

Cheshire West and Chester Council

Delegated report

Date: 16 December 2020

**Community Right to Build Order
neighbourhood application area:**

Antrobus

Regulation No. 5 of the Neighbourhood Planning (General) Regulations 2012

Date application first publicised:

29 October 2020

Area name:

Antrobus Neighbourhood Area 1

Applicant name:

Antrobus Parish Council

Ward:

Marbury

Ward Members:

**Cllr Lyn Gibbon, Cllr Phil Marshall,
Cllr Norman Wright**

Case officer:

Catherine Morgetroyd

Recommendation:

1 Introduction

- 1.1 This delegated report relates to the assessment of the application for the designation of the Antrobus Neighbourhood Area 1.
- 1.2 The application for the designation of Antrobus Neighbourhood Area 1 was publicised on 29 October 2020 until 10 December 2020. The application was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area is being set up for the purpose of preparing a Community Right to Build Order (CRtBO). The application complied with the requirements of the regulations as it included: a map identifying the area to which the area application relates; a statement explaining why the area is considered appropriate to be designated as a Neighbourhood Area; and a statement that the organisation making the area application is a relevant body for the purposes of section 61G (and Schedule 4C if a community organisation) of the Town and Country Planning Act 1990 (as amended) and regulations 5(c) (and 13 if a community organisation) of the Neighbourhood Planning (General) regulations 2012.

2 Area description

- 2.1 The proposed Antrobus Neighbourhood Area 1 Area is the area covered by Antrobus Village Hall, car parks and play area on Knutsford Road / School Lane, Antrobus. It forms part of the settlement of Antrobus. The area is located within the wider Antrobus parish and Marbury ward.
- 2.2 A map of the Antrobus Neighbourhood Area 1 is attached to this report.

3 Publicity

- 3.1 The application was publicised by public notice in the Northwich Guardian on 29 October 2020.
- 3.2 Details of the application were also published on the Council's website from 29 October 2020 until 10 December 2020.

<http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.

- 3.3 Copies of a notice advertising the application were placed in the temporary Antrobus community shop and on Parish Council noticeboards within Antrobus.
- 3.4 Local Councillors were informed of the application by email on 29 October 2020. Members were advised to contact the case officer if they wished to discuss the proposal.
- 3.5 The six week publicity period ran from 29 October until 10 December 2020.
- 3.6 The neighbouring parish councils of Antrobus, Great Budworth, Comberbach, Aston by Budworth, High Legh and Whitley were notified of the application by email on 29 October 2020. Warrington Borough Council was also notified on the same date.
- 3.7 The publicity arrangements complied with Regulation 6 of The Neighbourhood Planning (General) Regulations 2012.
- 3.8 The following internal consultees were notified by email: Property; Transport (planning); Highways and traffic; Strategic transport; Open space; Green space; Landscape; Total environment; Conservation; Archaeology; Housing; Legal; Health; Environmental protection; Regeneration and economic development; Locality; Planning; Mersey Forest; Public rights of way; Education; Climate change; Emergency planning.
- 3.9 The Council received representations from:

- Bollington Town Council / Civic Society – Strongly committed to Neighbourhood Planning and in general support applications for Community Right to Build. Find nothing to be concerned out or object to in this application.
- Cheshire Brine Subsidence Compensation Board – No comments as there are no sections which are relevant to ground instability due to brine.
- The Coal Authority – No comments.
- Great Budworth Parish Council – No comments.
- Highways England – No comments.
- Neighbouring property owners at The Homestead, School Lane – Raise the issue that the current boundary of the Neighbourhood Area covers part of their property. They identify that the boundary should be shown in a parallel line with the village hall, not on an angle as shown on the Neighbourhood Area plan.
- Natural England – No comments on the suitability of the proposed plan area or the proposed neighbourhood planning body. Provide information sources and highlight some potential environmental risks and opportunities that neighbourhood plans or orders may present.
- The Cheshire West and Chester Council Archaeology Planning Advisory Service confirmed that no features of historic interest are apparent within the boundary of the site (from a check of data held in the Cheshire Historic Environment Record and readily-available historic maps and aerial photographs) and no archaeological mitigation is advised.
- CWaC Conservation and Design team – No objection in principle but identified that the site sits within the setting of several locally listed buildings and is in a semi-rural location with a mix of building types. Suggest that the site would benefit from a development brief to ensure a high quality and characterful development befitting the semi-rural nature of the location.
- Historic England – No comments.
- Homes England – No comments but will continue to engage as appropriate.
- Canal and River Trust – No comments.
- National Grid – Identify that an assessment has been carried out with respect to National Grid's electricity and gas transmission assets which include high voltage electricity assets and high-pressure gas pipelines. National Grid has identified that it has no record of such assets within the Neighbourhood Plan area. Provide information sources and contact details for further advice, if required.

4 Issues and assessment

4.1 The main issues in determining this application are:

- Whether an application for a Neighbourhood Area has already been made covering all or part of this area (as there can only be one Neighbourhood Area in each location and they cannot overlap).
- Confirmation that the applicant is a 'relevant body' to undertake Neighbourhood Planning in that area in accordance with section 61G

(and Schedule 4C if a community organisation) of the 1990 Act and Regulation 5(c) (and 13 if a community organisation) of the 2012 Regulations (i.e. a parish council, Neighbourhood Forum or community organisation).

- Assessment of whether the extent of the Neighbourhood Area is appropriate.
- 4.2 No other application has previously been made covering all or part of this area and there are no existing designated Neighbourhood Areas covering, or close to the boundary of the proposed Neighbourhood Area.
- 4.3 Antrobus Parish Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and Regulation 5(c) of the 2012 Regulations.
- 4.4 The Neighbourhood Area originally submitted and consulted on included a small section of a neighbouring property and this issue was raised by the owners of the neighbouring property in the consultation responses. Subsection 5 of section 61G of the Town and Country Planning Act 1990 (as amended) enables a Local Planning Authority to modify the boundaries of a proposed Neighbourhood Area if they believe there are reasons to do so.
- 4.5 As the originally submitted Neighbourhood Area included a small part of a neighbouring property it was not considered to be appropriate. However, once this small area has been removed from the boundary, the boundary of the proposed Neighbourhood Area is considered appropriate. The Local Planning Authority have thereby used the powers set out in the Town and Country Planning Act to modify the boundary and remove the section of the area that is within the neighbouring property. The updated boundary shown on the plan attached to this report. This is only a very minor change and the Parish Council and owners of the neighbouring property are happy with the amendment.
- 4.6 The comments raised by the Conservation and Design officer do not relate specifically to designation of the Neighbourhood Area and can be dealt with at later stages in the CRtBO process. No other comments were raised regarding the Neighbourhood Area and the amendment relates to a very small section of land. As both parties (the Parish Council and owners of the neighbouring property) are happy with the amendment, it is not considered necessary to re-consult on the updated Neighbourhood Area. The new Neighbourhood Area is considered appropriate as it covers the land including and adjacent to the existing village hall and on which the current temporary community shop is located. The proposed CRtBO is for a new community shop and the land included within the boundary is now all within the ownership of the village hall.

- 4.5 The boundary of the Neighbourhood Area does not follow the Parish Boundary as the Community Right to Build Order relates to a specific proposal only. The Parish Council have considered preparation of a Neighbourhood Plan and do not wish to prepare one, so it is not necessary for the boundary of the Neighbourhood Area to cover the whole Parish. The proposed Neighbourhood Area is therefore considered to be an appropriate area in which to prepare a CRtBO.

5 Conclusion

- 5.1 The application for the Antrobus Neighbourhood Area 1 complied with the requirements of the regulations. The application was publicised in accordance with the regulations and only one representation was received that raised an issue with the Neighbourhood Area. The boundary of the Neighbourhood Area has now been amended slightly to ensure that all of the land within it is in the ownership of Antrobus Village Hall. As such, the issue has now been resolved.

- 5.2 The Antrobus Neighbourhood Area 1 is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Antrobus Parish Council is a relevant body to undertake preparation of a Community Right to Build Order.
 - The Neighbourhood Area follows the boundary of the area within which the Community Right to Build proposal will be undertaken. The site is adjacent to the existing village hall and currently includes the temporary village shop. As the boundary has been amended to exclude land in alternative ownership, the whole site is now within ownership of Antrobus Village Hall. It is appropriate for development in this area to be guided by a CRtBO. The Parish Council considered preparation of a Neighbourhood Plan and do not wish to prepare one, so it is not necessary for the boundary of the Neighbourhood Area to cover the whole Parish.

6 Decision

- 6.1 That the Antrobus Neighbourhood Area 1 is approved and is formally designated.
- 6.2 The reasons for this decision are that the Antrobus Neighbourhood Area 1 is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Antrobus Parish Council is a relevant body to undertake preparation of a Community Right to Build Order.

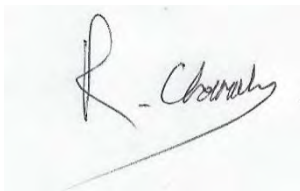
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- 6.3 The Head of Planning hereby exercise their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Antrobus Parish Council and relevant local Councillors.
- 6.5 In accordance with Regulation 7 of the 2012 Regulations, as soon as possible after the date of the decision the Council will publish the following on its website:
- a) Name of the area
 - b) Name of body who applied
 - c) Decision and reasons
 - d) Details of where the decision can be inspected
 - e) Map of Neighbourhood Area

7 Attachments

- 7.1 Copy of application form and map of Antrobus Neighbourhood Area 1.

Signed

A handwritten signature in black ink, appearing to read 'R. Charnley', is written over a light blue rectangular background.

Head of Planning

Date

16 December 2020

Application to designate a Neighbourhood Area for a Community Right to Build Order

Town and Country Planning Act 1990 (as amended)

Neighbourhood Planning (General) Regulations 2012

Please note that the information provided on this application form may be published on the Authority's website. Questions 8 and 9 are only applicable to community organisations.

If completing by hand, please use block capitals and black ink.

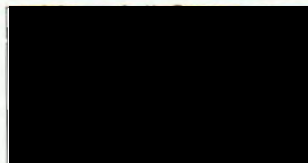
1) Applicant contact details

(representative from community organisation, Parish Council or Neighbourhood Forum)

Title and full name

Mr Simon Palmer Clerk to Antrobus Parish Council

Address and postcode



Email address

antrobuspc@yahoo.co.uk

2) Relevant body statement

Is the group you represent a relevant body (community organisation, Parish Council or Neighbourhood Forum) to prepare a Community Right to Build Order in your area, in accordance with section 61G and paragraph 3 of Schedule 4C of the Town and Country Planning Act 1990 (as amended) and regulations 5(c) and 13 of the Neighbourhood Planning (General) regulations 2012? Community organisations only should also complete questions 8 and 9.

(please select one answer)

Yes: ~~Community organisation~~ / Parish Council / Neighbourhood Forum (delete as appropriate)..... ☒

No ☐

Name of community organisation, Parish Council or Neighbourhood Forum

Antrobus Parish Council

If a Neighbourhood Forum, has this been designated yet?

(please select one answer)

Yes ☐

No - but application submitted ☐

No - application not yet submitted ☐

3) Name of Neighbourhood Area

Please give the name by which your Neighbourhood Area will be formally known.

Antrobus Neighbourhood Area 1

4) Extent of the area

Please indicate below and attach an OS plan showing the intended extent of the area.

(please select one answer)

Area not covered by a Parish ☐

Whole Parish boundary area ☐

Part of one Parish ☐

Includes more than one Parish (please complete section 6 below) ☐

A map showing the area to which the application relates has been attached. ☒

Application to designate a Neighbourhood Area for a Community Right to Build Order

5) Intention of the Neighbourhood Area

Please indicate which of the following you intend to undertake with your Neighbourhood Area.

(please select all that apply)

- Neighbourhood Development Plan ☐
- Neighbourhood Development Order ☐
- Community Right to Build ☒

6) Additional Parish details (if applicable)

Please complete this section if the proposed Neighbourhood Area includes more than one Parish.

Please provide details of the additional area covered and the name(s) of the relevant Parish/Parishes.

If the neighbourhood area includes the whole or any part of the area of another Parish council, the lead Parish council is authorised to act in relation to the neighbourhood area only if the other Parish council(s) have given their consent.

Please provide the name and signature of a representative from each relevant Parish council to confirm that the Parish council have provided formal agreement and are happy for you to act on their behalf.

7) Extent of the neighbourhood area

Please provide a statement to explain below why you consider that the extent of the neighbourhood area is appropriate.

If applicable, please provide a copy of the minutes of the Parish Council meeting(s) at which it was agreed that the whole/part of the Parish council area could be included in the Neighbourhood Area and that the applicant Parish Council were authorised to act as the lead authority on Neighbourhood Planning work.

1. The Area is suitable in size to locate the development likely to be proposed under a Community Right to Build Order.
2. The area is in a single ownership which is supportive in principle of the proposal
3. The Parish Council expects the whole of the Parish to be in the Referendum Area
4. The Parish Council minute 5 of the 20th April 2020 page 663 and minute 9 of the 18th May 2020 meeting page 667 is attached.

8) Relevant body declaration (community organisations only)

The following questions will confirm that you are a relevant body to undertake a Community Right to Build Order in accordance with Section 61G and schedule 4C of the Town and Country Planning Act 1990 and section 13 of the Neighbourhood Planning (General) Regulations 2012.

Is the community organisation a body corporate?

Being a 'body corporate' means that the organisation is a legal entity that is recognised in law and therefore has the capacity to enter into agreements or contracts, assume obligations, incur and pay debts and can be held responsible for its actions.

(please select one answer)

Yes ☐

No ☐

Has the community organisation been established for the express purpose of furthering social and environmental well-being of individuals living, or wanting to live in the particular area?

The particular area is the area for which the community organisation is established, which may be the neighbourhood area or a larger area of which the neighbourhood area forms part.

(please select one answer)

Yes ☐

No ☐

Do more than half of the members of the organisation live in the neighbourhood area?

(please select one answer)

Yes ☐

No ☐

Are individuals who live or work in the area for which the community organisation is established entitled to become voting members of the community organisation?

(please select one answer)

Yes ☐

No ☐

9) Relevant body constitution (community organisations only)

The following questions will confirm whether the constitution of the community organisation meets the requirements to enable the organisation to be a relevant body.

Does the constitution of the community organisation identify that individuals who live in the particular area hold the majority of voting rights and have the majority on the board of directors or governing body of the community organisation?

(please select one answer)

Yes

No

Does the constitution include a statement that:

- identifies that the organisation must have at least 10 members, living in different dwellings to each other and who live in the particular area;
- the community organisation will carry on its activities for the benefit of the community in the particular area or a section of it; and
- indicating how it is proposed the community organisation's activities will benefit the community in the particular area (or a section of it)?

(please select one answer)

Yes

No

Please provide details of how the community group will carry out activities for the benefit of the community in the neighbourhood area:

Application to designate a Neighbourhood Area for a Community Right to Build Order

Does the constitution include a statement that:

- identifies that any assets of the community organisation will not be disposed of, improved or developed except in a manner which the community organisation consider benefits the community (or a section of it); and
- identify that any profits from its activities will only be used to benefit the community in the particular area or a section of it (payment of profits directly to members / directors is not considered a benefit to the community); and
- identify that in the event of winding up of the community organisation or in any other circumstances where the organisation ceases to exist, its assets must be transferred to another body corporate which has similar objectives.

(please select one answer)

Yes ☐

No ☐

10) Declaration

I hereby apply to designate a neighbourhood area as described on this form and the accompanying plan.

Name

Simon Palmer Clerk to Antrobus Parish Council

Signature



Date

1 Oct 2020

Neighbourhood Area designation – The Village Hall Trustees have been asked to approve the proposal. If so, Cheshire West will be approached and a public consultation will be held when possible.

Heritage books - **(20/16) RESOLVED** to mount them on the website. They have been redacted to remove the names of current residents from homes and farms listed unless permission has been given.

Livewell (NHS/Cheshire) website registration – Cheshire West staff now have details of key volunteer contacts so they can tell them of any Parish needs that come in via the website.

Airport Airspace review – deferred.

Dutch Dambuster memorial – postponed.

Members budget 20/21 – will be applied for

Bus services – have been limited. Details are on Cheshire West and Warrington council websites

6. Planning

6.1. Comments were made on Planning applications (appendix 3).

6.2. Enforcement – After a Policy Review, a trial of greater powers for town/parish councils has started. Lynn will check there is no obligation for Parish Councils to use them.

7. Highways

7.1. Rights of Way during lockdown – usage has generally increased. Any problems are a Highways issue. The legal guidance is on the PC website. There is some evidence people have reacted well and diverted when appropriate.

7.2. Fly tipping Old Mill Lane - reported

7.3. The new reporting faults app – Lynn to confirm if it has been launched as the clerk has not received any information.

8. Open Forum – no issues.

9. Ward Councillors – Cllr Lynn Gibbon (Ward) reported the Government shield programme has funded 8,000 PPE / sanitiser kit being delivered plus 600 food packages. 191 went to the Ward. There are concerns about Domestic Violence on the increase. A £71M fund to help 6,000 SME's has opened and £46M has been spent. Questions are being asked about the closure of both green waste collection and refuge sites. Income for employees between jobs or not furloughed are a problem. Planning approval needs to speed up to allow for regeneration after the crisis.

10. Playground

The Meeting continues with items from the Annual Parish Meeting which cannot be held this year due to Covid restrictions:

6. Chairman's Report on activities of the past year – a report was received by email.

7. Annual accounts at 31st March 2020 – were received from the Financial Officer

Opening Balance	£ 27,232.45
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Income	£ 13,499.33
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Expenditure	£ 10,802.07
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Closing balance	£ 29,929.71
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A precept of £11,577.00 has been set for 2020-21.

The Meeting continues with the normal monthly meeting agenda:

8. Minutes of the meeting held on 20 Apr 2020 - (20/29) RESOLVED to accept the minutes as a correct record of the meeting.

9. Matters Arising

Covid Crisis. The remarkable response of the villagers continues. Thanks were expressed for villager's continued and excellent support.

280 Sanitisers have been hand delivered to all homes in the village followed by many expressions of thanks. **(20/30) RESOLVED** that the cost will be born by the Council, further contributions to the cost are not expected. Any excess items will be available for sale in the shop.

Neighbourhood Area designation – the go ahead from the Village Hall trustees has been received. A letter from the Shop Management Committee is awaited before the council write to CW&C.

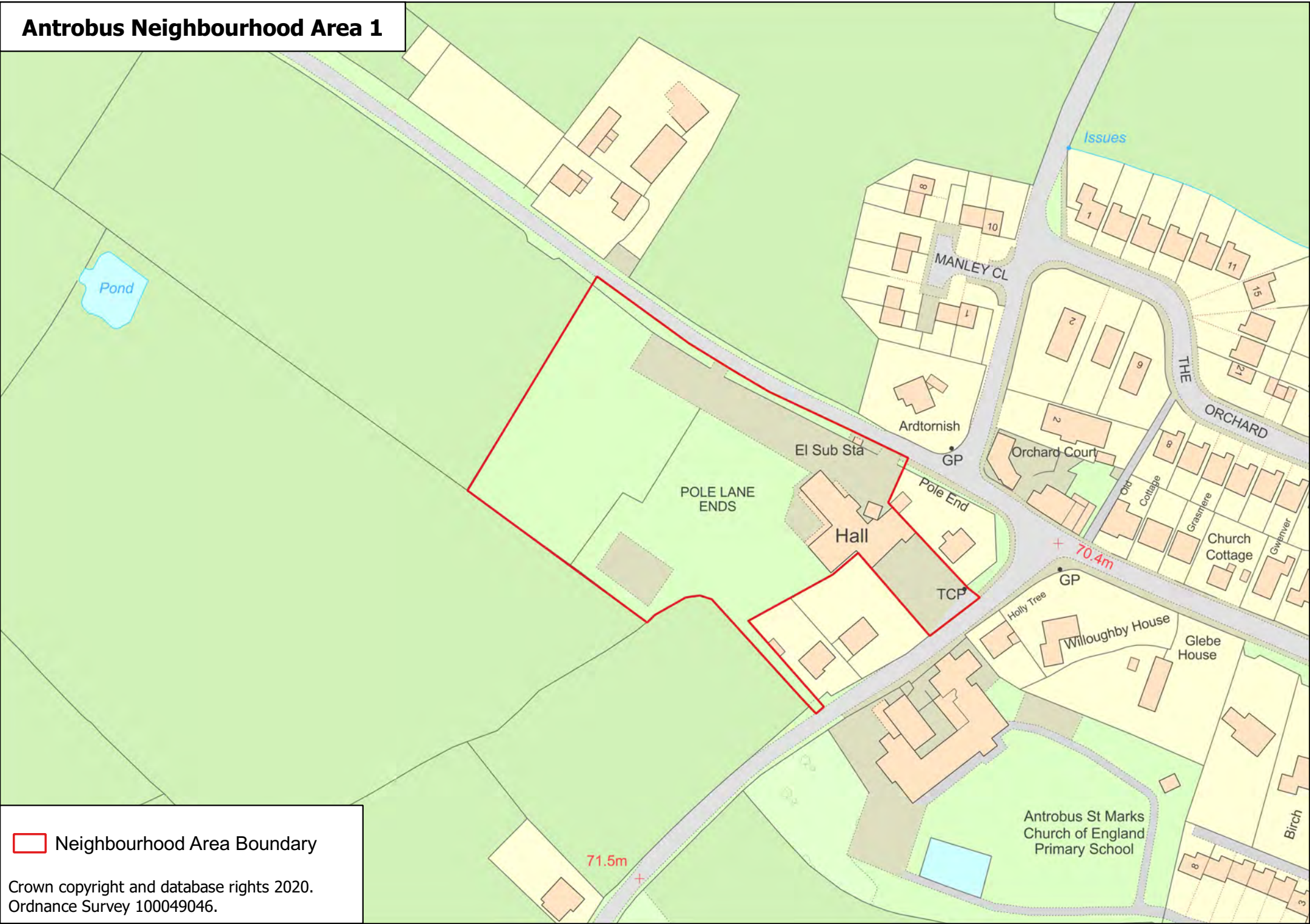
Enforcement powers – P Marshall confirmed these powers, covering litter, graffiti and fly tipping, are not imposed on Parish Councils.

Fault Reporting App – the new app is available on App Store and Play store under 'Cheshire West and Chester'. It allows quick and easy reporting in situ of any highways fault with a photo. All are encouraged to use it. A guide will be on the website.

War memorial – the gilding has been completed to a high standard. On advice, the Parish Council agreed to oversee correct maintenance of the memorial: 2 village volunteers will be trained in the correct cleaning procedure.

10. Planning

Antrobus Neighbourhood Area 1



Neighbourhood Area Boundary

Crown copyright and database rights 2020.
Ordnance Survey 100049046.