

CHESHIRE WEST AND CHESTER COUNCIL

DELEGATED REPORT

DATE: 31 May 2013

**NEIGHBOURHOOD APPLICATION AREA: No Mans Heath and District
Neighbourhood Area - NP023**

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

DATE APPLICATION FIRST PUBLICISED: 11 April 2013

AREA NAME: No Mans Heath and District Neighbourhood Area

APPLICANT NAME: No Mans Heath 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 No Mans Heath and District Neighbourhood Area.
- 1.2 The application for the designation of No Mans Heath and District Neighbourhood was publicised on 11 April 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 No Mans Heath and District Neighbourhood Area is the area covered by No Mans Heath and District Parish Council. It includes the settlements of Edge, Larkton and No Mans Heath, Hampton, Bickley.

The area is the boundary of No Mans Heath & District Parish Council, plus two small additions. 1) There are a small number of properties which lie within the parish of Malpas but due to their location should be included in any plans relating to the Hampton Heath area. 2) There are a number of properties which lie within the settlement of No Mans Heath but are included in the Parish of Malpas and Parish of Macefen. It would be prudent to include these residents in any consultations about the future development of the area.

- 2.2 A map of the proposed No Mans Heath 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 11 April 2013
- 3.2 Details of the application were also published on the Council's website on 11 April 2013.
- 3.3 Copies of a notice advertising the application were placed on Parish notice boards at Edge, Hampton Heath, Larkton, No Mans Heath and Bickley.
- 3.4 Local Councillors were informed of the application with the call-in cut off date of 30 May 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 11 April 2013 to 23 May 2013..
- 3.6 The neighbouring parish councils of Broxton, Tilston, Overton, Malpas and Tushingham, Macefen & Bradley were notified of the application by letter on 11 April 2013.
- 3.7 The publicity arrangements complied with section 6 of the Regulations.
- 3.8 The following internal services were consulted Regeneration, Development Management, Specialist Environmental Services, Housing Strategy and Enabling. .
- 3.9 The Council received representations from United Utilities and Natural England 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 No Mans Heath and District Neighbourhood Area.
- 4.3 No Mans Heath 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 No Mans Heath and District Parish Council. Plus two small additions which due to their location are considered appropriate to be included within the area application boundary.
- 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 No Mans Heath 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 No Mans Heath and District Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
 - No Mans Heath and District Parish Council is the relevant body to undertake Neighbourhood Planning.
 - The Neighbourhood Plan Area follows the boundary of the area covered by No Mans Heath and District Parish Council together with two small additions and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

6 DECISION

- 6.1 That the No Mans Heath and District Neighbourhood Area is approved and is formally designated.
- 6.2 The reasons for this decision are that the No Mans Heath and District Neighbourhood Development Plan Area is considered appropriate because:
- No other applications has been made for Neighbourhood Areas covering all or part of the area.
No Mans Heath and District Parish Council are the relevant body to undertake Neighbourhood Planning.
The Neighbourhood Area follows the boundary of the area covered by No Mans Heath and District Parish Council together with two small additions
- 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 No Mans Heath and District Parish Council, relevant local Councillors, Malpas Parish Council and Tushingham, Macefen and Bradley Parish Meeting.
- 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 No Mans Heath and District Neighbourhood Area

STRATEGIC MANAGER – SPATIAL PLANNING

6 June 2013