

# **CHESHIRE WEST AND CHESTER COUNCIL**

**DELEGATED REPORT**

**DATE: 17 April 2013**

**NEIGHBOURHOOD APPLICATION AREA: Malpas and Overton (NPA014)**  
**Regulation No. 5 of the Neighbourhood Planning (General) Regulations 2012**

**DATE APPLICATION FIRST PUBLICISED: 13 February 2013**

**AREA NAME:** Malpas and Overton

**APPLICANT NAME:** Malpas Parish Council

**WARD:** Malpas Ward

**WARD MEMBERS:** Councillor Ann Wright

**CASE OFFICER:** Linda Sharp

**RECOMMENDATION:** Approve

## **1 INTRODUCTION**

- 1.1 This delegated report relates to the assessment of the application for the designation of the Malpas and Overton Neighbourhood Area.
- 1.2 The application for the designation of Malpas and Overton Neighbourhood was publicised on 13 February 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 Malpas and Overton Neighbourhood Area is the area covered by Malpas Parish Council and Overton Parish. It includes the settlements of Malpas and Overton, however two small areas situated within Hampton and Nomansheath Parishes have been excluded where

the houses are more integral with those villages. In addition, due to the current development of 33 dwellings in the Overton Parish immediately adjacent to the Malpas parish boundary, some 500 metres from Malpas centre it was deemed appropriate by the Neighbourhood Plan Steering Group that the whole of the Overton Parish was included within the Neighbourhood Area application. Both No Mans Heath Parish Council and Overton Parish Meeting have confirmed that this is acceptable. The area is located within the wider Malpas Ward.

- 2.2 A map of the proposed Malpas and Overton Neighbourhood Area is attached to this report.

### **3 PUBLICITY**

- 3.1 The application was publicised by public notice in the Chester Standard on 13 February 2013.
- 3.2 Details of the application were also published on the Council's website from 9<sup>th</sup> 13 February 2013 – 27 March 2013.  
[http://www.cheshirewestandchester.gov.uk/residents/planning\\_and\\_building\\_control/neighbourhood\\_planning.aspx](http://www.cheshirewestandchester.gov.uk/residents/planning_and_building_control/neighbourhood_planning.aspx).
- 3.3 A site notice advertising the application was displayed on 13 February 2013.
- 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<sup>th</sup> January 2013 to 27 March 2013
- 3.6 The neighbouring parish councils of Cuddington, No Mans Heath & District, Tilston, Shocklach Oviatt & District, Chorlton, Tushingham and Macefen & Bradley were notified of the application by letter sent on 14 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; and Development Management.

- 3.9 The Council received two representations from the United Utilities English Heritage during the publicity period. None of these bodies 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 and there are no existing designated Neighbourhood Areas covering, or close to the boundary of the proposed Malpas and Overton Neighbourhood Area.
- 4.3 Malpas Parish Council are 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 Malpas and Overton. Malpas is a key service centre provider for the south of the Borough, providing all key services including secondary school, leisure centre a wide range of shops and employment units. It acts as a rural centre providing higher order services to surrounding villages. Malpas have two SBI designations lying to the south east of settlement. There is a large Conservation Area within the village, two Scheduled Monuments and a large number of Listed Buildings.
- 4.5 Together Malpas and Overton features and characteristics help to make the Parish's unique. It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

## **5 CONCLUSION**

- 5.1 The application for the Malpas and Overton Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and two representations were received. Neither of representations objected to the proposed boundary.

5.2 The Malpas and Overton Neighbourhood Area is considered appropriate because:

- No other applications have been made for Neighbourhood Areas covering all or part of the area.
- Malpas Parish Council is the relevant body to undertake Neighbourhood Planning.
- The Neighbourhood Plan Area follows the boundary of the area Malpas Parish and Overton Parish meeting (with the exception of two small areas see paragraph 2.1 above) it is appropriate for development in this area to be guided by a Neighbourhood Plan.

## **6 DECISION**

6.1 That the Malpas and Overton Neighbourhood Area is approved and is formally designated.

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

- No other applications have been made for Neighbourhood Areas covering all or part of the area.
- Norley Parish Council is the relevant body to undertake Neighbourhood Planning.
- The Neighbourhood Plan Area follows the boundary of the area covered by Malpas Parish Council and Overton Parish 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 Malpas Parish Council and Overton Parish Meeting 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 Malpas and Overton Neighbourhood Area

**STRATEGIC MANAGER – SPATIAL PLANNING**

**17 April '13**