hands it was

RESOLVED That the Minutes of the Planning and Development Committee Meeting held on 11 December 2019 [Minute Nos. 42-50] be approved as a correct record.

54. INFORMATION FROM THE MINUTES

Local Plan Review

Councillor Birch made reference to Minute No. 49 referring to the Local Plan Review and, as no submissions had been received from other Councillors, he stated that he would be drafting out a submission within the next few days [the consultation runs until 5pm on Friday 24 January 2020]. Councillor Birch stated that the draft submission would be forwarded to all Councillors for their comments however he explained that there would be a bit of discrepancy between the submission by BAG [Burntwood Action Group] and his draft submission [will not be a match up].

Councillor D Ennis explained that he had not made representations as he sits on the Local Plan Scrutiny Committee at Lichfield District Council.

Southwinds Nursing Home, 17 Chase Road, Burntwood

Councillor Birch made reference to planning application 19/01162/COUM - Change of use from residential care home [class C2] to 11 no. flats [class C3] at Southwinds Nursing Home, 17 Chase Road, Burntwood. Councillor Birch informed Members that following the submission of amended plans to remove the rear dormer and one flat planning permission was granted by Lichfield District Council's Planning Committee on 16 December 2019 subject to the following conditions:

- [a] That planning permission be approved subject to the owners/applicants first entering into a Unilateral Undertaking under the Town and Country Planning Act [as amended] to secure contributions/planning obligations towards the Cannock Chase Special Area of Conservation; and
- [b] If the Unilateral Undertaking is not signed/completed by the 1 February 2020 or the expiration of any further agreed extension of time, then powers be delegated to officers to refuse planning permission based on the unacceptability of the development without the required contributions and undertakings as outlined in the report.

55. PLANNING APPLICATIONS

RESOLVED That the following comments be submitted to the Local Planning Authority:

- | | | | | |
|-----|--------------|-------------------------------|---|---|
| (a) | 19/01664/FUL | Summerfield
and All Saints | Southmill Country Homes Ltd
2 Grange Avenue
Burntwood | Erection of 1 no. three
bedroom bungalow
and associated external
works |
|-----|--------------|-------------------------------|---|---|

No objection.

- | | | | | |
|-----|--------------|-------------------------------|---|---|
| (b) | 19/01709/COU | Summerfield
and All Saints | Mr C Rowles
Unit 6
Swan Corner Shopping Centre
Chase Road
Burntwood | Change of use from
betting office [sui
generis] to tanning
salon [sui generis] |
|-----|--------------|-------------------------------|---|---|

No objection.

- | | | | | |
|-----|--------------|--------------------------|---|---|
| (c) | 19/01719/OUT | Boney Hay
and Central | Mrs J Green
75 Spinney Lane
Burntwood | Outline permission for
demolition of existing
dwelling and erection
of 2 no. dwellings [all
matters reserved] |
|-----|--------------|--------------------------|---|---|

Whilst there are no objections to the principle of the works, the Local Planning Authority must be mindful to consider the comments made by neighbours and in particular the Development Team Support, Arboriculture regarding the submission of a tree report in order that a robust assessment can be made relating to a number of large trees potentially affected by the proposal and the comments made by the Environmental Health Team that during the period of

construction of any phase of the development, no works including deliveries shall take place outside the following times: 0730 - 1900 hours Monday to Friday and 0800 - 1300 hours on Saturdays and not at any time on Sundays, Bank and Public Holidays [other than emergency works].

(d)	19/01747/FUH	Summerfield and All Saints	Mr and Mrs R Watts 1 Hudson Drive Burntwood	Two storey extension to side and single storey extension to rear
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Whilst there are no objections to the principle of the works, the Local Planning Authority must ensure that the proposed extensions are within the guidelines for permitted size of development [footprint].

56. INFORMATION OR ITEMS FOR NEXT MEETING

Councillor Birch advised Members that Mr Will Spencer, Connectivity Strategy Officer, Transport and the Connected Country, Staffordshire County Council would be providing an update on the proposed public realm study [Burntwood Town Centre enhancements] at the next Planning and Development Committee Meeting [13 February 2020].

Councillor Birch advised Members that the next meeting of the Planning Advisory Group is scheduled to take place on 10 February 2020.

Councillor Birch made reference to the Neighbourhood Plan Task and Finish Group and explained that in the case of openness, transparency and accountability, he felt that as the Group feeds into the Planning and Development Committee he should not be a Group member. Councillor Birch advised Members that the next meeting of the Neighbourhood Plan Task and Finish Group is scheduled to take place on 22 January 2020 and that Councillor Westwood on this occasion would substitute for himself [he would continue to attend the Group meetings but as an observer only]. Councillor Birch confirmed that the Neighbourhood Plan Task and Finish Group membership would be an item on the next Planning and Development Committee Meeting Agenda [13 February 2020].

[The Meeting closed at 6.18 pm]

Signed

Date

Planning and Development Committee: Applications for Consideration: 13 February 2020

	Application No.	Ward	Site	Proposal
(1)	19/01768/FUH	Summerfield and All Saints	Mr P Terry 63 Elder Lane Burntwood	Two storey extension to front
(2)	19/01767/FUH	Chase Terrace	Mr A Myatt 17 Ironstone Road Burntwood	Two storey extension to rear
(3)	19/01757/FUL	Boney Hay and Central	Mr C Wilkinson 235 Rugeley Road Chase Terrace	Erection of 1 no. freestanding outbuilding to accommodate water tanks and pump
(4)	19/01735/DEM	Chasetown	Bromford Housing Garages at Sycamore Road and Cherry Close Burntwood	Prior Notification : Demolition of 10 brick built garages
(5)	19/01743/FUH	Boney Hay and Central	Mr A Silvester 6 Melford Rise Burntwood	Single storey extension to front
(6)	20/00047/FUH	Gorstey Ley	Mr D Hood 10 Stour Close Burntwood	Erection of detached garage to front
(7)	20/00080/FUH	Chase Terrace	ATA Design 65 Kingsdown Road Burntwood	First floor extension to side and single storey extension to rear replacing existing conservatory
(8)	20/00014/FUL	Chasetown	Mr I McKay 28 Bridge Cross Road Burntwood	Demolition of existing dwelling and erection of 1 no. replacement four bedroom dwellinghouse
(9)	20/00104/FUH	Chase Terrace	Mr and Mrs Thompson 74 Cannock Road Chase Terrace	Single storey extension to rear to replace existing conservatory

Response by Burntwood Town Council to the Lichfield Local Plan Review – 22nd January 2020

1. Burntwood Town Council (BTC) would like to make the following submission in response to the Local Plan Review currently taking place and which is of particular interest to the people of Burntwood in the context of the future development and sustainability of the town.
2. The main concern for residents of Burntwood and BTC is the lack of investment in infrastructure, which has been prevalent over many years with investment being clearly seen in other local areas such as Lichfield and Cannock. In comparison to those nearby areas, Burntwood appears to have seen a degradation over the years with facilities locally failing to keep pace with the increase in population and respective increase in housing allocations. Health care facilities are significantly reduced, retail allocation is limited and school places are coming under increasing pressure. Public transport is now non-existent in some areas of the town and significantly reduced when compared to the level of service provision some years ago and elsewhere in the area. Burntwood is also lacking in a clearly identifiable and well-developed town centre which could be seen as the location of community focus for events and facilities.
3. Future areas earmarked as suitable for housing development are also of primary concern. Burntwood is a discreet but significant town, separated from the surrounding conurbations by Green Belt specifically to guard against the threat of urban sprawl. The Green Belt also provides a number of secondary functions in addition to and incidental to maintaining the boundaries of the town. It helps to provide open space that enhances the amenity and leisure opportunities for the residents and visitors to Burntwood. It also acts as a significant haven for wildlife and the development of the Green Belt does not occur without significant environmental and ecological detriment, as well as the social and leisure impact. For this reason, the response from BTC will reflect the overwhelming wish of Burntwood residents that the Green Belt boundaries surrounding the town should remain as is, with there being no exceptional case clearly identified for change with the evidence currently being put forward.
4. The NPPF gives 5 primary purposes of the Green belt:
 - (a) to check the unrestricted sprawl of large built up areas;
 - (b) to prevent neighbouring towns merging into one another;
 - (c) to assist in safeguarding the countryside from encroachment;
 - (d) to preserve the setting and special character of historic towns;
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5. All of the above points could be not only considered to be, but are proven to be relevant to the Green Belt that currently surrounds Burntwood. Points a and b are obvious as crucial safeguards to prevent the coalescence of Burntwood with Norton Canes, Heath Hayes, Lichfield and Brownhills. Point c is highlighted above in terms of Burntwood's character as a semi-rural town surrounded by farmland, woodland, heath, Special Areas of Conservation and the area of Outstanding Natural Beauty that is Cannock Chase to the north and Chasewater to the west. With regards to point d, whilst it could be argued that Burntwood does not enjoy the status of an historic town, it does have a rich history as a mining town with its own character and mix of more modern and historic buildings of local interest and significance. Any development on Green Belt land also threatens to encroach on the boundaries of the historic City of Lichfield to the east or many of the characterful and unique villages that surround Burntwood such as Gentleshaw, Chorley and Hammerwich (home of the Staffordshire Hoard), all of which have their own history and sense of community. The Green Belt does not only serve to protect Burntwood but also these other areas. Point e will be evidenced in this document with regards to the large areas of Brownfield that are still present in Burntwood but also in the wider District, which are in need of regeneration before the release of Green Belt land is even considered for development.
6. Within the boundaries of the town there are a number of locations where there is land which could be available for development but which are clearly underutilised or derelict. The residents and businesses of Burntwood have requested and been promised investment and development for many years, but this has rarely been forthcoming. Much of this is due to the owners of land not being fully engaged with the Town, District and County Councils in addition to there being no willingness from either side to invest in the area. The lack of a Neighbourhood Plan has also meant there has been little opportunity for BTC to set the parameters for future development and sustainability. Burntwood's Neighbourhood Plan is now nearing completion and as such it is imperative that the view of the people of Burntwood, as expressed in that plan, should form the strategic basis of future development.
7. The Local Plan needs to respect the Burntwood Neighbourhood Plan and not be used to bypass the wishes of the community. BTC accepts the requirements for additional housing under the Duty to Cooperate, but it is felt that there are still significant areas of undeveloped or underdeveloped land already within the town boundaries to facilitate this need. This ensures the exceptional circumstances required to justify removal of land from the Green Belt does not currently exist.
8. BTC recognises the strength of feeling with regards to the apparent moves by developers and landowners to bring the land around Coulter Lane in land allocations B2 and SM6 forward as areas of potential future housing development. There is rightly, particular opposition to this from the Burntwood Action Group (BAG) and the local residents in that area of Burntwood and BTC share those concerns. However, it is clear to BTC that many of the arguments put forward by BAG against developments in the eastern side of Burntwood

are not necessarily balanced with the needs of residents in other parts of the town. There is an apparent push from BAG to see all development located elsewhere in Burntwood where it does not impact as significantly on those living in the area BAG members are predominantly based in the St Matthews and Church Farm Estate areas. This approach is biased against residents in other areas of Burntwood and this is not an ethos which is acceptable to BTC who need to emphasise that all areas of the town will need to see its fair share of development.

9. BTC exists to serve the people of the whole town and will work to ensure the needs of all are met as far as is possible through the development and review of a town development strategy as expressed in the Neighbourhood Plan. This is of particular importance as it is imperative that Lichfield District Council take a balanced view of the needs of the whole town and do not sacrifice one area to appease objectors in another. BTC maintain the position that all of the Green Belt areas around the town are currently not suitable or appropriate for future development and that the locations of future provision and in particular affordable housing, should be distributed across the town in suitable sites and not just on the western side of Burntwood. In order to create and sustain a good demographic mix within the community it is essential that opportunities are identified and then acted upon to provide affordable housing across the whole of Burntwood. This must also recognise the need of an ageing population to downsize their properties as well the requirement for younger people and families to have starter homes and affordable rental properties.

10. The Burntwood Neighbourhood Plan is designed to identify areas throughout Burntwood that should be protected from excessive over development, those areas which need further investment, those which can be allocated to meet future housing, business and retail needs and those areas where our infrastructure and facilities will be based to meet the future needs of the community in a sustainable and balanced manner. The Neighbourhood Plan will be able to give a holistic and strategic development plan for the whole town. Facilities will be conveniently located and accessible for all and when housing developments are necessary, they will be located according to the best outcome for the town as a whole. The Neighbourhood Plan will ensure development locations will not be unduly influenced by any one group seeking to protect their own interests to the detriment of others. The NPPF is clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified. BTC will seek to protect the Green Belt through the Neighbourhood Plan and accept no current justification for changes to boundaries whilst there is still a considerable amount of Brownfield land available to be developed. We do not feel that the unwillingness of developers to work with Brownfield land for reasons of profit maximisation justifies any need to remove land from the Green Belt. BTC feel that the Neighbourhood Plan sets out the wishes of the people of Burntwood and the Local Plan Review should also reflect those wishes, ensuring that future development is achievable, sustainable and meets the needs of residents and businesses alike.

11. BTC is pleased with the recognition in the plan in Policy B1 : Burntwood Economy: “The development and modernisation of established shops, facilities and services will be actively encouraged as a means of delivering an appropriate town centre.”. We remain concerned however at the lack of any credible commitment from Lichfield District Council or Staffordshire County Council to invest in Burntwood. Lichfield District Council has spent tens of millions of pounds on Lichfield City Centre and has committed to spend many millions more, yet this plan does little more than “encourage”. This is simply not good enough and is not reflective of the needs of the community or the amount of income generated for Lichfield District Council and Staffordshire County Council from the Council Tax and business rates gathered from the town. With a population approaching 30,000 residents, plus the needs of businesses and visitors, Burntwood needs to see not just housing but business opportunities and the associated employment being attracted to the town. This will need a strategic and committed approach to investing in and developing the necessary industrial and commercial centres.

12. There are a number of clearly identifiable Brownfield areas such as the Blue Hoarding sight and other areas around the town and in the vicinity of Sankeys Corner. There are also some not so obvious Brownfield sites that would bring development opportunities to the area such as the former trotting track at Chasewater where a large building once stood on the land and where the area has been left untended for some considerable years. This area is largely overlooked and yet it benefits from excellent road network links just off the A5 trunk road. This could offer a significant opportunity to accommodate businesses or hotel accommodation but it is not mentioned in the Local Plan.

13. Chasewater Country Park is the Jewel in the Crown of Burntwood and again it offers opportunities for development as a significant leisure resource for Burntwood, Lichfield District and beyond. It is disappointing to see a lack of acknowledgement in the Local Plan for Chasewater and the strategic importance it has for leisure, wellbeing and tourism. It is of note that it is entirely absent from Section 16 Our Natural Resources. This evidences the bias of the plan against the importance of Burntwood and Chasewater as a natural resource and local amenity.

14. The demographics of the area suggest an ageing population which will make reliance on public services even greater over time, particularly health and public transport. It is imperative that provision of essential services is not just written into the local plan but is deliverable. So far this has been proven to not be the case with a distinct lack of interest in Burntwood by the District and County Councils. There are concerns that some of the points raised in the Local Plan in relation to Burntwood appear to make promises as sweeteners that in reality Lichfield District Council will be unable to deliver. The provision of public transport is not within the gift of the District Council and yet it states: “Development should create new public transport nodes”. Burntwood has no rail service and there are many bus stops around the town which are never visited by a bus. Lichfield District Council has previously shown no interest in promoting or sustaining public and community transport so, whilst desirable, it is difficult to see how this will make a difference going forward if privately

owned public transport companies do not wish to invest in providing a service. The strategic Policy OST2 : Sustainable Travel outlines supporting measures for Lichfield's needs but does not even mention Burntwood so any credibility in the claims regarding public transport for Burntwood is lost.

15. There is a strategic objective and priority to provide an enlarged and improved town centre for Burntwood but there have been no improvements or investments forthcoming from Lichfield District or Staffordshire County Councils in the recent past. Whilst welcome in the Local Plan, there is significant suspicion that points such as these are included to soften the blow for any significant increase in housing, but with no real intention of delivering the additional facilities required to support the community. BTC agree that significant investment in public transport and a substantial and credible town centre is a priority consideration for a sustainable town, but also feel the detail in the plan should recognise that the service provision will be dependent upon specific investment from Lichfield District Council and Staffordshire County Council. Without the proper investment within Burntwood, this will not be deliverable. Therefore, there needs to be some detail about the future vehicle for investment or a commitment that the District Council and County Councils will put investment into Burntwood and the timescales over which such plans should reasonably be expected to come to fruition. Clarity is needed around whether these plans are aspirations or intentions. The people of Burntwood have heard many aspirations from Lichfield District Council only to see investment directed solely towards Lichfield City. The Local Plan needs to give a clear commitment to developing a fit for purpose Burntwood Town Centre that will deliver on the needs of residents, bring business and employment opportunities and offer some residential space and a well serviced public transport hub. The type of retail development must be capable of providing for the needs of Burntwood's community so that residents do not have to travel any great distance to meet their everyday requirements. Whilst appearing aspirational, there is no credible commitment to delivering this in the Local Plan.

16. BTC notes and acknowledges its responsibility under the District Council's duty to cooperate in taking its share of the housing allocations which currently stand at 838. There is a need to emphasise that the future development must comprise significant numbers of affordable housing to meet the needs of the future population and to allow movement through the housing market as people and families progress through the various stages of life. BTC and the wider community will not accept developments of executive housing on Green Belt or Brownfield land, nor developers reducing the numbers of affordable dwellings on Brownfield sites in order to maximise profits. Executive housing developments do nothing to address the housing needs of the community and serve only to change the character of the area whilst maximising profits for those with no interest in the sustainability of the town. We welcome the figures for affordable housing, detailed in Strategic Policy OHF2, but would like to see more determination to deliver those figures rather than what is described as "seek to deliver". There needs to be an absolute commitment in the Local Plan that there will be a strategic ethos to ensure sustainability and balance across the needs of all the community. This is essential if the town is not to become predominantly a commuter town for the West

Midlands, in which case it is highly likely to lose its sense of community and sustain consequent detriment to the wellbeing of its residents.

17. Strategic Policy OHF4 states that the council will seek affordable housing on each site “to the highest level viably possible”. There is a clear planning history within the District of developers successfully arguing the case for reduced numbers of affordable housing on their developments due to the costs they claim they will incur. As such this policy should be more robust to give the Planning Committee the tools it needs to refuse applications where the needs of the District are not met according to the policy. It is often the case that developers can circumvent the need to provide higher levels of affordable housing by citing the costs involved in the decontamination and development of Brownfield areas. They still however manage to make significant profits from the development of such areas and the District Council needs to ensure it is they who decide what is economically viable and not the developers who have significantly different criteria.
18. BTC welcome the Local Plan Review in the main. However, we need to be absolutely clear that the residents of Burntwood have had enough of being the poor relation and the Local Plan must ensure it is capable of delivering a sustainable community fit for future generations and avoids the destruction of the natural environment surrounding the town. It must give the relevant planning authorities the tools they need to deliver the aspirations outlined in both the Local Plan and the Neighbourhood Plan for Burntwood. It is disappointing that there is not a single mention in section 19, specifically detailing the plan for Burntwood, of any collaborative approach to development with Burntwood Town Council which appears to be irrelevant in the context of this Local Plan. This is in spite of the Town Deal agreement between the three Councils and the fact that discussions continue about the transfer of some current obligations from the control of Lichfield District Council to Burntwood Town Council, such as parks, open spaces and public toilets.

Cllr Robert Birch,

Chair of Planning and Development,

Vice Chairman,

On behalf of Burntwood Town Council.

**MINUTES OF A MEETING OF THE NEIGHBOURHOOD PLAN TASK AND FINISH GROUP
HELD AT THE OLD MINING COLLEGE CENTRE, QUEEN STREET, CHASETOWN
ON WEDNESDAY 22 JANUARY 2020 COMMENCING AT 6:00 PM**

PRESENT

Councillor Norman [in the Chair]
Councillor Evans, Flanagan, Westwood and Willis-Croft

Mr Chamberlain, Mrs Fletcher, Pastor Lewis, Mr Stanley and Mrs Taylor

In attendance

G Hunt, Town Clerk
Ms J Minor, Deputy Clerk
M Wellock, Kirkwells Consultancy
Councillor Birch
One member of the public

5. APOLOGIES FOR ABSENCE

Councillors Banevicius and Loughbrough Rudd.

6. DECLARATIONS OF INTERESTS AND DISPENSATIONS

None declared.

7. MINUTES

It was proposed by Councillor Norman and following a unanimous agreement it was

RESOLVED That the Minutes of the Meeting of the Neighbourhood Plan Task and Finish Group held on 21 June 2019 [Minute Nos. 1-4] be received and approved.

8. RESPONSE TO THE QUESTIONS RAISED BY THE INSPECTOR

Councillor Norman welcomed everyone to the meeting and explained that it was usual practice for an examiner to raise questions at this stage. Some of the questions raised were errors in the text and some were for clarification purposes to aid better understanding of the neighbourhood plan and to support the examination process as a whole. Councillor Norman stated that this could be the last meeting of this Task and Finish Group as the next stage following this examination was the referendum. Following the Plan being made, the Plan will need to be updated in the future in line with Lichfield District Council's Local Plan Strategy, Local Plan Allocations Document and other material considerations including the National Planning Policy Framework [NPPF] however this may not be this Task and Finish Group [that would be a decision for the Council].

Councillor Norman explained that the Task and Finish Group would go through the points raised by the examiner [APPENDIX A] point by point taking into account the responses provided by Mr Wellock.

Question [1] European Obligations – matter for clarification by Lichfield District Council

In respect of [2] the Group agreed with the recommendation made by Mr Wellock.

Question [2] Comment on Regulation 16 Representations

In respect of [3] and [4] the Group agreed with the recommendation made by Mr Wellock.

Question [3] Policy B1

Mr Stanley made reference to being too vague and/or too descriptive. Mr Wellock stated that whilst he agreed with not being too descriptive the Plan he felt needed to provide clarity when making reference to specific sites. Councillor Evans stated that retail today is a different picture to when the Plan was first started and that we needed to look at retail in a different prospective. Councillor Norman felt that we needed to be realistic, however we still wanted retail.

Mr Stanley asked if it was the examiner's job to make comments on the deliverability of the Plan. Councillor Norman stated that it was the examiner's job to make sure that the Plan fits in with current legislation [Lichfield District Council's Local Plan Strategy, Local Plan Allocations Document and other material considerations including the National Planning Policy Framework [NPPF] etc].

Mr Wellock stated that there were basic conditions that it needed to comply with e.g. the District Council's emerging Local Plan and the National Planning Policy Framework (NPPF). Mrs Taylor felt that if the Plan had to adhere strictly to Lichfield District Council policies and the NPPF it did not make sense to her. Mr Stanley stated that the Plan needed to be distinctive but needed to conform to these other documents.

In respect of [5] and [6] the Group agreed with the recommendation made by Mr Wellock.

In respect of [7] Councillor Norman said that he could not find a reference to this and in any case the Primary Care Trusts were abolished in 2010 and this probably referred to a replacement for the Salters Meadow Surgery building. He said that he had been in touch with the NHS Property Services recently over the promised replacement for the temporary building housing the Burntwood Health and Wellbeing Centre next to the Leisure Centre. He said this was in addition to the new health centre plan at Greenwood House facility. The Group agreed with the recommendation made by Mr Wellock.

In respect of [8] and [9] the Group agreed with the recommendation made by Mr Wellock.

Question [4] Policy B3

Councillor Norman made reference to the shops currently at Ryecroft Shopping Centre and Morley Road Shopping Centre. Mrs Taylor made reference to the regeneration of the high street funding available and Mr Wellock said that everyone is concerned about the loss of retail [national chains are pulling out of towns and the loss of retail floorspace will not comeback] however the Plan still needs policies to limit the change from retail to residential. Mr Chamberlain stated that we must recognise that Burntwood will not now get a Town Centre however we cannot afford to lose any more shops.

Councillor Westwood explained that a business forum called Burntwood Business Community had been originally set up to progress projects including improving road signage, new welcome signs in key retail areas and better promotion and marketing. The BBC worked with Burntwood

retails to shape plans for how to invest £50,000 share of the High Street Innovation Funding to boost the local area. All local Burntwood traders were welcome to join the BBC. Councillor Westwood stated that only approximately just over £1,000 of the funding was left and that we cannot force businesses to set up in Burntwood.

In respect of [10], [11], [12], [13] and [14] the Group agreed with the recommendation made by Mr Wellock.

Question [6] Policy B5

Councillor Norman stated that we need to save what we have however there was no such wording as “building lines” in planning terms. Mr Stanley said that we needed an element of balance and the Town Clerk stated that some of the current retail units were too small to retain retail use however if you start to interfere with the architecture of the building there is the risk that you could lose the local character.

In respect of [15], [16], [17], [18], [19] the Group agreed with the recommendation made by Mr Wellock.

Mr Wellock explained that in respect of national policy the word “major” is 10 or more houses or 1,000 square metres for non-residential.

In respect of [20], [21] and [22] the Group agreed with the recommendation made by Mr Wellock.

In respect of [23] Councillor Norman said that Mr Wellock was disagreeing with the comments made by the examiner and the Group agreed with the recommendation made by Mr Wellock.

In respect of [24] the Group agreed with the recommendation made by Mr Wellock.

In respect of [25] Mr Wellock said that the evidence is there and listed and made reference to different website groups. Councillor Evans stated that it had been difficult in the past for Lichfield District Council to “list things” however the District Council were now looking at this. The Group agreed with the recommendation made by Mr Wellock.

Question [8] Policy B7

In respect of [26] and [27] the Group agreed with the recommendation made by Mr Wellock.

Question [9] Policy B8

In respect of [28] the Group agreed with the recommendation made by Mr Wellock.

Question [10] Policy B11

In respect of [29] Members were informed that Lichfield District Council had stated that Policy 11 should be removed from the Plan as Policy B11 effectively repeats Core Policy 10 of the Local Plan Strategy [open spaces within the District are afforded protection through Core Policy 10 of the Local Plan Strategy]. The Group agreed with the recommendation made by Mr Wellock.

In respect of [30] the Group agreed with the recommendation made by Mr Wellock.

In respect of [31] Councillor Norman said that he could not find reference to this. Mr Wellock said that this followed a consultation submission received in respect of Bleak House Farm where

the map had mistakenly included a parcel of land described as open space when in fact it was in private ownership. The Group agreed with the recommendation made by Mr Wellock.

In respect of [32] the Group agreed with the recommendation made by Mr Wellock.

Mrs Taylor stated that Chasetown Memorial Park was not listed. Mr Wellock confirmed that the Park was included in the Identified Open Spaces list [Appendix 2 of the Plan].

Pastor Lewis made reference to [9] and in particular the multi-fundamental hub. The Town Clerk would liaise with Pastor Lewis regarding his project.

9. UPDATE ON NEIGHBOURHOOD PLAN TIMETABLE

Members were informed that the Plan would go back to the District Council for their views and comments and then hopefully go to the referendum stage.

[The Meeting closed at 6:53 pm]

Signed

Date

Burntwood Neighbourhood Plan Examination

Recommended Response to Request for Clarification from the Examiner

Introduction

1. The Burntwood Neighbourhood Plan examiner wrote on the 4th December 2019 to the Town Council and Lichfield District Council. This letter included a series of questions where the examiner seeks clarification in order to (a) aid better understanding of the neighbourhood plan; and (b) to support the examination process as a whole. This report sets out each of the examiner's questions and puts forward a recommended response for consideration by the Neighbourhood Plan Committee before a formal Town Council response is returned to the examiner.

Examiner's Questions

Question 1) European Obligations – matter for clarification by Lichfield District Council (LDC)

2. Lichfield District has been asked to confirm that it is satisfied that the Neighbourhood Plan is compatible with European obligations. **Recommendation 1: No action, LDC to respond.**

Question 2) Comment on Regulation 16 Representations

3. The examiner comments that the Neighbourhood Planning Independent Referral Service (NPIERS) Guidance Paragraph 1.11.4 states that:

“The qualifying body will normally be given the opportunity to comment on the representations made by other parties...This may be particularly important where the matters concerned have not been raised at Regulation 14 stage. The opportunity for the qualifying body to comment on representations could be incorporated within an independent examiner's clarification note...”
4. The examiner asks “Consequently, whilst not a requirement, I confirm that, in responding to this letter, there is an opportunity for Burntwood Town Council to comment on any of the representations made during Regulation 16 consultation, should it wish to do so.” **Recommendation 2: None of the matters raised at the Regulation 16 consultation require further comment from the Town Council, unless referred to elsewhere in this report. No action.**

Question 3) Policy B1

5. Do you agree with Lichfield District Council's representation in respect of Policy B1 ? LDC comment that: "Generally support the thrust of the policy and the desire to deliver a larger and improved town centre. This is supported within the adopted local plan. However, as has been commented upon previously, there is concern that the policy as drafted may be too prescriptive in terms of the exact uses to be included within the site. There may be questions over the deliverability of elements of the policy. The explanatory text to the policy provides limited information in terms of the deliverability and whether the proposals are realistic. The NPPF requires plans to be aspirational yet realistic and therefore there should be greater justification to the policy." Consequently, LDC suggest: *"Given the changing nature of town centres and high streets nationally it may be that a mixture of retail, residential, leisure, employment and commercial uses could be appropriate. The neighbourhood plan will support the sustainable development of the town centre."* **Recommendation 3: The Town Council agree with the view set out by LDC in relation to Policy B1 and the changes as set out in LDC's Regulation 16 response.**
6. The Policy appears prescriptive – please can you point me to evidence that the approach set out, which appears to restrict the uses supported, is deliverable ? The Burntwood Neighbourhood Plan sought to set out a clear and at the same time flexible future for Burntwood Town Centre. It is acknowledged that the LDC Site Allocations Plan now only identifies a town centre boundary within which a range of uses, including residential will be acceptable. Whilst it is now accepted by the Town Council that a greater degree of flexibility needs to be shown in Policy B1 (see Recommendation 3 of this report) it is also considered that a greater degree of certainty needs to be given through the planning system that key development opportunities will be brought forward, particularly given the local community's comments during consultation on the neighbourhood plan. The Town Council consider that the elements of Policy B1 that are "prescriptive" are part (a) Sankey's Corner and part (c) Sites A and B. To address LDC's and the examiner's concerns and to provide a degree of certainty the Town Council would prefer to see the allocations retained but the uses broadened out to include main town centre uses as defined in the NPPF and residential and employment uses. Such an approach removes any deliverability concerns. **Recommendation 4: The Town Council agree Policy B1 should show greater flexibility, but to retain community confidence that key site -specific issues will be addressed the site-specific allocations should be retained on the Policies Map.**
7. Do you agree with the comment that the requirement for a Health Centre should be dropped from Site B, given that the site was rejected by the Primary Health Care Trust ? Reference to the health centre is included for part (a) of the policy Sankey's Corner. **Recommendation 5: Matter to be clarified with examiner.**

8. Do you agree with the comment made in a representation that the Policy for Site B should include scope for residential development as part of the mix ? Yes.

Recommendation 6: This point is now addressed in Recommendation 4.

9. Please can you point me to information to demonstrate how the delivery of the proposals identified at the bottom of page 37 and top of page 38 will “be prioritised” ? The Town Council acknowledges that proposals 1 to 3 are within the remit of other public and private sector bodies. To address this the preamble to this section of Policy B1 should be amended to read “ Within Burntwood Town Centre the Town Council will work with relevant public sector bodies and private companies and landowners to bring forward the following over the plan period”. The community hub at Emanuel Church is being promoted by the Church, who have been represented on the Neighbourhood Plan Committee.

Recommendation 7: Amend Policy B1 to read “ Within Burntwood Town Centre the Town Council will work with the relevant public sector bodies and private companies and landowners to bring forward the following over the plan period”.

Question 4) Policy B3

10. The four Neighbourhood Centres together cover large areas which include existing residential uses. Policy B3 appears to support only a very limited range of uses within these areas and does not support residential development. Please can you point me to evidence that justifies the apparently prescriptive and restrictive approach of Policy B3? The Town Council do not consider that the neighbourhood centres cover large areas or that Policy B3 only supports a very limited range of uses. The neighbourhood centres were identified after a local walkabout and workshop and cover the main retail/commercial/community hearts of the local neighbourhoods. To allow for a greater degree of flexibility the Town Council would be willing to accept amendment to the policy to manage new residential development at ground floor level. **Recommendation 8: Amend Policy B3 to set out circumstances when new residential development would be acceptable at ground floor level.**

11. Please can you point me to information in respect of how “health and vitality” will be measured, who by and on what basis, in respect of any proposal for a non-retail use within a key retail frontage ? The Town Council acknowledge that the phrasing is vague. This should be expanded as follows “when considered in relation to the individual and cumulative loss of retail units and the number of non-retail units in an existing retail frontage”. The assessment of health and vitality would be measured by LDC as local planning authority as part of the planning application process e.g. overall loss of retail units, breaks in retail frontages, loss of key retail units, such as local supermarkets. **Recommendation 9: Amend Policy B3(1) as follows: “when considered in relation to the**

individual and cumulative loss of retail units and the number of non-retail units in an existing retail frontage”.

Question 5) Policy B4

12. Please can you point me to information justifying the Policy requirement for a shop to remain vacant whilst it is marketed ? Would it be reasonable for an unviable shop to seek to attain at least some income whilst being marketed ? Please can you point me to evidence that in all circumstances, leaving a shop vacant for 12 months “is not too long a period...to deteriorate or become a negative feature in the local area” ?
13. This is not the policies intention. The Town Council suggest that Policy B4a is re-worded as follows: “The shop(s) have been vacant for an extended period of time (a minimum of 12 months). During this time, the applicant should be able to demonstrate that premises have been actively marketed for retail uses, including in the neighbourhood plan area, and that that marketing has failed to find a new retail owner or tenant.” **Recommendation 10: Amend Policy B4a as follows: “The shop(s) have been vacant for an extended period of time (a minimum of 12 months). During this time, the applicant should be able to demonstrate that premises have been actively marketed for retail uses, including in the neighbourhood plan area, and that that marketing has failed to find a new retail owner or tenant.”.**
14. Point (b) covers a different eventuality where a shop unit may have deteriorated beyond economic repair, whether through being vacant, or another cause e.g. structural faults or fire. This would be assessed by LDC as local planning authority. **Recommendation 11: No change.**

Question 6) Policy B5

15. Do you agree with Lichfield District Council’s comments re: this Policy ? LDC commented as follows:
- **Policy B5 – Enhancing the Identity and Distinctiveness of Local Neighbourhoods:** As noted within the council’s representation to the pre-submission consultation there is concern that as drafted the policy excludes the possibility of contemporary design and/or the use of modern materials. The policy should focus on the use of high quality design and materials and that such design responds well or is informed by the local character whilst ensuring this is not confined to traditional design and materials. Policy B6 provides better support where it states, “proposals should be designed in such a way that the best of the varied local building styles in the Burntwood neighbourhood area is used to inform new design”. Such text could be incorporated into policy B5 to ensure that it does not exclude good quality contemporary design.

- Consider that criteria a) could be re-worded to put a greater emphasis on sizes, forms and building lines above materials to ensure the emphasis of the policy is on design. Suggest criteria a) be changed to the following:

“An assessment of traditional, local building designs including sizes and forms, building lines, characteristic features and building materials. The use of more contemporary designs including, building sizes and forms, building lines and materials can be considered as part of a sympathetic and complementary design solution”

- Consider that criteria b) could be re-worded as follows, as there is concern as drafted the policy appears to condone the demolition of historic buildings or that these features mentioned are frequently found on sites for later use. Suggest criteria b) be changed to the following:

“The incorporation of historical and architectural locally characteristic features such as datestones, ornamentation and mouldings.”

- Consider that criteria c) be reworded, as drafted it does not read on from the first part of the policy. Suggest criteria c) be changed to the following:

“An assessment of the immediate context of the site including its relationship to the street and road patterns.”

- Consider that policy 5 could be strengthened by the inclusion of a further criteria relating to connectivity. This would link to the Council’s Sustainable Design Supplementary Planning Document (SPD) which seeks to create development in a more sustainable manner and focuses on the connection and integration of places, on the layout and density of development and also on the technology and construction techniques employed in built development”. Suggest the addition of the following as a final criteria to the policy:

“e) existing links, both physical and visual to the surrounding area, which should be strengthened and where appropriate the creation of new linkages to and from the proposed development.”

16. These are considered to be acceptable changes. **Recommendation 12: Amend Policy B5 as suggested by LDC.**

17. Please can you point me to information in respect of what “appropriate use” comprises, who will judge this and on what basis ? Delete word “appropriate”. Policy B5 will be assessed by the local planning authority. **Recommendation 13: delete “appropriate”.**

18. As set out, Policy HER.02 effectively seeks to afford statutory status to non-statutory heritage assets. Please can you point me to the justification for an approach that conflicts with national policy ? Policy B5 includes no such reference. **Recommendation 14: No change.**

Question 7) Policy B6

19. Please can you point me to information in respect of when a development will “break the skyline” ? Most buildings within the neighbourhood area are of limited height and do not break the skyline. The Town Council suggest the following amendment: “This is particularly important if the proposed development by way of its height will break the existing skyline impacting on views and visual amenity.”
Recommendation 15: Amend B6(1) to read “This is particularly important if the proposed development by way of its height will break the existing skyline impacting on views and visual amenity.”
20. Please can you point me to information in respect of the definition of a “larger development.” The Town Council accepts this phrasing is imprecise and should be replaced by the NPPF definition of “major development” **Recommendation 16: replace “larger development” with “major development”.**
21. Please can you point me to evidence that it will, in all circumstances, be possible for residential development to provide “changes of direction” and why it is necessary for all residential development to provide “a sense of enclosure.” These are not required in all circumstances the Policy includes the preamble “where appropriate to a proposal”. **Recommendation 17: No change.**
22. Please can you point me to information in respect of the definition of a “wherever possible” in part 3. This appears as an onerous requirement, please could you also point me to evidence in respect of deliverability. The Town Council acknowledges this wording is vague and should be replaced by “where possible and feasible”. **Recommendation 18: Replace “wherever possible” with “where possible and feasible”.**
23. Please could you point me to evidence that all existing boundaries of local stone, traditional brick, cast iron or hedge planting are worthy of retention and capable of repair ? Policy B6 does not seek to protect all boundaries it states they “should be retained and repaired”. **Recommendation 19: No change.**
24. Please could you point me to evidence that all “internal boundaries, structures and other features” are worthy of recording and being incorporated into all new residential development ? This criterion operates within the policy preamble “where appropriate to a proposal” it is considered to be part of the development management process and e.g. for a house extension may be entirely unnecessary but for larger development such features should be assessed and incorporated into a proposal where possible. **Recommendation 20: No change.**

25. Please can you point me to evidence in respect of “the best of the varied, local building styles in the Burntwood area”? This is a general conclusion reached based on local knowledge and walkabouts, but also informed by written evidence such as Appendix 4 of the Historic Character Assessment (<https://www.lichfielddc.gov.uk/evidence-base/built-historic-environment/1>); the National Heritage List for England; the work and publications of the Burntwood Chase Heritage Group (<https://www.facebook.com/groups/1040295062667713/>); and the work undertaken by Burntwood Library on local history e.g. on local public houses.

Question 8) Policy B7

26. Do you agree with Lichfield District Council’s comments in respect of the first paragraph of Policy B7 ? LDC commented:

Policy B7 – Conserving and Enhancing Local, Non-Designated Heritage Assets: Suggest the first paragraph of the policy be reworded and replaced with the following to provide clarity:

“Development proposals should identify and assess any potential impact on local non-designated heritage assets. Non-designated heritage assets include buildings, structures, parks and landscapes that have a degree of local architectural or historic significance meriting consideration in planning decisions.”

It would be beneficial to add the following to the explanatory text to the policy either to the end of paragraph 11.4 or as a new paragraph (11.5) to make reference to how non-designated heritage assets are identified:

“There are a number of ways in which non-designated heritage assets may be identified. Generally they are identified by their inclusion on a Council’s local list or by being identified on the Historic Environment Record.” **Recommendation 21: Amend in line with LDC comments.**

27. The rest of the Policy appears in direct conflict with national policy’s approach to non-designated heritage assets, as set out in the National Planning Policy Framework. Please can you point me to evidence in justification of this conflicting approach ? Bring Policy B7 in line with paragraph 197 of NPPF.
Recommendation 22: Amend Policy B7 in line with paragraph 197 of NPPF.

Question 9) Policy B8

28. Please can you point me to information in respect of how all new development can deliver the requirements of the Policy and why the requirements are necessary, directly related to and reasonably related in scale and kind to development ? The policy does not refer to all new development it states

“should”. **Recommendation 23: Amend Policy B8 to read “new development, where relevant and feasible, should”.**

Question 10) Policy B11

29. Do you agree with Lichfield District Council’s comments in respect of Policy B11?

LDC commented: “As noted within the council’s representation to the pre-submission consultation the inclusion of this policy is not considered necessary and it is suggested is removed from the neighbourhood plan. Open spaces within the District are afforded protection through Core Policy 10 of the Local Plan Strategy. Policy B11 effectively repeats Core Policy 10 and the Council is of the view that such repetition is not required. Core Policy 10 provides sufficient protection to the open spaces in question through an evidence based approach (see Open Space Assessment 2016).” Whilst Core Policy 10 of the Local Plan Strategy would offer protection to these sites, they are not mapped through the Local Plan or the Site Allocations Plan. This is an important distinction and the neighbourhood plan gives greater clarity and certainty to the local community as to which spaces are to be protected. If a wording change is to be considered the Town Council would suggest amended B11 to read “The open spaces on the Policies Map (Map 8) will be protected under Local Plan Core Strategy Policy 10”.

Recommendation 24: The Town Council’s preferred approach is to retain Policy B11, should a change be needed it should be to defer to Core Policy 10 of the Local Plan Core Strategy but to retain the sites as mapped.

30. The Neighbourhood Plan protects parks and sports and recreation facilities and designates areas of Local Green Space. Please can you point me to information in respect of why the sites shown on Map 8 warrant their own designation over and above the protection for public open spaces and recreational areas that already exists, and the national or local policy basis the designation has regard to/is in general conformity with ? See response to previous question, as noted above many of these sites have been assessed in the Open Spaces Assessment and this has been supplemented by the Neighbourhood Plan Committee’s own survey, summarised in Appendix 2 of the neighbourhood plan. As pointed out previously the spaces identified are not mapped as part of the Local Plan. The Town Council would prefer to retain the approach set out in Policy B11, but, if considered necessary, are content to defer to Core Policy 10. **Recommendation 25: The Town Council’s preferred approach is to retain Policy B11, should a change be needed it should be to defer to Core Policy 10 of the Local Plan Core Strategy but to retain the sites as mapped.**

31. Please can you point me to evidence to demonstrate that all of the land at Bleak House Farm, as identified as Protected Open Space, comprises public open space, or that there are provisions in place for it to become so? Amend site to only include publicly accessible area. **Recommendation 26: Amend site boundary.**

32. Map 8 is unclear to the naked eye. Please can you point me to a list of the spaces identified along with precise boundary plans ? **Recommendation 27:**
Provide large scale annotated plan.