

Appendix 1: Consultation Response to the draft Audlem Neighbourhood Plan.

The emerging Audlem Neighbourhood Plan (ANP) contains a series of policies that seek to deliver sustainable development and include positive approaches to planning across a range of issues from housing and design to community well being and the local economy. There are areas that would benefit from further policy development and from the preparation of further evidence to justify the position already preferred by the parish council.

The points raised below refer to key recommendations that Cheshire East Council feels are necessary to address to deliver a neighbourhood plan that is supported by evidence, complies with national planning policy and does not conflict with the strategic aims of the emerging Local Plan Strategy for Cheshire East. The recommendations outlined below are intended to assist the Parish Council toward submission of a neighbourhood plan that meets the Basic Conditions as outlined in the Neighbourhood Planning (General) Regulations 2012.

Para 4.3.2

The CEC LPS identifies a need to deliver some 2500 homes across the Local Service Centres and, as the CEC LPS is currently under review, pending the resumption of an examination in public, this total quantum may be the subject of revision. The CEC LPS does not define a housing requirement for any single Local Service Centre, of which Audlem is one, and therefore it should be recognised that the figure referenced is derived on a proportional basis from the overall quantum of development to be met throughout the Local Service Centres.

Para 4.4.1

Point of clarification – there is no requirement for the draft neighbourhood plan to be submitted to CEC. The only requirement is that CEC are notified that the relevant body are undertaking a regulation 14 consultation. This requirement has been met.

Vision

No conflict with existing or emerging strategic Development Plan Policies for CEC.

Policy H1: Number of New Homes

The policy does not conflict with the emerging CEC LPS or the adopted DP.

Comment:

The existing settlement boundary for Audlem as identified in the Crewe and Nantwich Local Plan (2011) (C&NLP) is likely to be subject to alteration via the local plan process, therefore, the policy as proposed will be subject to change outside the remit of the neighbourhood plan. Where a local planning authority cannot demonstrate a five year supply of land for housing, those policies related to the restriction of housing supply (including settlement boundaries) cannot be afforded full weight for decision making purposes.

Recommendation:

The NP boundary is contiguous with the Parish boundary and the settlement boundary will be the subject of definition through the CEC LPS, which may be different from the C&NLP boundary. APC should introduce an additional policy specifically relating to Settlement Boundaries. If such a policy is introduced, supporting evidence to justify the decisions reached on the extent and limits of such boundaries should be provided to support the policy position.

Comment:

Audlem Parish Council (APC) seeks to introduce a policy that addresses the total quantum of housing required within the neighbourhood area. It is therefore recommended that proportionate evidence is submitted with the plan to support this policy position. As the emerging Local Plan Strategy for Cheshire East Council is currently under examination and not yet adopted the figures referred to that relate to the quantum of development appropriate to Local Service Centres may be subject to change through the process of examination. Should these figures change, there may be an impact on housing requirements across Local Service Centres, including at Audlem.

Recommendation:

Continue to develop the evidence base to justify the policy position and/or refer to compliance with future work and evidence completed as part of the CEC led Local Plan process.

Policy H3

The policy does not conflict with the emerging CEC LPS or the adopted DP.

Comment:

The policy is positive in support of new development subject to proposals meeting certain criteria.

Restrictions on size of developments to 10 dwellings or less inevitably will have implications for the delivery of contributions to local infrastructure and services but the exception to the policy may assist in delivery of local benefits where a suitable site can be found to accommodate larger development proposals.

Recommendation:

Submit further evidence to justify the conclusion that limiting sites to 10 dwellings is appropriate for Audlem.

Policy H7

Potential conflict with other legislation relating to the provision of Affordable Housing

Comment:

The allocation of affordable housing is a statutory responsibility of the Local Planning Authority under the Housing Act 1996 (amended by the Localism Act 2011). Housing authorities are required by s.166A(1) to have an allocation scheme for determining priorities, and for defining the procedures to be followed in allocating housing accommodation; and they must allocate in accordance with that scheme (s.166A(14)). All aspects of the allocation process must be covered in the scheme, including the people by whom decisions are taken. In the Secretary of State's view, qualification criteria form part of an allocation scheme.

All housing authorities must have an allocation scheme, regardless of whether they own housing stock and whether they contract out the delivery of any of their allocation functions. When framing or modifying their scheme, authorities must have regard to their current tenancy and homelessness strategies (s.166A(12)).

It is only the Local Authority that can determine an allocations scheme for affordable housing, and, as Policy H3 establishes criteria that seek to allocate affordable housing in Audlem, this must comply with the CEC Affordable Housing Allocations Policy.

Recommendation:

Ensure that the policy is fully compliant with the Cheshire East Affordable Housing Allocations Policy and refer directly to this policy.

Policy D4: Conservation Areas:

The policy does not conflict with the emerging CEC LPS or the adopted DP.

Comment:

The policy may benefit from additional wording.

Recommendation:

After 'Any proposal for a new building or external modification to any existing building within a Conservation Area shall blend well with adjacent properties' insert: 'and enhance the Conservation Area'.

Policy D5: Demolition

The policy does not conflict with the emerging CEC LPS or the adopted Development Plan however does conflict with other policy areas, specifically, Permitted Development rights.

Comment:

In most cases, permitted development rights enable the demolition of buildings without the requirement to seek consent. Within conservation areas, permission may be required, however there are exceptions.

Recommendation:

Either remove the policy entirely or amend to clarify its application only within the conservation area. If the latter approach is adopted the policy could be improved by identifying the criteria that may be applied for assessment of Conservation Area Consent in cases of demolition.

Policy D9: Planting

The policy does not conflict with the emerging CEC LPS or the adopted DP.

Comment:

The wording of the policy may not fully express the intent of the policy

Recommendation:

Replace 'an arboriculture assessment will be undertaken prior to any planning permission being granted', to 'an arboriculture assessment will be submitted with development proposals'.

Amend 'New developments will be required to include suitable plantings of trees and where appropriate hedgerows in line with local planning authority guidelines.'

Proposed alteration: 'New developments will be required to include suitable plantings of trees and, where appropriate, hedgerows. Where available, this must be in compliance with the most up to date local planning authority guidelines.'

Policy B1: Redundant Farm Buildings

The policy does not conflict with the emerging CEC LPS or the adopted Development Plan.

Comment:

The policy recognises the existence of permitted development rights that may impact on the policy. The local authority only has powers of determination where proposals are submitted under the prior approval regime and such proposals have an impact on transport, highways, noise, flooding and contamination. Therefore the local authority can enforce no requirement to submit proposals that include employment uses. Criteria linked to the provision of land for employment purposes can therefore only be applied where proposals exceed the limitations of permitted development and require the submission of a planning application.

Recommendation:

Alter the policy to read:

‘That, over and above Permitted Development, redundant farm buildings be utilised for employment purposes wherever possible and that where residential use is favoured, that an element of workspace is provided within development proposals.’