

CHESHIRE WEST AND CHESTER COUNCIL

DELEGATED REPORT

DATE: 21 November 2013

NEIGHBOURHOOD APPLICATION AREA: Kelsall, Upper Kelsall and Willington Corner

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

DATE APPLICATION FIRST PUBLICISED: 19 September 2013

AREA NAME: Kelsall, Upper Kelsall and Willington Corner

APPLICANT NAME: Kelsall Parish Council

WARD: Tarvin and Kelsall

WARD MEMBERS: Cllrs Hugo Deynem, John Leather

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 Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area.
- 1.2 The application for the designation of Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area was publicised on 19 September. 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 Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area includes the area covered by Kelsall Parish Council and also includes three areas administered by Delamere Parish. These are:

- on the north of the village, the land and properties on both sides of Yeld Lane and Morreys Lane (the boundary on the east side is the edge of Delamere Forest);
- on the east, land to the east of Waste Lane (the boundary on the east side is the edge of Delamere Forest);
- to the south of the village, land to the south of Green Lane and both sides of Willington Lane, up to and including Chapel Lane at Willington Corner, up to its junction with Waste Lane.

2.2 Kelsall Parish Council and Delamere Parish Council met on 18 November to discuss the Neighbourhood Area and proposed neighbourhood plan and Delamere Parish Council have confirmed that they are happy to support the neighbourhood area and for Kelsall Parish Council to be the lead parish.

2.3 A map of the proposed Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area is attached to this report.

3 PUBLICITY

3.1 The application was publicised by public notice in the Chester Standard on 19 September 2013.

3.2 Details of the application were also published on the Council's website from 19 September until 31 October 2013:

http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning/kelsall_area_application.aspx

3.3 Copies of a notice advertising the application were displayed on noticeboards within the Neighbourhood Area on 19 September 2013.

3.4 Local Councillors were informed of the application with the call-in cut off date of 7 November 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 19 September until 31 October 2013.

3.6 The neighbouring parish councils of Delamere, Ashton Hayes and Tarvin were notified of the application by letter on 19 September. No community governance currently exists for the neighbouring area of Willington, which therefore could not be notified.

- 3.7 The publicity arrangements complied with section 6 of the regulations.
- 3.8 The following internal consultees were notified: Housing Strategy and Enabling; Legal; Partnerships and Development; Regeneration; Specialist Environmental Services; Development Management.
- 3.9 The Council received representations from English Heritage, United Utilities, Natural England and the Environment Agency. These representations did not include any objections to the proposed neighbourhood area. However, the representation from the Environment Agency noted that an area on the western boundary of the proposed Neighbourhood Area is located within areas of medium and high flood risk (flood zone 2 and 3) from Salters Brook.

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. The designated neighbourhood area of Ashton Hayes is adjacent to the proposed Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area and the boundaries match up and do not overlap.
- 4.3 Kelsall 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. The proposed Neighbourhood Area is the area covered by Kelsall Parish Council and part of Delamere Parish Council. Delamere Parish Council has agreed that Kelsall Parish Council should act as the lead authority for the group.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Kelsall Parish Council and adjacent parts of Delamere Parish Council. According to the information submitted as part of the Neighbourhood Area application, these areas are considered to function as part of Kelsall village. The residents within the part of Delamere to be included in the Neighbourhood Area are dependent on

Kelsall for their daily needs: local shops, sports and social clubs, school and doctors surgeries. They must also travel through Kelsall for access to the main road (A54). The residents of the Willington Lane section strongly identify themselves as living in Kelsall. The additional areas are also immediately adjacent to the village and any housing development would have a visual impact on the village.

- 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 Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and no representations were received that objected to the proposed boundary.
- 5.2 The Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Kelsall Parish Council is the relevant body to undertake Neighbourhood Planning in this area (and Delamere Parish Council have confirmed that they are happy for Kelsall to be the lead parish).
 - The Neighbourhood Plan Area follows the boundary of the area covered by Kelsall Parish Council and part of Delamere Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

6 DECISION

- 6.1 That the Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area is approved and is formally designated.
- 6.2 The reason for this decision is that the Kelsall, Upper Kelsall and Willington Corner Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Kelsall Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Kelsall Parish Council and part of Delamere 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 Kelsall Parish Council and Delamere 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 Kelsall, Upper Kelsall and Willington Corner Neighbourhood Area

Signed



Jeremy Owens
Strategic Manager – Spatial Planning

Date

26 November '13