



# Your Upton NEIGHBOURHOOD Plan

## Summary of Policies

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### SUSTAINABILITY

#### **Policy S1: Sustainable construction**

- All development must support the Neighbourhood Development Plan objective of seeking reductions in carbon emissions from within the Upton NDP area and mitigating the impacts of climate change. Developments should be zero carbon, with residential developments meeting Passivhaus standards, and should be designed to minimise non-renewable energy consumption, including the use of sustainable main materials, high energy efficiency levels, the incorporation of renewable energy initiatives and the efficient design of the building, except where there is clear evidence that it is impractical and/or non-viable. The sustainability of main building materials should be demonstrated by life cycle assessment.
- Major developments are required to support sustainable living and utilise best practice in the use of sustainable resources and green technologies such as renewable energy and storage, decentralised heating systems, heat from waste systems and rainwater harvesting.
- All development proposals (including changes of use) will be expected to achieve the highest levels of energy and water efficiency, except where there is clear evidence that it is impractical and/or non-viable.
- All development proposals (including changes of use) will be expected to demonstrate that they have examined and maximised opportunities to incorporate sustainable design features.
- Developments which would lead to improved energy and water efficiency in existing buildings and which do not negatively impact the character of the building or surrounding area will be supported.

## **Policy S2: Renewable energy generation**

Support will be given to renewable and low carbon energy generation developments. In particular, support will be given to developments that:

- are led by, and/or meet the needs of the local community; and/or
- create opportunities for co-location of energy producers with energy users, in particular heat, and/or facilitate renewable and low carbon energy innovation.

When considering such proposals, regard will be given to the wider benefits of providing energy from renewable sources, as well as the potential effects on the local environment and residential amenity, including any cumulative impact of these proposals

## **PHYSICAL CHARACTER**

### **Policy PC1: Protecting and Enhancing Heritage Assets**

Designated and non-designated heritage assets enhance local distinctiveness and should be conserved and enhanced in a manner appropriate to their significance.

Development should protect and, where possible, enhance, both designated and non-designated heritage assets and historic landscape character, and include measures to avoid or, where necessary, minimise impact and mitigate adverse effects.

In particular, any development must:

- Protect or enhance the character and setting of the 12 listed buildings in the study area, all are Grade II. Newton Hall which is in proximity to the study boundary is Grade II\* listed (*See Appendix 1*).
- Protect or enhance the setting of the six Roman camps designated as Scheduled Monuments in the east of the Neighbourhood Plan area.
- Protect or enhance the setting and the different characters of the Conservation Areas: Upton Park Conservation Area and Chester Canal Conservation Area.
- Protect or enhance the character and setting of the Upton Cross area, including the Cockpit, as a Key Node with historic character.
- Protect or enhance the appearance and setting of landmarks, listed buildings and marker buildings (undesignated heritage assets) that aid legibility and contribute to the character, image and identity of the area.

Development which would remove, harm or undermine the significance of such non-designated heritage assets, or their contribution to the character of a place, will only be permitted where the benefits of the development outweigh the harm having regard to the scale of the harm and significance of the non-designated heritage asset.

Prior to the loss of the non-designated heritage asset, an appropriate level of survey and recording will be expected including where appropriate archaeological investigation, the results of which should be deposited on the Historic Environment Record. It is expected that any application will be supported by a desk-based assessment which defines the significance of the assets and considers the development's effect on the asset and its setting and measures to avoid, minimise or mitigate any adverse impacts.

## Policy PC 2: Preserving local character and distinctiveness

Development will be supported which conserves and enhances the character of the area, as defined in the relevant section of the Upton Characterisation Study (Section 3 of the Upton Neighbourhood Development Plan Design Code – Appendix 8).

Where appropriate an application for development must set out a clear response to the character area/s in which it is sited or adjacent to (*see Figure 8.3*), including landscape character areas.

The character response should be clearly outlined in terms of appearance, means of access, landscaping, layout and scale. The design must respond to the character area through one or more of the following approaches:

**Harmonise** – clearly respond to existing characteristics within the character area, street and site across the categories of appearance, means of access, landscaping, layout and scale.

**Complement** - doing something slightly different that adds to the overall character and quality in a way that is nonetheless fitting in terms of appearance, means of access, landscaping, layout and scale.

**Contrast** – doing something of high design quality that is different but adds positively to the built-form and character and is considered an exemplar approach for others to follow.

Development should protect and enhance locally distinctive boundaries (such as sandstone walls or “Cheshire” railings) and any proposals which would result in loss of these features would be resisted.

Original architectural details such as cornices, fenestration, architraves, etc. are important to the character of the area and conservation or restoration of these features will be encouraged.

Alterations and extensions to existing buildings must be carefully designed and implemented to ensure that the character of the building, and its contribution to the character of the wider area, is not harmed and that its impact on heritage assets and their setting is avoided or, if this is not possible, minimised.

## Policy PC3: Landscape and Recreational Spaces

Development will be supported which protects and enhances a multi-functional network of open spaces and associated leisure and recreation facilities including:

- Amenity spaces.
- Sports fields.
- Parks.
- Sports clubs (including the Upton-by-Chester Golf Club).
- Recreation grounds.

New housing developments must provide adequate high quality open space of at least the standards in Policy **DM35** of Part Two of the Cheshire West and Chester Local Plan. Any suitable proposals to increase recreational / amenity green space or to enhance existing space will be welcomed. Proposals for new green spaces,

recreation and play areas, their enhancement, or connectivity between them will be supported where access is easy and safe.

The following sites designated on the map at *Figure 8.4* should be designated as Local Green Spaces:

1. Countess of Chester Country Park adjacent to the Countess of Chester Hospital.
2. The former cricket pitch at the frontage of the 1829 Building on the Countess of Chester Health Park.
3. Land at Upton Cross (the junction of Mill Lane, Church Lane, Heath Road and Wealstone Lane) comprising the Cockpit, War Memorial and Lodge Gardens.
4. The Queen Elizabeth II Playing Field on Wealstone Lane.
5. The Chemistry Pits Playing Field to the rear of Marina Drive, Longfield Avenue and Heath Road.

Further detail of these sites and justification for their designation is provided at *Appendix 4*.

Development of Local Green Space is not permitted except in very special circumstances. Any development that is considered an exception or very special circumstances should consider the potential for alternative sites to be used instead that are not identified as Local Green Spaces. The identified Local Green Space sites are of particular importance to the local community due to their beauty, historic significance, recreational value and / or biodiversity and because they are easily accessible for Upton residents.

#### **Policy PC4: Protecting Trees and Hedgerows**

Any development that would result in the loss of, or the deterioration in the quality of an important natural feature, including trees and hedgerows and watercourses will not normally be permitted.

Where it is demonstrated that integration of these features into the development is not possible and the assets would be lost, developments may be permitted in line with the requirements of Local Plan (Part Two) policy DM45.

The retention of trees, hedgerows and other natural features in situ will always be preferable. Where the loss of such features is unavoidable, replacement provision must be of a ratio of at least two new trees for each tree which is lost.

New tree planting will be supported within new developments.

# HOUSING

## Policy H1: Scale of housing development

Large-scale housing development (10 or more dwellings or an area of 0.3HA or more) would be supported only on the site of the Dale Barracks, should this become available during the plan period, or in exceptional cases, to meet an identified community need.

Small-scale housing development will be supported in principle, provided that it is environmentally sustainable.

The following types of housing development will generally be supported:

- Re-use of redundant or disused buildings which would lead to an enhancement of the immediate area.
- Redevelopment of brownfield sites subject to the criteria listed in policy **DM19** of Cheshire West and Chester Local Plan (Part 2).
- Infill housing development, within the existing settlement, of a small gap in an otherwise built-up frontage of up to two dwellings in keeping with adjoining developments.
- Sites within the built-up area that provide affordable housing

## Policy H2: Mix of housing types

In accordance with Policy **SOC3** of the Local Plan (Part 1) and Policy **DM 20** of the Local Plan (Part 2), sites which are developed for housing during the plan period should provide an appropriate mix of housing types.

In particular they should include affordable housing and properties that meet the needs of first-time buyers and people wishing to downsize from larger homes and/or support elderly residents, whilst encouraging independent living.

## Policy H3: Design of Housing Development

All new housing developments will be expected to be of a high quality of design having demonstrable regard to the Upton-by-Chester Neighbourhood Plan Design Code (Appendix 8) which will:

- Be of an appropriate size, height, scale, mass and density which respects existing development in the area.
- Complement and enhance where appropriate the skyline, materials, layout of and access to existing development in the area including where appropriate the provision of chimneys and other features.
- Not unacceptably affect the amenities of neighbouring dwellings through overlooking, loss of light, over-dominance or general disturbance.

- Where landscaping outside the curtilage of dwellings is characteristic of the area, developments should provide landscaping which complements and enhances the character of the local area.
- Provide garden space commensurate with the size of the proposed dwelling, the prevailing pattern of development in the locality, and the likely needs of the prospective occupiers
- Have appropriate parking provision that does not detract from the visual amenity of the area, particularly at the front of properties.

New development should be designed to maximise the retention of surface water on the development site and to minimise runoff. The approach to surface water drainage should be considered in liaison with the lead Local Flood Agency, the public sewerage undertaker and where appropriate the Environment Agency. Surface water should be discharged in the following order of priority:

- An adequate soakaway or some other form of infiltration system.
- An attenuated discharge to watercourse or other water body.
- An attenuated discharge to public surface water sewer.
- An attenuated discharge to public combined sewer.

Proposals that include surface water discharge to a public sewer will need to submit clear evidence demonstrating why alternative options are not available.

## LOCAL SERVICES AND FACILITIES

### **Policy LSF1 - Provision of services and facilities:**

The provision of new facilities for community services within the defined plan boundary will be supported subject to any new development:

- Respecting local residential amenity, particularly in terms of noise and traffic generation, and
- Preserving local character and distinctiveness as in Policy PC2.

### **Policy LSF2: Change of use or redevelopment of facilities for community services**

Change of use or redevelopment of existing community facilities for alternative uses will only be supported where it can be clearly demonstrated **either**:

- That the public and community services provided at that facility are no longer needed
- or:**
- That they include alternative provision, in a suitable location to serve the local Upton community, of equivalent or enhanced facilities which are safely accessible to all by a range of transport modes, including walking and cycling, and have adequate car parking.

## TRANSPORT AND COMMUNICATIONS

### **Policy T1 – Sustainable Transport:**

Development that reduces car usage and congestion on the local road network will be supported. Any development that results in a significant increase in congestion or risks to road safety will not be supported.

In order to improve the sustainability of travel, transport and road safety, all developments that are likely to generate significant amounts of movement shall be accompanied by a Transport Assessment. This should include an assessment of the impact that any increase in traffic would have on the roads in the Neighbourhood Development Plan area, especially at peak times for journeys to and from school and work. The assessment should incorporate steps to mitigate any harmful effects and the timetable to deliver that mitigation and, where appropriate, a Travel Plan consistent with the provisions of the Cheshire West and Chester Local Plan.

Proposals for development that meet the sustainable transport needs of those with disabilities or of elderly persons and provide appropriate facilities for them within the transport infrastructure will be supported.

Proposals that promote better integration between different modes of transport including links to local facilities and to the railway station, and / or to improve bus routes, services and passenger facilities will be supported.

### **Policy T2 - Pedestrians and cyclists:**

Where necessary and proportionate to the scale and impact of development, new development must include provision or commit funding towards the provision, of safe, wide, well lit, smooth surfaced and direct footpaths and cycle routes between the development, local retail / activity centres and local schools.

Whenever possible, new cycle routes and footpaths should link with the existing network of cycle routes and public footpaths which should be enhanced by the developer to provide safe passage.

Funds raised by the Parish Council from the Community Infrastructure Levy (CIL) will be put towards the costs of maintaining and improving the network of footpaths and cycle paths, with priority given to those routes with the highest relative traffic related fear factor as listed in Table 11.1 above. Developer contributions towards those costs will be sought in appropriate cases.

The existing Public Right of Way (PROW) network will be protected and maintained. Improvements to PROW will be supported, and any development that leads to the loss of any PROW, or any cycleway, will only be supported if a suitable and appropriate alternative can be provided. Proposals to divert PROWs or cycleways should provide clear and demonstrable benefits for the wider community

### **Policy T3 - Parking:**

Development that would reduce, or not exacerbate, existing parking problems in the parish, subject to Policy T1 above, will be supported.

Further provision for off-road car parking in the parish will be supported, in line with relevant Conservation Area guidance, national Green Belt policies and other policies within the Neighbourhood Development Plan.

Existing residential areas and new residential, retail, commercial and business developments must have adequate parking facilities to avoid or minimise 'on street' parking with due regard to the number of spaces defined in the Cheshire West and Chester Parking Standards Supplementary Planning Document.

The loss of existing parking provision for shops and businesses will not be permitted, unless it is no longer required or adequate replacement provision is made.

### **Policy T4 - Provision of electric charging points:**

All new dwellings where dedicated parking per house is provided will be required to have appropriately located radial circuits or charging points for all electric vehicles.

Where general parking areas are included in housing developments, these are required to provide radial circuits or charging points.

New employment, leisure or retail developments are encouraged to provide radial circuits or electric charging points for staff and/or users. Initiatives to provide radial circuits or charging points in existing housing developments and public car parks will be supported.

The best practice guidelines and standards for the provision of all electric vehicle charging infrastructure detailed in the Cheshire West and Chester Parking Standards Supplementary Planning Document should be adhered to.

### **Policy T5 – Cycle parking:**

Cycle storage and cycling parking provision should be of at least the standard required in the Cheshire West and Chester Parking Standards Supplementary Planning Document.

There must be two covered and secure cycle parking spaces per house and one covered and secure space per flat, apartment or maisonette. The cycle storage unit assigned to each dwelling is to be in or immediately adjacent to the property, fully-enclosed, secure and at ground-level.

Flats and other apartment buildings should also have provision for a communal cycle maintenance area with lighting, power and water.

The provision of cycle parking and parking for mobility scooters at existing residential, leisure, retail, transport and employment developments and at existing car parks will be supported.



## **Policy T6 – Communications Infrastructure**

The development of advanced high quality communications infrastructure, including high speed broadband and improved mobile network coverage, will be supported, subject to:

- a) Visible telecommunications development being kept to a minimum consistent with the efficient operation of the network.
- b) Any visible development being sympathetic to its surroundings and camouflaged where appropriate.

In areas where there is existing Fibre to the Street provision, new developments should ensure that residential and business properties have Fibre to the Premises broadband connectivity.

Major developments should ensure that Fibre to the Premises broadband connectivity is provided to all new properties.

Developments that will lead to improvements to Fibre to the Street broadband provision for existing properties will be supported

## **ECONOMIC ACTIVITY**

### **Policy E1: Limit the occupancy by Fast Food Takeaways within each of the three main shopping areas**

Proposals for retail shop usage in each of the Local Retail Centres will be supported. Development that supports local traders and provides a mix of retail and community uses would be welcomed.

Proposals for change of use which will lead to usage of premises by hot food takeaway businesses in excess of 33% in total at Weston Grove, and 10% at each of Bache and Long Lane will not be supported.

### **Policy E2: Development for business purposes**

Applications for development including office and light industrial businesses falling within Class E of the Use Classes Order 1987 as amended will be supported, provided that they fulfil *all* of the following criteria:

- They demonstrate that they will not unacceptably harm the residential amenity of an area.
- They do not cause unacceptable noise, air pollution or other nuisance.
- They do not lead to a loss of residential property.
- They do not have significant negative impact on the environment or significantly increase traffic levels.
- They do not lead to a decrease in retail shop usage at the Local Retail Centres.
- They provide adequate parking in line with Cheshire West and Chester Parking Standards Supplementary Planning Document.

Development of land for general industrial uses will not be supported

## THE DALE BARRACKS

### Policy D1: Dale Barracks Development

Any redevelopment of the Dale Barracks site shall conform with Policy **GBC 1C** of the Local Plan and will be supported provided that:

- Consultation with the community and regular communication and liaison with community groups has formed a key part of the design process from an early stage through to submission of any planning applications for redevelopment.
- A Building for a Healthy Life 2020 Assessment, or any subsequent industry standard for the design of new housing development, is undertaken and updated through all stages of the planning and delivery of the project.
- A statement is provided to show how each of the National Design Guide and Upton Design Guide topics has or will be taken into account within the design process at each stage.
- Development is in keeping with local housing requirements as set out in the draft Housing Needs Assessment (2019) or the latest available assessment of housing needs, including at least the maximum provision of affordable housing in line with policy SOC1 of Chester West and Chester Council Local Plan Part 1, homes for the elderly and smaller homes for first time buyers, young families and for down-sizing. Community led housing initiatives and self-build plots will be supported.
- Existing residential properties are retained and enhanced where needed or alternative accommodation is provided in the same development area.
- There is no physical segregation or barrier to movement between phases of development and existing housing.
- All properties within the development have access to safe, well lit and comfortable walking and cycling routes linked to the wider walking and cycling network.
- Future development retains, and where possible enhances, all of the existing sports pitches on the site. Development must demonstrate that the existing sport and recreation facilities/pitches at the site can be fully maintained, enhanced and transferred into permanent club/community use, subject to an appropriate financial contribution/commuted sum payment so far as is reasonable and if considered necessary and appropriate to the Club and Community.