

Cabinet Member for Housing and Planning Agenda

Date: Tuesday, 9th June, 2015
Time: 10.00 am
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

For requests for further information
Contact: Cherry Foreman
Tel: 01270 686460
E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies

4. **Audlem Parish Council Neighbourhood Plan Regulation 14 Consultation** (Pages 1 - 8)

To consider a consultation response to the draft Audlem Parish Council Neighbourhood Plan.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Cabinet Member for Housing and Planning

Date of Meeting:	9 th June 2015
Report of:	Interim Planning Executive
Subject/Title:	Audlem Parish Council Neighbourhood Plan Regulation 14 Consultation
Portfolio Holder:	Councillor Ainsley Arnold

1.0 Report Summary

- 1.1 Audlem Parish Council (APC) have produced a draft neighbourhood plan and are seeking representation on its content.
- 1.2 Draft neighbourhood plans must be subject to public consultation prior to submission to the Local Planning Authority (known as the Regulation 14 consultation). At this stage, the plan consulted upon must be the preferred option of the community producing the plan.
- 1.3 Consultation allows representations to be made and, where appropriate, for APC to make amendments to its proposed plan, prior to submission to Cheshire East Council for consideration.
- 1.4 This report provides a consultation response to the draft APC Neighbourhood Plan, and is appended to this report at Appendix 1.

2.0 Recommendation

- 2.1 That Audlem Parish Council consider the response to their proposals as outlined in Appendix 1.

3.0 Reasons for Recommendation

- 3.1 The reasons for each recommendation are outlined in the consultation response attached at Appendix 1. Neighbourhood plans must be produced to support sustainable development and meet the basic conditions as outlined at para. 8(2) of Schedule 4B of the Town and Country Planning Act 1990. They must be produced in conformity with the National Planning Policy Framework and the strategic policies of the adopted local plan. In Cheshire East the relevant adopted local plan consists of the saved policies held within the Crewe and Nantwich Borough Local Plan 2011.

4.0 Wards Affected

- 4.1 Audlem

5.0 Local Ward Members

- 5.1 Councillor Rachel Bailey

6.0 Policy Implications

- 6.1 The Audlem Neighbourhood Plan (ANP) will, once adopted by CEC, form part of the statutory development plan for CEC and be applied within the Audlem Neighbourhood Area.
- 6.2 To ensure CEC meets its responsibilities as the Local Planning Authority and to ensure co-ordination between the emerging Local Plan Strategy for CEC and locally produced neighbourhood plans, it is important for the Council to consider the implications of emerging neighbourhood plans and for the Council to make recommendations that would assist the delivery of positive and sustainable development in Cheshire East.
- 6.3 Audlem is identified as a Local Service Centre in the evidence base that supports the emerging Local Plan Strategy for CEC and as a settlement with a number of services and facilities performs an important role in it's locality. The settlement should accommodate a proportion of the quantum of 2500 homes and 5ha of employment land to be distributed across the Local Service Centres. As part of the examination of the Local Plan Strategy (currently suspended at time of writing) these figures are currently under review and may change with implications for policies adopted as part of the neighbourhood plan.

7.0 Implications for Rural Communities

- 7.1 A neighbourhood plan enables rural communities in Audlem to participate in the plan making process and develop policies to address those planning matters that affect their interests and well being. The process allows greater engagement of rural communities and for such communities to take ownership of planning policy which directly affects their futures. The formal stages of consultation built into the neighbourhood plan process ensures such engagement is possible and the stages leading up to the production of a draft plan should also actively seek to enable all local residents and businesses in policy formation.

8.0 Financial Implications

- 8.1 The emerging neighbourhood plan for Audlem will incur direct costs to the Council to support an independent examination of the plan and, should the examination be successful, a local referendum. Such costs will be met through existing budgets and through grant funding from central government (£30,000 per neighbourhood plan is payable to the authority from central government to support this agenda).
- 8.2 As the proposed Audlem neighbourhood plan will form part of the Development Plan for Cheshire East Council, should the document be legally challenged, CEC will be responsible for meeting such costs.
- 8.3 The Community Infrastructure Levy (CIL) is a charge levied on new development. Where an adopted CIL is in place, 15% of all CIL payments must be allocated to

the local council which hosts development. Where local councils have an adopted neighbourhood plan, this figure rises to 25% of CIL charges.

9.0 Legal Implications

- 9.1 Neighbourhood Development Plans and Orders, which may follow the making of a Neighbourhood Area, are prepared in accordance with the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), the Neighbourhood Planning (General) Regulations 2012 and the Neighbourhood Planning (General) (Amendment) Regulations 2015
- 9.2 The Secretary of State has made the Neighbourhood Planning (General) Regulations 2012 under powers conferred by the 1990 and 2004 Acts, and these Regulations, which came into force on 6 April 2012 and 9th February 2015, make further detailed provision on this subject.
- 9.3 Once adopted by the Local Planning Authority (made), the neighbourhood plan is brought into full effect as a statutory part of the Development Plan for Cheshire East Council

10.0 Risk Management

- 10.1 Neighbourhood plans will, once formally adopted ('made') by the CEC, form part of the Development Plan for Cheshire East. At the current stage, the plan submitted to consultation is the preferred option of APC. The formal stages of consultation built into the neighbourhood plan process enable APC to receive representations and to inform any refinement, alterations or improvements prior to formal submission of the plan to CEC.
- 10.2 The Council continues to prepare its Local Plan Strategy and whilst the LPS is not yet adopted, the examination of the plan is due to convene in Summer 2015; it is recommended that neighbourhood plans take this document, and its evidence base, into consideration when proposing planning policy.
- 10.3 As any future neighbourhood plan will form part of the Development Plan for Cheshire East, if legally challenged it is the responsibility of Cheshire East Council to respond to such a challenge and meet any associated costs.
- 10.4 Cheshire East Council will seek to work with local councils to ensure that policies proposed in neighbourhood plans meet the requirements placed upon them by legislation.

11.0 Background and Options

- 11.1 The Localism Act 2011 introduced new legal rights that enable communities to prepare local development plans (neighbourhood plans) with equal weight to the Local Plan for decision making purposes on development proposals.
- 11.2 Audlem Parish Council have prepared a draft neighbourhood plan with specific policy content that will potentially affect planning decisions within the Audlem Neighbourhood Area.

- 11.3 From the day of publication, decision takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections and the degree of consistency with the Framework (NPPF para. 216).
- 11.4 The emerging Cheshire East Local Plan Strategy (LPS) is such an emerging plan and not yet formally adopted. The LPS was submitted to examination in September 2014 and whilst the Inspector recognised that the first test of local plan making had been passed (the Duty to Co-operate), the examination was suspended to allow the production of further supporting evidence to justify some positions reached within the LPS.
- 11.5 The LPS has been in production since 2010, has been tested through a series of public consultations and is the final stages of production. It is anticipated that the examination of the LPS will resume in summer 2015.
- 11.6 Accordingly this consultation response to the draft ANP takes into account the NPPF, the existing Crewe and Nantwich Borough Local Plan, the emerging CEC LPS and other relevant legislation including the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012.

12.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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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.’