

BLACON NEIGHBOURHOOD ALLIANCE
The Designated Neighbourhood Forum for Blacon

BASIC CONDITIONS STATEMENT FOR THE BLACON COMMUNITY NEIGHBOURHOOD DEVELOPMENT ORDER

SUBMISSION VERSION: OCTOBER 2025

Introduction

1. For the Neighbourhood Development Order (NDO) to be approved by the local planning authority, Cheshire West & Chester (CWaC), it must meet seven 'basic conditions':

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the order
- b. having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order
- c. having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order
- d. the making of the order contributes to the achievement of sustainable development
- e. the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority
- f. the making of the order does not breach, and is otherwise compatible with, retained EU obligations
- g. prescribed conditions are met in relation to the order and prescribed matters have been complied with in connection with the proposal for the order

Basic Condition Assessment

A. National Policy

2. The National Planning Policy Framework (NPPF) contains four policies to which the NDO has had special regard:

- §96 – “planning policies ... should aim to achieve healthy, inclusive and safe places which: promote social interaction; ... are safe and accessible ... which encourage the active and continual use of public areas; and enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs ... for example through the provision of ... sports facilities ... that encourage walking and cycling”.
- §98 – “in providing social, recreational ... facilities and services the community needs, planning policies ... should: plan positively for the provision and use of shared spaces, community facilities (including meeting places, sports venues and open spaces to enhance the sustainability of communities and residential environments; take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; guard against the unnecessary loss of valued facilities and services; ensure that

established ... facilities and services are able to develop and modernise, and are retained for the benefit of the community; and ensure an integrated approach to considering the location of ... community facilities and services”.

- §104 – “existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless: ... the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- §172 – “all plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.

3. For §96 and §98, the BNA and BCT are committed to providing local people with a community based accessible place to serve as a focal point for Blacon, through the creation of a Hub that helps reduce isolation and loneliness and will welcome all sectors of the community and build social capital, in an inclusive environment which aims to improve their physical and mental wellbeing. They know that many local groups and organisations that will be able to offer support at the Hub, principally through sport, and ensure that they meet their needs.

4. In respect of §104 the proposal requires some minor repositioning of the main football pitch and the removal of a small pitch lying between the main and secondary pitches. That pitch is not often used and its loss is unavoidable in enabling the creation of a viable facility together with sufficient car parking. However, the Hub building will include a multi-use Hall that will be large and tall enough to accommodate a 5x5 football use. There are also plans by the nearby Blacon High School to create new 5x5 and/or 7x7 pitches on its site. The Hub proposals are supported by the Football Clubs in delivering a significant benefit in community-led sports and recreation provision in Blacon.

5. Sport England is a statutory consultee and considers proposals affecting playing fields in light of (§104) and against its own playing fields policy, which states:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- *all or any part of a playing field, or*
- *land which has been used as a playing field and remains undeveloped, or*
- *land allocated for use as a playing field*

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.

6. The fifth of those is the most relevant to the NDO and states: *'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field'*.

7. To avoid repetition, this §104 matter is covered in relation to how Policy BLACON1 is in general conformity with strategic policy SOC6 – see §4.32 etc below.

8. A flood risk sequential test has been carried out for Policy BLACON1 per the provisions of §172 and the NDO itself is in accordance with that policy. Further, it is considered that the proposal presents an opportunity to address how surface water flooding is managed and the risks lowered from the current situation. A flood risk assessment and drainage strategy will be submitted along with the detailed Hub building and car parking drawings for subsequent approval.

9. It is considered that the provisions of §91 in respect of managing 'main town centre uses' are not engaged. The NDO specifies the use of the land and building shall primarily fall under Class E(d) of the Use Class Order 2020, i.e. 'indoor sports' but with second community uses (Class F2) outside of primary use hours. A planning condition attached to the NDO makes clear that the benefit of the NDO permission only extends to another non-commercial, community-led, sports use, and so a proposal to use the building by a commercial operator for indoor sports or health purposes will require a new planning permission. In which case, the proposed use of the land is not considered to fall within the 'health and fitness' description of 'main town centre uses' in the NPPF Glossary.

10. In conclusion the NDO is considered to have had regard to national policy.

B. Listed Buildings

11. There are no listed buildings in the vicinity of the NDO land.

C. Conservation Areas

12. There are no designated conservation areas in the vicinity of the NDO land.

D. Sustainable Development

13. The NDO is intended to have significant, positive social effects by increasing access to affordable, community-led sports and community facilities and services at the heart of the local community. The NDO may have a positive effect in creating new jobs in operating the facilities in an area of higher relative unemployment. The NDO will have no adverse environmental effects in respect of the development of the land. It will have a positive effect in providing closer, alternative facilities and services to reduce car trips out of Blacon.

14. In conclusion the NDO is considered to contribute positively to the achievement of sustainable development.

E. Strategic Policy

15. The following policies of the adopted CWaC Local Plan are relevant in the assessment of this NDO – they comprise both strategic and non-strategic policies of Parts One and Two of the Local Plan and of the Neighbourhood Plan:

- STRAT1 Sustainable development
- STRAT10 Transport and accessibility
- STRAT11 Infrastructure
- SOC5 Health and well-being
- SOC6 Open space, sport and recreation
- ENV1 Flood risk and water management
- ENV6 High quality design and sustainable construction
- DM2 Impact on residential amenity
- DM3 Design, character and visual amenity
- DM4 Sustainable construction
- DM29 Health impacts of new development
- DM36 Provision for Sport and Recreation
- DM39 Cultural and Community Facilities
- DM40 Development and flood risk
- DM41 Sustainable drainage systems
- DM43 Water quality, supply and treatment
- T5 Parking and access
- BLACON1 Sports & Community Hub, Cairns Crescent
- BLACON4 Local Green Spaces

STRAT1

16. STRAT1 sets out the underlying ‘sustainable development principles’ of the Plan, including supporting *“regeneration in the most deprived areas of the borough and ensur(ing) those reliant on non-car modes of transport can access jobs and services”*.

17. The NDO site is located at the heart of the southern half of Blacon, which is one of the most deprived areas of the Borough. The significant upgrade in local sports and community facilities and services, delivered by a community-led organisation aimed at addressing local needs within walking distance of most who live there, is very much in line with this principle.

STRAT10 and TR5

18. Policy STRAT10 requires that *“development ... should ... reduce carbon emissions from transport ... (and) improve accessibility to jobs and key services which help support greater equality of opportunity”*. It goes on to state that, *“in order to minimise the need for travel, proposals for new development should be located so as they are accessible to local services and facilities by a range of transport modes”*.

19. It also states that:

“New development will be required to demonstrate that:

- Additional traffic can be accommodated safely and satisfactorily within the existing, or proposed, highway network*
- Satisfactory arrangements can be made to accommodate the additional traffic before the development is brought into use*
- Appropriate provision is made for access to public transport and other alternative means of transport to the car*
- Measures have been incorporated to improve physical accessibility and remove barriers to mobility, especially for disabled and older people. The safety of all road users should be taken into account in the design and layout of new developments.”*

20. The NDO scheme is located 200m from the Western Avenue Local Retail Centre of shops and services at the heart of the southern half of Blacon. Approx. 75% of all residents of Blacon, and more than 95% of those in its southern half (below the former railway line), live within an 800m (15 minute) walking distance. The 1/1A Chester – Blacon high frequency, circular bus service runs along Melbourne Road with stops 30m – 50m from the site. Every resident of Blacon lives within a 5 minute walk of bus stops along the route.

21. The use of the site for sports has evolved over more than 80 years. At peak times on seasonal weekends it can be very busy with some use of the surrounding streets for on-street parking, but still a majority of users arrive on foot or by bike. However, there is currently no co-ordination of activities or active traffic or parking management at those times, which will change once this new scheme is operational.

22. The NDO development parameters will allow for an increase the number of existing car parking spaces on the site from approx. 20 (there are no laid out spaces at present) up to 64. Policy T5 is implemented by the adopted CWaC Parking Standards SPD, which requires a maximum of one space per 23 sq.m. of floorspace of Class E(d) uses, but allows for an assessment of proposals on a case by case basis. A building of 3,000 sq.m. would therefore require a maximum of 130 spaces.

23. Given the very high accessibility of the site to the target user population in Blacon by non-car travel modes, it is considered that 64 spaces will be sufficient to serve both the building and outdoor sports use. Details will be submitted for approval as planning conditions of the NDO, including traffic and parking management arrangements and green travel promotions to ensure the peaks in use can be effectively managed without significant or prolonged disturbance to residents adjoining the site.

24. The detailed building design proposal will be submitted for approval and will include user accessibility arrangements, given the building must be accessible to all members of the community as users and visitors.

STRAT11 and DM39

25. Policy STRAT11 states that, *“the Council will support the provision of appropriate new infrastructure ... (and) measures to protect, enhance or improve access to existing facilities, services and amenities that contribute to the quality of life of residents provision of additional facilities, services and infrastructure to meet identified needs ... in locations that are appropriate and accessible”*.

26. Policy DM39 then states: *“Proposals for new or improved community facilities and local services within urban areas, key service centres and local service centres will be supported where they are of an appropriate scale to serve the local community. It goes on to state that, “the Council will support neighbourhood plans and Neighbourhood Development Orders that seek to plan for new community facilities”*.

27. The NDO is intended to implement Policy BLACON1 of the BCNP for this specific purpose. Whilst principally providing permanent homes to various sporting organisations, the Hub will provide co-located supporting community uses which will ensure the building can be self-sufficient in terms of funding, generating adequate income from supplementary community, recreation and leisure activities, commonplace in many sports venues which require a multifunctional approach to be sustainable.

28. The existing football clubs, youth club and children’s play area uses will all be significantly improved, delivered and operated by a community-led organisation, the BCT. The Hub and repositioning of the pitches will increase the efficient use of the space on the site and replace buildings that can no longer meet modern user needs and the poor quality play area will also be upgraded as part of the project.

SOC5 and DM29

29. Policy SOC5 states, *“proposals will be supported that ... provide new or improved health facilities across the borough, particularly in areas of recognised need ... promote safe and accessible environments and developments with good access by walking, cycling and public transport ... (and) support opportunities to widen and strengthen the borough’s ... sport, recreation and leisure offer”*.

30. Policy DM29 then states, *“Development proposals should take every reasonable opportunity to promote and positively contribute to the health of the borough”*. The Hub will meet all of these policy objectives and requirements by creating a community-led sports and community use to meet gaps in local need in one of the most deprived areas of the Borough. It is expected the success of the scheme will increase participation in active sports in Blacon across a wide range of age groups and genders.

31. It will complement other, primarily commercial provision of sports and leisure uses provided elsewhere in Blacon but with a community-led, non-profit focus to maximise access for local people and to fine-tune how provision is delivered to meet local needs.

SOC6 and DM36

32. Policy SOC 6 states that, *“the Council will seek to protect, manage and enhance existing open spaces, sport and recreation facilities ... Proposals will be supported that ...improve the quality and quantity of accessible open space, sport and recreation facilities in the local area”*.

33. It goes on to state that, *“proposals on existing open space, sport and recreation facilities will only be permitted where ... equivalent or better replacement quality and quantity open space, sport or recreation facilities will be provided in a suitable location”*.

34. Policy DM36 states that, *“provision of new sport and recreation facilities will be supported in line with the priorities of the Draft Sports Facilities Strategy, subject to relevant development plan policies”*. The updated Chester West and Chester Playing Pitch Strategy of February 2025 describes the Cairns Crescent Site (site 16 in the strategy) as:

“One adult, one youth 11v11 and one mini 5v5 pitch. The adult pitch is of standard quality whilst the youth and mini pitches are of poor quality. The adult pitch has actual spare capacity of 0.5 match equivalent sessions per week whilst the youth 11v11 is overplayed by 1.5 match equivalent sessions per week. The mini 5v5 pitch is played to capacity at peak time”.

35. The strategy goes on to make ‘protect and enhance’ recommendations to “ensure appropriate maintenance levels to sustain quality” and to “explore options to improve ancillary provision and methods to reduce marginal levels of overplay”. Although a recent survey, the report does not take into account the new plans of Blacon High School to increase provision on its site, especially for smaller pitches.

36. The Hub is intended as an holistic response to both this strategy and to making a step change in the affordability, accessibility and availability of sports uses in Blacon. The BNA and BCT believe that in bringing these elements together will increase the likelihood of securing capital funding and optimising operating costs across the indoor and outdoor provision. The mini 5x5 pitch is, in fact, marginal to the overall use of the site by the clubs – in practice it is only used occasionally and the observation that “... the pitch is played to capacity at peak time” is therefore inaccurate.

37. Crucially, there will be no change to the long established sports use of the land, that until the Use Class Order of 2020, defined all indoor and outdoor sports uses as 'Assembly & Leisure' uses (D2). Policies SOC6 and DM36 were drafted and adopted before that change and are not clear in how they apply to proposals to reconfigure indoor and outdoor sports and recreation uses to deliver an overall improvement, unlike the Sport England 'Exception 5' test. In addition, there will be no loss of active sports use land, only the compensation for the loss of a marginal 5x5 outdoor grass pitch with an indoor 5x5 space in the Hub. The football clubs that operate the present facilities have made it clear they consider the proposals will significantly enhance the quality and useability of the existing sports facilities within a more efficient use of the same site.

38. Policy BLACON1 refines Policy SOC6 and its Basic Conditions Statement has argued that it does so in a way that both has regard to national policy and is in general conformity with adopted strategic policy. This NDO proposal falls entirely within the provisions of Policy BLACON1 and must therefore be deemed to meet those same basic conditions.

ENV1, DM40, DM41 and DM43

39. Policy ENV1 states that, *"All development must follow the sequential approach to determining the suitability of land for development, directing new development to areas at the lowest risk of flooding."* Policy DM40 then states that, *"Where a site specific Flood Risk Assessment is required ... this will be expected to demonstrate whether a proposed development is likely to be affected by current or future flooding (including effects of climate change) from any source"*.

40. Policy DM41 states that, *"proposals for major development will be required to incorporate Sustainable Drainage Systems ... (and) must be included in the early stages of the site design in order to incorporate appropriate SuDS within the development"*. Policy DM43 then states that, *"the proposal will not cause unacceptable deterioration to water quality or have an unacceptable impact on water quantity (including drinking water supplies) or waste water infrastructure capacity by ensuring that ... water efficiency methods are optimised ... (and) wastewater infrastructure already exists or can be provided in time to serve the development"*.

41. The Environment Agency flood risk mapping shows the site to be within Flood Zone 1. However, the surface water mapping indicates a small area of medium risk on the existing hardstanding and some low level areas of risk to the north-east site perimeter. As noted above, the BCNP has applied the required sequential test that concludes this 'less vulnerable' sports and community use meets that test.

42. In actual fact, the feasibility work undertaken so far suggests there will be ways in which a SuDS can be incorporated within the scheme as there the NDO parameters allow for a flexibility in the precise building specification and location within the defined developable area, and the laying out of car parking spaces. The likelihood is that the scheme will improve how water drainage is managed across the site. These matters will be addressed through a SuDS strategy which is required by a condition. At the

detailed design stage, account can be taken of the need for the building to use water efficiency measures and to connect to wastewater infrastructure.

ENV6, DM2, DM3 and DM4

43. Policy ENV6 states that, *“Development should ... achieve a sense of place through appropriate layout and design, provide high quality public realm ... ensure ease of movement and legibility, with priority for pedestrians and cyclists, promote safe, secure environments and access routes ... provide for the sustainable management of waste ... incorporate energy efficiency measures and provide for renewable energy generation either on site or through carbon offsetting measures ... mitigate and adapt to the predicted effects of climate change (and meet applicable nationally described standards for design and construction”.*

44. Policy DM2 states that, *“all proposals for new development will be expected to safeguard the quality of life for residents within the development and those living nearby ... development will only be supported where it does not result in a significant adverse impact upon the residential amenity of the occupiers of existing properties or future occupiers of the proposed development, including outlook, privacy, light, noise odour”.*

45. Policy DM3 states that, *“development will be expected to achieve a high standard of design that respects the character and protects the visual amenity of the local area ... (and) are sympathetic to the characteristics of the development site, its relationship with its surroundings and ... respect ... the prevailing ... scale and height, massing ... provide adequate external storage and amenity space ... (and) create safe environments and reduce the fear of crime in the area”.*

46. Policy DM4 states that, *“all development proposals ... will be expected to achieve the highest levels of energy and water efficiency that is practical and viable, and to maximise opportunities to incorporate sustainable design features where feasible. Non-domestic buildings will be expected to achieve a BREEAM rating of 'Excellent' (and the Council will) encourage the use of sustainable construction techniques that promote the reuse and recycling of building materials (and) maximise opportunities for the recycling and composting of waste on all new development proposals”.*

47. The NDO scheme will comprise a functional sports building located on the south-west part of the site. The defined developable area within which the building will be located lies far enough behind the rear of the residential properties that front onto Melbourne Road and Western Avenue and adjoin the site boundary to avoid the potential for overlooking. In any event, there is a line of mature trees within the site boundary with those properties that already effectively screen the site – this can be bolstered with additional planting as part of the landscape scheme.

48. Its maximum 8.1m ridge height will not be significantly higher than the surrounding two storey houses and will be of a similar height to the three storey housing blocks on the corner of Cairns Crescent. The detailed design of the building elevations can also ensure they are articulated in a way to reduce its massing on the sides facing those properties.

49. The detailed scheme will show the proposed external lighting of the building and car park – it is not proposed to include any pitch floodlighting in the NDO. This lighting will be sufficient to combine with a well-designed public realm to be safe and attractive to use but will not be a cause of nuisance to neighbouring houses.

50. Similarly, it is an important objective to minimise noise disturbance for local residents. Although the sports use pre-dates much of the surrounding residential area, and therefore residents will have known about and become familiar with its busiest periods, the building specification and operating plan will be designed to ensure that no significant additional noise harm will arise from the scheme.

51. The likely NW-SE orientation of the building to lie parallel with the main football pitch may hinder the practical operation of any roof-based solar panels but this can be explored further in the detailed design. That detailed scheme will also set out how the building will achieve the necessary 'excellent' BREEAM rating and propose how recycling and waste composting will be managed.

52. In conclusion the NDO is considered to be in general conformity with the strategic and non-strategic policies of the adopted development plan.

BLACON1 & BLACON4

53. Although non-strategic policies, BLACON1 and BLACON4 provide the most up to date and site-specific policy framework against which to consider the NDO. As part of a neighbourhood plan, the policy has evolved from extensive engagement with the local community and local sports and other community organisations.

54. BLACON1 refines strategic Policy SOC6 by showing that equivalent or better replacement quality and quantity open space, sport or recreation facilities can be provided in a suitable location. The Local Green Space designation of BLACON4 allows for outdoor sports uses (per the NPPF §154b Green Belt exception) of the type retained on the Non-Developable Area of the site.

55. In conclusion, the NDO description, submitted drawings and proposed planning conditions are all in accordance with the provisions of BLACON1.

Other Policies

56. The Biodiversity Net Gain provisions of the Environment Act 2021 do not apply to NDO development per Part Two S17(a)(1) of the Act. As noted above, it is not considered that the nature of the use, or of the community-led operation of the Hub, meet the definition of a 'health and fitness centre' in respect of 'main town centre uses', hence policies ECON2 and DM14 are not engaged.

Archaeological Interest

57. The site does not lie within any type of archaeological notification area, notably the designated Chester & Boughton Area of Archaeological Importance, and nor does the Cheshire Historic Environment Record indicate any potential archaeological interest. Policy DM50 is therefore not engaged and nor will it be necessary for an Archaeological Statement to be submitted with the NDO for examination (per Regulation 22(1)(d)).

F. Retained EU Obligations

58. In its screening of the BCNP in accordance with the Habitats Regulations, CWaC determined that no international habitat sites would be affected by the proposals of the Plan. As the NDO is intended to implement policies of the Plan, no Appropriate Assessment under those regulations would therefore be necessary.

59. Of the other European directives, such as the Waste Framework Directive (2008/98/EC), Air Quality Directive (2008/50/EC) or the Water Framework Directive (2000/60/EC), none are considered to apply to the particular circumstances of this NDO given the type of development proposed and its scale and location.

G. Other Conditions

60. Regulation 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) prescribes an additional basic condition: "having regard to all material considerations, it is appropriate that the Neighbourhood Development Order is made (see Schedule 3 to the Neighbourhood Planning (General) Regulations 2012 (as amended), where the development described in an order proposal is Environmental Impact Assessment development."

61. CWaC has also screened the NDO proposals to determine if the NDO requires an Environmental Impact Assessment by way of its location, scale and nature. It has concluded that no such assessment is required.