



Coventry City Council

COMMITTEE REPORT

Report to

Planning Committee Chair and Deputy Chair

Report of

Head of Planning and Regulation

Title

Neighbourhood Area Application Consultation Responses– Allesley

Applicant

Allesley Parish Council

Ward

Bablake

1.0 Purpose of the Report

- 1.1 To consider the consultation responses to the Neighbourhood Area application and to agree the area as a basis for Allesley Parish Council to prepare their Neighbourhood Plan.

2.0 Recommendation

- 2.1 It is recommended the Chair and Deputy Chair of Planning Committee:
- Note the responses to the consultation relating to the proposed neighbourhood area application; and
 - Accept the submitted application and agree the neighbourhood area as shown in Appendix 1.

3.0 Information/Background

- 3.1 The 2011 Localism Act introduced a right for communities to draw up a Neighbourhood Plan which is supported through national regulatory control. This means there is an opportunity for local communities to get more involved in planning in their areas. Local Planning Authorities are expected to play a positive role in facilitating and supporting this process. The Town and Country Planning Act 1990 (sections 61F – 61I) and the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out the legislative background. The web based Planning Practice Guidance on Neighbourhood Planning gives Central Government Guidance. There is a requirement for the Council to formally publicise and designate proposed Neighbourhood Areas.
- 3.2 The 'area' identified by Allesley Parish Council is shown on the submitted location plan (see Appendix 1). The proposed neighbourhood area is considered to be a sensible and logical boundary as it is based on the existing electoral ward of

Allesley Parish and has been defined for many years, however the Council will have regard to representations it receives.

- 3.3 Once the application is determined and the application agreed, the Regulations then require the designation of a Neighbourhood Forum. In this case, however, the Parish Council is the qualifying body for producing the Neighbourhood Plan and so there is no need to put together a neighbourhood forum. Parish Councils may choose to put together a working group of community representatives to assist in the process to ensure the Plan is community led and engages with a wide range of interests. Allesley Parish Council is the body ultimately responsible for consulting on the plan and submitting it for examination.

4.0 Consultation Outcomes

- 4.1 The 6 week consultation (11 March 2016 – 22 April 2016) generated eleven representations. Table 1 below summarises the results.

Table 1: Responses to the proposed Allesley Neighbourhood Area application

Consultee and comments	Support/ Object	Officer Response	Recommendation
Canal and Rivers Trust: The plan area is not within close proximity to the Coventry Canal or the wider canal network and therefore the Canal and River Trust have no comments to make.	N/A	Noted	No change.
Coal Authority: Neighbourhood Plan area lies within the current defined deep coalfield. However as this consultation only relates to the proposed designation of the neighbourhood plan area, The Coal Authority has no specific comments to make at this stage. As the NDP area does not contain any surface coal resource or any mining legacy features, in the spirit of ensuring efficiency of resources and proportionality it will not be necessary for you to provide The Coal Authority with any future drafts or updates to the emerging Neighbourhood Plan. Please use this letter as evidence for the legal and procedural consultation requirements.	N/A	Noted	No change.
Fisher German Consultancy: Disagree with the proposed area boundary as it includes the proposed Sustainable Urban Extension (SUE) allocation as set out in the Council's emerging Local Plan. Would want a revised area boundary excluding the SUE.	Object	Noted	No change. The proposed neighbourhood area is considered to be a sensible and logical boundary as it is based on the existing electoral ward of Allesley Parish
Gladman Developments: No specific comments to make on the application for the Neighbourhood Area designation.	N/A	Noted	No change.
Historic England: The proposed neighbourhood plan area contains a varied range of designated and undesignated heritage assets including a number of listed buildings. Due account should be taken of the conservation of all of these	No objection	Noted	No change.

Consultee and comments	Support/ Object	Officer Response	Recommendation
assets and their settings in formulating the neighbourhood plan proposals. Due consideration should also be given to the protection of undesignated heritage assets including historic farmsteads and archaeological remains (both known and potential) within the Parish. Many of these will be recorded in the Warwickshire County Council Historic Environment Record (HER) which should be consulted.			
National Grid: Has identified the following high voltage overhead powerline as falling within the Neighbourhood area boundary: (YYA Route – 275kV from Coventry substation in Coventry to Berkswell substation in Solihull). From the consultation information provided, the above overhead powerline does not interact with any of the proposed development sites. Whilst there is no implications for National Grid Gas Distribution's Intermediate / High Pressure apparatus, there may however be Low Pressure (LP) / Medium Pressure (MP) Gas Distribution pipes present within proposed development sites.	N/A	Noted	No change.
Natural England: No specific comment on the area boundary	N/A	Noted	No change.
Oxalis Planning Consultancy: Disagree with the proposed area boundary as it includes the proposed Sustainable Urban Extension (SUE) allocation as set out in the Council's emerging Local Plan. Would want a revised area boundary excluding the SUE.	Object	Noted	No change. The proposed neighbourhood area is considered to be a sensible and logical boundary as it is based on the existing electoral ward of Allesley Parish
Inland Waterways Association: Area contains no navigable waterways, the Inland Waterways Association is happy to lend its support to any well thought out and designed plan which will help protect any individual area from inappropriate or badly designed development.	Support	Noted	No change.
Sport England: No comment	N/A	Noted	No change.
Ramblers Association: No comment	N/A	Noted	No change.

5.0 Legal Considerations

5.1 Under section 61G and 61H of the Town and Country Planning Act 1990, in determining the application the Council must have regard to:

- I. the desirability of designating the whole of the area of a parish council as a neighbourhood area, and
- II. the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas (as designated neighbourhood areas must not overlap).
- III. Whether the area should be designated as a business area.

The Neighbourhood Planning Guidance provides that:

“the local planning authority should aim to designate the area applied for. However, a local planning authority can refuse to designate the area applied for if it considers the area is not appropriate. Where it does so, the local planning authority must give reasons. The authority must use its powers of designation to ensure that some or all of the area applied for forms part of one or more designated neighbourhood areas”

The Council also has a duty to publicise a map setting out all neighbourhood areas designated on its website indicating which are business areas.

- 5.2 The Regulations state that the Council must determine the application by the prescribed date which is eight weeks from the date immediately following that on which the application is first publicised (Regulation 6A). Government Guidance on Neighbourhood Planning sets out possible considerations when deciding the boundaries of a neighbourhood area.
- 5.3 Following the consultation period, it is important to highlight a significant objection to the proposed boundary submitted by Oxalis Planning on behalf of Hallam Land management (HLM) and Fisher German Planning on behalf of the W B Neal family. Oxalis and Fisher German are acting for clients promoting the proposed Local Plan allocation at Eastern Green, which currently sits within the proposed Neighbourhood Area boundary.
- 5.4 In considering these objections, the Council has examined identified examples whereby strategic allocations (within a proposed or adopted Local Plan) have been omitted from a Neighbourhood Area. The Council has also had regard to the National Planning Policy framework (NPPF) and the respective National Planning Practice Guidance (NPPG) in so far as they both relate to Neighbourhood Planning:
- Paragraph: 066 Reference ID: 41-066-20140306 (part e in particular) – this requires that any Neighbourhood Plan being proposed for adoption (and referendum) must satisfy a range of conditions including that the plan is in “general conformity with the strategic policies contained in the development plan for the area of the authority”
 - Paragraph: 044 Reference ID: 41-044-20140306 – Suggests that neighbourhood Plans and Local Plans should not duplicate policy and add unnecessary levels of planning policy which could delay the timely progression of Plans.
 - Paragraph: 044 Reference ID: 41-044-20140306 – also suggests that the Local Authority should share evidence with the Neighbourhood Area to support the preparation of the Plan and help ensure consistency with the Local Plan
 - Paragraph: 045 Reference ID: 41-045-20140306 – Is clear that Neighbourhood Plans “should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies (see [paragraph 16](#) and [paragraph 184](#) of the NPPF).

- Paragraph: 045 Reference ID: 41-045-20140306 – is also clear that a Neighbourhood Plan should not be used to “constrain the delivery of a strategic site allocated for development in the Local Plan”.

- 5.5 Notwithstanding, the Council is fully aware of the level of local concern relating to the proposed allocation at Eastern Green, and the Council’s commitment through the consultation processes (that have supported the emerging Local Plan) to ensuring on-going engagement and joint working with the local community especially around design issues.
- 5.6 In this context, the Council is mindful to retain the Neighbourhood boundary as originally proposed and continue to support the emerging Neighbourhood Plan, but only on the following conditions:
- I. the Neighbourhood Plan conforms fully to the emerging Local Plan and does not attempt to undermine or amend the strategic allocation proposed at Eastern Green;
 - II. the Neighbourhood Plan does not contain any detailed policy that duplicates or contradicts that which is proposed within the emerging Local Plan;
 - III. the Neighbourhood Plan is not identified as a barrier or a delay mechanism to any subsequent planning application relating to the proposed strategic allocation at Eastern Green.
 - IV. the Parish Council commit to working jointly with the Council to support the preparation of the Design Guidance Supplementary Planning Document identified in the emerging Local Plan to avoid duplication of strategic design policy.
- 5.7 The proposed allocation at Eastern Green is considered to form a key aspect of the emerging Local Plan and is vitally important to the delivery of homes and jobs for the city over the plan period. The above conditions are wholly justified in the context of National Guidance and the successful delivery of the Coventry Local Plan.

6.0 Financial Considerations

- 6.1 The current arrangements for claiming financial support for neighbourhood planning stay in place for 2015/16, with one minor change. From April 2015, there will be no cap on the number of claims that can be made for designated neighbourhood forums.
- 6.2 The first payment of £5,000 will be made following designation of a neighbourhood area recognising the officer time supporting and advising the community in taking forward a neighbourhood plan. The second payment of £5,000 will be made when the local planning authority publicises the neighbourhood plan or order prior to examination. The third payment of £20,000 will be made on successful completion of the neighbourhood plan or order examination. This is to cover costs for that examination and any other further steps that may be needed for the neighbourhood plan to come into legal force, including referendum. There is no cap on the number of claims that can be made in 2015/16.

- 6.3 The costs of consultation associated with this stage of the plan preparation will be consumed within existing Local Plan budgets where they exceed the grant funding secured from government.

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ALL BACKGROUND PAPERS OPEN TO PUBLIC INSPECTION at Place
Directorate, Civic Centre 4, Much Park Street and

www.coventry.gov.uk/neighbourhoodplanning

- Localism Act 2011.
- Neighbourhood Planning (General) (Amendment) Regulations 2015.
- Planning Advisory Service – Guide for Councils Meeting the requirements of the legal process for Neighbourhood Development Plans.

Appendix 1: Neighbourhood Area – Allesley

