

Cheshire West and Chester Council

Delegated report

Date: 17 December 2015

Neighbourhood application area: Mickle Trafford (NP0054)

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

Date application first publicised: 22 October 2015

Area name: Mickle Trafford and District Neighbourhood Area

Applicant name: Mickle Trafford and District Parish Council

Ward: Chester Villages

Ward Members: Councillor Margaret Parker and Councillor Stuart Parker

Case officer: Emma Pickett

Recommendation: Approval

1 Introduction

- 1.1 This delegated report relates to the assessment of the application for the designation of the Mickle Trafford and District Neighbourhood Area.
- 1.2 The application for the designation of Mickle Trafford and District Neighbourhood Area was publicised on 22 October 2015. The application was made under Regulation 5 of The Neighbourhood Planning (General) Regulations 2012. 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 Town and Country Planning Act 1990 (as amended).

2 Area description

- 2.1 The proposed Mickle Trafford and District Neighbourhood Area is the area covered by Mickle Trafford and District Parish Council and follows the same boundary. It includes the settlements of Bridge Trafford, Hoole Village, Mickle Trafford, Picton and Wimbolds Trafford. The area is located within the wider Chester Villages Ward.

- 2.2 A map of the proposed Mickle Trafford and District Neighbourhood Area is attached to this report.

3 Publicity

- 3.1 The application was publicised by public notice in the Chester Chronicle on 22 October 2015.
- 3.2 Details of the application were also published on the Council's website from 21 October 2015 – 19 November 2015 at:
<http://www.cheshirewestandchester.gov.uk/neighbourhoodplanning>.
- 3.3 Copies of a notice advertising the application were placed in seven locations across the parish, including notice boards in Hoole Village, Mickle Trafford, Wimbolds Trafford, Picton, Bridge Trafford along with the noticeboards in the village shop and village hall.
- 3.4 Local Councillors were informed of the application with the call-in cut off date of 26 November 2015. Members were advised that should they wish the application to be considered by Cabinet Member with advice from the Local Plan Working Group, 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 22 October 2015 to 19 November 2015.
- 3.6 The neighbouring parish councils of Upton-by-Chester and District, Backford, Little Stanney and District (Wervin), Thornton-le-Moors, Dunham-on-the-Hill and Hapsford, Barrow and Guilden Sutton were notified of the application by letter on 21 October 2015.
- 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): Legal; Regeneration; Total Environment; Development Planning; Energy and Carbon Reduction; Committees and Elections; Arts and Festivals and Housing Strategy.
- 3.9 The Council received representations from Turley, on behalf of their client, Mannings Lane Developments Ltd. Although the principle of a Neighbourhood Plan is supported, their client wishes for their Mannings Lane site to be omitted from the Neighbourhood Plan Area. This is due to a large proportion of the site being allocated for a park and ride facility in the adopted Chester District Local Plan and Chester Transport Strategy. It is contended that future development prospects of the site are significant in scale and give rise to planning matters that are more than local in scale.

- 3.10 Historic England have advised the Neighbourhood Area includes a number of designated heritage assets and a conservation area and suggest seeking advice from Cheshire West and Chester Conservation Officer and Historic Environment Record Officer. Historic England also included identified listed buildings and conservation areas within the Neighbourhood Area.
- 3.11 Representation was also received from the Environment Agency, with no comments; Natural England, who have offered advice; and United Utilities, who had no comments, but would like to be kept informed.

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 Regulation 5(c) 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 Neighbourhood Area.
- 4.3 Mickle Trafford and District 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 Representations have been made by Turley to omit the Mannings Lane site from the Neighbourhood Plan area. The site submitted by Turleys is larger than the allocated park and ride site in the Chester District Local Plan. Representations have previously been made by Turley to the Local Plan (Part One), seeking allocation of the site for a park and ride site and residential development in that Plan. In his report, the Local Plan Inspector agreed with the Council that there was no need or justification to allocate the site in the Local Plan (Part One). He also confirmed that "Specifically, whilst housing development in this location could fund a park and ride facility, this does not constitute the exceptional circumstances necessary to justify altering the Green Belt."
- 4.5 As part of the work on Local Plan (Part Two), the need to retain a specific allocation for a park and ride site is being considered. Options for the most appropriate size and location for the facility are being assessed in light of

recent evidence base work. Any proposed allocation in the draft Local Plan (Part Two) will be subject to testing through the examination process. It should be noted that there is no provision for any further changes to Green Belt boundaries through the Local Plan (Part Two).

- 4.6 This issue will be dealt with through the Local Plan, but it is the implications for the neighbourhood plan which need to be considered here, and whether there is a case for amending the Neighbourhood Area from that proposed by the Parish Council. Section 61G(4) of the Town and Country Planning Act 1990 requires that the Council has regard for the desirability of designating the whole parish council area as a neighbourhood area. This is also reiterated within National Planning Policy Guidance (NPPG) in paragraph 033.
- 4.7 It is also confirmed in NPPG paragraph 037 that “A neighbourhood area can include land allocated in a Local Plan as a strategic site.” The existing allocation in the Chester District Local Plan for a park and ride site forms part of the transport strategy for Chester and as such has more than purely local significance. The neighbourhood plan would need to reflect that allocation in order to meet the basic conditions. However, the principle set out in the NPPG is clear that this does not preclude its inclusion in the neighbourhood area boundary.
- 4.8 The existing park and ride allocation in the Chester District Local Plan covers only part of the area which Turley suggests be omitted from the neighbourhood area. Omission of the wider area is not justified in terms of current policy. Given the current uncertainty about the exact location and boundary of any allocation in the Local Plan (Part Two) it would be premature to try and anticipate this through changes to the neighbourhood area.
- 4.9 The Council has discussed Turley’s representation with Mickle Trafford and District Neighbourhood Plan Group. The implications of both changing the boundary and leaving it as proposed were discussed. Both parties agreed that the parish boundary is the most appropriate boundary for the Neighbourhood Plan. A resolution was passed by Mickle Trafford and District Parish Council on Monday 14 December 2015 in relation to the land bordered by the A56, A41 and Mannings Lane:
 - 1) There is no other logical place for it in any other Neighbourhood area
 - 2) If allocation as a park and ride site is made under any master plan it cannot be reversed in a Neighbourhood Plan
 - 3) The overwhelming view of Parishioners is that the site should remain in the Neighbourhood Plan area reflecting their concerns that the Green Belt between Chester and the Parish should not be eroded.

- 4.10 It is therefore considered to be an appropriate area in which to prepare a Neighbourhood Plan.

5 Conclusion

- 5.1 The application for the Mickle Trafford and District Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations. Representation was received from Turley on behalf of their client, Mannings Lane Development Ltd requesting for the park and ride site allocated in the Chester District Local Plan and Chester Transport Strategy to be omitted from the Neighbourhood Plan Area. Following discussions with Mickle Trafford and District Neighbourhood Plan Group, and considering 61G(4) of the Town and Country Planning Act 1990, which states the desire for designating a whole parish boundary, it was concluded that the parish boundary is the most appropriate boundary for the neighbourhood area.
- 5.2 The Mickle Trafford and District Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - Mickle Trafford and District Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Mickle Trafford and District Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.
 - Although the boundary includes an allocated site in the Chester Local District Plan and Chester Transport Strategy for a park and ride, the Town and Country Planning Act 1990 states the desirability for the whole parish boundary to be designated as a Neighbourhood Plan Area and given the current uncertainty about the exact location and boundary of any allocation in the Local Plan (Part Two) it would be premature to try and anticipate this through changes to the neighbourhood area.

6 Decision

- 6.1 That the Mickle Trafford and District Neighbourhood Area is approved and is formally designated.
- 6.2 The reasons for this decision are that the Mickle Trafford and District Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.

- Mickle Trafford and District Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by Mickle Trafford and District Parish Council and it is appropriate for development in this area to be guided by a Neighbourhood Plan.
 - Although the boundary includes an allocated site in the Chester Local District Plan and Chester Transport Strategy for a park and ride, the Town and Country Planning Act 1990 states the desirability for the whole parish boundary to be designated as a Neighbourhood Plan Area and given the current uncertainty about the exact location and boundary of any allocation in the Local Plan (Part Two) it would be premature to try and anticipate this through changes to the neighbourhood area.
- 6.3 The Senior Manager - Planning and Strategic Transport hereby exercises their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Mickle Trafford and District 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 Plan Area
- 7 Attachments**
- 7.1 Copy of application form and map of Mickle Trafford and District Neighbourhood Area

Signed



Fiona Hore
Senior Manager - Planning and Strategic Transport

Date 17 December 2015

Mickle Trafford and District Neighbourhood Area Boundary

