

# **Cheshire West and Chester Council**

**Delegated Report**

**Date: 16 January 2015**

**Neighbourhood application area:**

**Upton by Chester and District  
(NP016)**

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

**Date application first publicised: 16 October 2014**

**Area name:**

**Upton by Chester and District**

**Applicant name:**

**Upton by Chester and District Parish Council**

**Ward:**

**Upton**

**Ward Members:**

**Councillor Jill Houlbrook  
Councillor Hilarie McNae**

**Case Officer:**

**Catherine Morgetroyd**

**Recommendation:**

**Approve**

## **1 Introduction**

- 1.1 This delegated report relates to the assessment of the application for the designation of Upton by Chester and District Neighbourhood Area.
- 1.2 The application for the designation of Upton by Chester and District Neighbourhood Area was publicised on 16 October 2014. 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 Upton by Chester and District Neighbourhood Area is the area covered by Upton and District Parish Council and follows the same boundary. It includes the settlements of Upton, Moston and Bache and the civil parishes of Bache, Moston and Upton-by-Chester. Moston and Bache do not have a separate parish council. The area is the same as the ward of Upton.

- 2.2 A map of the proposed Upton by Chester 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 16 October 2014.
- 3.2 Details of the application were also published on the Council's website from 16 October – 27 November 2014 at [http://www.cheshirewestandchester.gov.uk/your\\_council/policies\\_and\\_performance/council\\_plans\\_and\\_strategies/planning\\_policy/neighbourhood\\_planning.aspx](http://www.cheshirewestandchester.gov.uk/your_council/policies_and_performance/council_plans_and_strategies/planning_policy/neighbourhood_planning.aspx).
- 3.3 A copy of the notice advertising the application was also placed on the noticeboard at the pavilion on Wealstone Lane in the Upton by Chester and District area.
- 3.4 Local Councillors were informed of the application with the call-in cut off date of 4 December 2014. 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 16 October 2014 to 27 November 2014.
- 3.6 The neighbouring parish councils of Backford and District, Lea by Backford, Mickle Trafford and District and Mollington were notified of the application by letter (email sent to parish clerks on 16 October 2014).
- 3.7 The publicity arrangements complied with section 6 of the Regulations.
- 3.8 The following internal consultees were notified (by email): Housing Policy and Strategy; Legal; Regeneration; Total Environment; Development Planning; Committees and Elections; Economic Growth; Energy and Carbon Reduction.
- 3.9 The Council received three representations from English Heritage, Natural England and United Utilities 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 Upton by Chester and District Neighbourhood Area.
- 4.3 Upton by Chester 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 section 5C of the 2012 Regulations.
- 4.4 The Neighbourhood Area is considered appropriate as it follows the boundary of the area covered by Upton by Chester and District Parish Council. It covers the parishes of Upton by Chester, Moston and Bache which are administered by one Parish Council. The area encompasses the settlements of Upton, Moston and Bache. It is surrounded by more rural areas including Mollington, Backford and Mickle Trafford to the north and the more built up areas of Blacon and Newton to the south. It is considered to be both appropriate and coherent to plan for the future growth and development of this area through a Neighbourhood Plan.

## **5 Conclusion**

- 5.1 The application for the Upton by Chester Neighbourhood Area complied with the requirements of the regulations. The application was publicised in accordance with the regulations and no representations objecting to the neighbourhood area were received.
- 5.2 The Upton by Chester Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Upton by Chester and District Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Upton by Chester and District Parish Council, also including Moston and Bache and it is desirable for the future growth and development of this area to be set out through a Neighbourhood Plan.

## **6 Decision**

- 6.1 That the Upton by Chester Neighbourhood Area is approved and is formally designated.

- 6.2 The reasons for this decision are that the Upton by Chester Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Upton by Chester and District Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Neighbourhood Plan Area follows the boundary of the area covered by Upton by Chester and District Parish Council, also including Moston and Bache and it is desirable for the future growth and development of this area to be set out through a Neighbourhood Plan.
- 6.3 The Spatial Planning and Strategic Transport Manager hereby exercises their delegated authority to agree the area application.
- 6.4 A copy of this note will be sent to Upton by Chester and District 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 Upton by Chester and District Neighbourhood Area.

**Spatial Planning and Strategic Transport Manager**  
**16 January 2015**