

# **CHESHIRE WEST AND CHESTER COUNCIL**

**DELEGATED REPORT**

**DATE: 12 June 2013**

**NEIGHBOURHOOD APPLICATION AREA: Tiverton, Tilstone Fearnall and Beeston**

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

**DATE APPLICATION FIRST PUBLICISED: 11 April 2013**

**AREA NAME: Tiverton, Tilstone Fearnall and Beeston**

**APPLICANT NAME: Tiverton & Tilstone Fearnall Parish Council and Beeston Parish Council**

**WARD: Tattenhall**

**WARD MEMBERS: Cllr Mike Jones**

**CASE OFFICER: Rosie Morgan**

**RECOMMENDATION: Approve**

## **1 INTRODUCTION**

- 1.1 This delegated report relates to the assessment of the application for the designation of the Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area.
- 1.2 The application for the designation of Tiverton, Tilstone Fearnall and Beeston Neighbourhood was publicised on 11/04/2013 until 23/05/2013. 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 Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area is the same as that covered by Tiverton & Tilstone Fearnall and Beeston Parish Councils and follows the same boundary. It includes the small rural settlements of Tiverton and Beeston. The area is located within the wider Tattenhall Ward.
- 2.2 A map of the proposed Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area is attached to this report.

## **3 PUBLICITY**

- 3.1 The application was publicised by public notice in the Chester Chronicle on 11/04/2013.
- 3.2 Details of the application were also published on the Council's website from 11/04/2013 to 23/05/2013.  
[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 Local Councillors were informed of the application with the call-in cut off date of 30/05/2013. 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.
- 3.4 The six week publicity period ran from 11/04/2013 to 23/05/2013.
- 3.5 The neighbouring parish councils of Burwardsley, Tattenhall & District, Huxley, Clotton Hoofield, Rushton and Tarporley were notified of the application by letter on 10/04/2013.
- 3.6 The publicity arrangements complied with section 6 of the Regulations.
- 3.7 The following internal consultees were notified: Housing Strategy and Enabling; Legal; Regeneration; Specialist Environmental Services; Development Management.
- 3.8 The Council received representations from:
  - Environment Agency – no comment
  - Natural England – no comment
  - United Utilities – no comment, raised issues to take into account in preparation of Neighbourhood Plan

- Huxley Parish Council – support application

## **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 the area of the proposed Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area. The designated Tattenhall Neighbourhood Area shares a common boundary with the proposed Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area.

4.3 Tiverton & Tilstone Fearnall Parish Council and Beeston Parish Council are jointly 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 Tiverton & Tilstone Fearnall Parish Council and Beeston Parish Council. Both parish areas are predominately rural in character with small dispersed settlements. The parish boundary is an important corridor comprising the Crewe-Chester railway, the River Gowy and the Shropshire Union Canal. This presents a common set of issues facing the two parishes, which it makes sense to plan for together.

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 Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area complied with the requirements of the regulations.

The application was publicised in accordance with the regulations and no objections were received.

- 5.2 The Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Tiverton & Tilstone Fearnall Parish Council and Beeston Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Tiverton, Tilstone Fearnall and Beeston Neighbourhood Plan Area follows the boundary of the area covered by the two Parish Councils and it is appropriate for development in this area to be guided by a Neighbourhood Plan.

## **6 DECISION**

- 6.1 That the Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area is approved and is formally designated.
- 6.2 The reasons for this decision are that the Tiverton, Tilstone Fearnall and Beeston Neighbourhood Development Plan Area is considered appropriate because:
- No other applications have been made for Neighbourhood Areas covering all or part of the area.
  - Tiverton & Tilstone Fearnall Parish Council and Beeston Parish Council is the relevant body to undertake Neighbourhood Planning.
  - The Tiverton, Tilstone Fearnall and Beeston Neighbourhood Plan Area follows the boundary of the area covered by the two Parish Councils 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 Tiverton & Tilstone Fearnall and Beeston Parish Councils 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 Tiverton, Tilstone Fearnall and Beeston Neighbourhood Area

**STRATEGIC MANAGER – SPATIAL PLANNING**

**13 June 2013**