

CHESHIRE WEST AND CHESTER COUNCIL

DELEGATED REPORT

DATE: 29 April 2013

NEIGHBOURHOOD APPLICATION AREA: Davenham (NP0040)

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

DATE APPLICATION FIRST PUBLICISED: 13 February 2013

AREA NAME: Davenham

APPLICANT NAME: Davenham Parish Council

WARD: Davenham and Moulton

WARD MEMBERS: Cllr Gaynor Sinar, Cllr Elton Watson, Cllr Helen Weltman

CASE OFFICER: Catherine Morgetroyd

RECOMMENDATION: Approve

1 INTRODUCTION

- 1.1 This delegated report relates to the assessment of the application for the designation of the Davenham Neighbourhood Area.
- 1.2 The application for the designation of Davenham Neighbourhood Area was publicised on 13 February 2013 until 27 March 2013. The application was made under Part 2 of Regulation 5 of the Town and Country Planning Act. It 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 Plan Area; and a statement that the organisation making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

2 AREA DESCRIPTION

- 2.1 The proposed Davenham Neighbourhood Area is the area covered by Davenham Parish Council and follows the same boundary. It includes the

settlements of Davenham and Whatcroft. The area is located within the wider Davenham and Moulton ward.

- 2.2 A map of the proposed Davenham Neighbourhood Area is attached to this report.

3 PUBLICITY

- 3.1 The application was publicised by public notice in the Northwich, Winsford, Middlewich and Knutsford Guardians on 13 February 2013.
- 3.2 Details of the application were also published on the Council's website from 13 February 2013 to 27 March 2013 at http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning.aspx
- 3.3 Copies of a notice advertising the application were placed on the parish noticeboards and the parish website.
- 3.4 Local Councillors were informed of the application with the call-in cut off date of 3 April 2013. Members were advised that should they wish the application to be considered by Executive Member with advice from the Local Development Panel, they must notify the case officer by email or letter before the call-in cut off date.
- 3.5 The six week publicity period ran from 13 February 2013 until 27 March 2013.
- 3.6 The neighbouring parish councils of Northwich, Rudheath, Byley, Bostock, Moulton, Whitegate and Marton and Hartford were notified of the application by letter on 13 February 2013.
- 3.7 The publicity arrangements complied with section 6 of the Regulations.
- 3.8 The following internal consultees were notified (by email): Housing Strategy and Enabling; Legal; Regeneration; Specialist Environmental Services; Localities and Development Management.
- 3.9 The Council received representations from English Heritage and the Environment Agency. These bodies did not object to the proposed boundary.

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 of the 1990 Act and section 5C of the 2012 Regulations (i.e. a parish council or Neighbourhood Forum).
 - 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. Norley, Hartford and Whitegate and Marton designated Neighbourhood Areas are adjacent to the boundary, as is the proposed Neighbourhood Area at Northwich.
- 4.3 Davenham Parish Council is a relevant body to undertake Neighbourhood Planning in that area in accordance with section 61G of the 1990 Act and section 5C of the 2012 Regulations.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Davenham Parish Council. The area is strongly defined by the A556 (north), the River Weaver (west) and the Trent and Mersey Canal and railway line (east).
- 4.5 It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

5 CONCLUSION

- 5.1 The application for the Davenham Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and no representations were received.
- 5.2 The Davenham Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Davenham Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Davenham Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

6 DECISION

- 6.1 That the Davenham Neighbourhood Area is approved and is formally designated.

6.2 The reasons for this decision are that the Davenham Neighbourhood Development Plan Area is considered appropriate because:

- No other applications have been made for Neighbourhood Areas covering all or part of the area.
- Davenham Parish Council is the relevant body to undertake Neighbourhood Planning.
- The Neighbourhood Plan Area follows the boundary of the area covered by Davenham Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

6.3 The Strategic Manager, Spatial Planning hereby exercise their delegated authority to agree the area application.

6.4 A copy of this note will be sent to Davenham Parish Council and relevant local Councillors.

6.5 In accordance with section 7 of the 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 Plan Area

7 ATTACHMENTS

7.1 Copy of application form and map of Davenham Neighbourhood Area

STRATEGIC MANAGER – SPATIAL PLANNING

8 May '13