

# CHESHIRE EAST COUNCIL

## Cabinet Member for Children and Family Services

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<b>Date of Meeting:</b>	17 <sup>th</sup> December 2012
<b>Report of:</b>	Heritage and Design Manager
<b>Subject/Title:</b>	Nantwich Conservation Area Character Appraisal
<b>Portfolio Holder:</b>	Councillor Rachel Bailey

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### 1.0 Report Summary

- 1.1 The Nantwich Conservation Area Character Appraisal and Review was adopted by the Development Control Committee of the former Crewe & Nantwich Borough Council on 2<sup>nd</sup> May 2006. The committee resolved that five of the thirteen proposals within the approved document should be identified as “initial draft proposals” until further consultation with key groups had taken place. It is now complete and the five proposals are submitted for approval.
- 1.2 The five initial draft proposals were:
  - Proposal 1 – extension of the conservation area boundary;
  - Proposal 3 – identification of properties for consideration as additions to the Council’s list of locally important buildings;
  - Proposal 5 – identification of properties for consideration for inclusion within an article 4 (ii) direction area;
  - Proposal 7 – identification of properties for consideration for inclusion within an area of special advertisement control;
  - Proposal 9 – identification of areas for consideration for the preparation of development briefs for improvement/enhancement.
- 1.3 Consultation subsequently took place with the key groups identified within the 2006 report:
  - Nantwich Town Council;
  - Nantwich Civic Society;
  - Nantwich Now Market Town Project.
- 1.4 Consultations were however protracted due to personal circumstances pertaining to members of one of the key groups and local government reorganisation. All matters have now been concluded so that it is possible to bring this report forward.
- 1.5 The comments contained in the final responses received from the three groups on these five proposals are summarised in **Appendix 1** to this report, together with officer recommendations.

## **2.0 Recommendations**

- 2.1 That approval be given for the amendment to the initial draft proposals as presented in **Appendix 1** and their incorporation within the final Nantwich Conservation Area Character Appraisal & Management Strategy.
- 2.2 That the formal procedures and notices to amend the conservation area boundaries be undertaken, including notifying all property owners, land charges and Geographic Information System.
- 2.3 That key groups be sent a letter to thank them for their participation and to advise them of the changes being made.
- 2.4 That the appraisal be updated to record initiatives and developments which have taken place since the appraisal was adopted on 2<sup>nd</sup> May 2006 such as those noted in **paragraphs 10.9 and 10.10** of this report.

## **3.0 Reason for Recommendation**

- 3.1 To complete the formal adoption of all the proposals in the Nantwich Conservation Area Character Appraisal and their incorporation within an integral Management Strategy in accordance with the latest guidance produced by English Heritage during and the consultation period in 2005/6 and subsequently.

## **4.0 Wards Affected**

- 4.1 Nantwich North and West and Nantwich South and Stapeley.

## **5.0 Local Ward Members**

- 5.1 Councillor Penny Butterill, Councillor Arthur Moran, Councillor Peter Groves and Councillor Andrew Martin.

## **6.0 Policy Implications including climate change and health**

- 6.1 This appraisal does not include any policy implications for climate change and health.

## **7.0 Financial Implications (Authorised by Borough Treasurer)**

- 7.1 The costs of notification attached to the adoption of the proposals in the appraisal will be met within the 2012/13 budget for Development Management.

## **8.0 Legal Implications Authorised by the Borough Solicitor**

- 8.1 Section 69 of the Planning (Listed Buildings and Conservation Areas)

Act 1990 places an obligation on local authorities to determine which parts of their area are areas of special architectural and historic interest, the character and appearance of which it is desirable to preserve and enhance and to designate those areas as conservation areas, and to register the designation as a land charge.

8.2 Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local authority to notify the Secretary of State and English Heritage of the designation, and to advertise the designation in the London Gazette and a local newspaper in the area.

8.3 Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas, submit them for consideration to the public in the area to which they relate and have regard to the views concerning the proposals expressed.

8.4 Pursuant to the Local Government Act 2000 s13 and the Local Authorities (Functions & Responsibilities) (England) Regulations 2000, decisions relating to the designation of conservation areas belong to the Executive and have been delegated, by the Council's Constitution, to the Portfolio Holder.

## **9.0 Risk Management**

9.1 Statutory requirements for the appraisal and its proposals have been met.

## **10.0 Background and Options**

10.1 Local authorities have a responsibility to determine which parts of their area are considered to be of architectural and historic interest, the character and appearance of which it would be desirable to preserve or enhance, and to designate such areas as Conservation Areas.

10.2 Conservation Area Appraisals are the established best practice for identifying their merit for conservation area status and the need to formulate proposals to preserve and enhance their character and appearance, involving public consultation.

10.3 Management Strategies explain how the current legislative framework nationally and locally seeks to preserve and enhance the character and appearance of conservation areas, identify how the proposals within an appraisal will be implemented and include a timetable for their delivery based on a programme of short, medium and long term projects.

- 10.4 The Nantwich Conservation Area Character Appraisal & Management Strategy will integrate these approaches and is to be based on the existing Nantwich Conservation Area Character Appraisal & Review.
- 10.5 The steps leading up to the adoption of the Nantwich Appraisal & Review which was adopted with five of its proposals identified as initial draft proposals on 2<sup>nd</sup> May 2006 are set out in **Appendix 4** to this report. A copy of the adopted appraisal and review document is now available on the Council's web site by clicking on the Nantwich entry shown on the second page of the following link:  
[http://www.cheshireeast.gov.uk/environment\\_and\\_planning/heritage\\_natural\\_environment/conservation/conservation\\_areas/conservation\\_areas\\_appraisals.aspx](http://www.cheshireeast.gov.uk/environment_and_planning/heritage_natural_environment/conservation/conservation_areas/conservation_areas_appraisals.aspx)
- 10.6 The final consultation responses received from the three key groups on the five initial draft proposals in the Nantwich Appraisal & Review were generally supportive but identified additional areas to be considered for inclusion within: the conservation area boundary and the proposed Article 4 (ii) Direction Area, Area of Special Advertisement Control and the areas identified as being in need of improvement or enhancement. They also identified additional buildings and structures which might be considered for inclusion within the proposed Local List.
- 10.7 Details of the consultation responses received from the key groups on these five proposals and officer comments and recommendations on each are set out in **Appendix 1** of this report, supported by **Map 1** together with **Appendix 2** (additional submission relating to Local List, Proposal 3) **Appendix 3** (additional submission relating to Areas in Need of Improvement, Proposal 9) of this report.
- 10.8 The recommended changes to the five initial draft proposals are:

- **Proposal 1 Boundary**

Extend the boundary of the conservation area to include areas which lie within the recognised historic core of the town which is based on the 1851 Jas Fenna Map. As shown in **Map 1** of this report (2006 proposed extensions and part of area 10 recommended in 2012), but not to include areas outside that recognised historic core nor a greater extent of its waterside setting at Waterlode which lies beyond the visual extent of the conservation area. As shown in **Map 1 (areas 1-10)** of this report.

That the boundary should not be extended to include the full extent of the rear plots of the old historic core of the town, as it is already drawn to reflect these wherever possible, with existing rear property boundaries used in cases where the historic rear boundary is not clear on the ground, following accepted best practise nationally.

That the appraisal should include a copy of the 1851 Jas Fenna Map and text to assist in understanding the basis of the conservation area

boundary. English Heritage and Nantwich Civic Society have both indicated that they now recognise and support the basis of this demarcation.

That work needs to be carried out in some places to correct inaccuracies occurring in recent years through the use of computer based mapping of existing rear property boundaries;

- **Proposal 3 List of Locally Important Buildings**

Add the properties put forward by the key groups, as identified in **Appendix 2** to this report, to those already identified in Appendix 4 of the 2006 Appraisal & Review, as being buildings which make a positive contribution to the conservation area, to ensure that their value is taken into account when considering applications for their demolition, alteration or extension, and, identify the fact that their inclusion within an Article 4 Direction will be given priority in the timetable within the Management Strategy. This will provide the buildings with more rigorous protection than would be afforded by their inclusion within a local list, which is in accordance with guidance produced by English Heritage.

- **Proposal 5 Article 4 (ii) Direction Order**

Add the properties put forward by the key groups, as identified in **Appendix 1** to this report, to those to be considered for inclusion within an Article 4 (ii) Direction Area as part of the planned work to be undertaken on this proposal within the time slot which is to be identified in the Management Strategy, ensuring their inclusion can be justified in accordance with national criteria for selection so the additional controls imposed will be effective and enforceable and supported by the community and their owners.

- **Proposal 7 Area of Special Advertisement Control**

Add the properties put forward by key groups, as identified in **Appendix 1** to this report, to those to be considered for inclusion within an Area of Special Advertisement Control as part of the planned work to be undertaken on this proposal within the time slot which is to be identified in the Management Strategy, ensuring their inclusion can be justified in accordance with national criteria for selection so that the additional controls imposed will be effective and enforceable and supported by the community, their owners and the Secretary of State;

- **Proposal 9 Areas for Improvement/Enhancement**

Add the areas put forward by key groups, as identified in **Appendix 3** of this report, to those to be considered for the preparation of a development brief for improvement/enhancement as part of the planned work to be undertaken on this proposal within the time slot which is to be identified in the Management Strategy, involving consultation with the community and owners.

- 10.9 Finally it needs to be recognised that since the appraisal (with interim draft proposals) was adopted and published in 2006 that a number of initiatives have taken place in the conservation area, including: a local audit of street surfaces and signage; works to enhance the street scene in Welsh Row; work to enhance the riverside area near Waterlode and work involving the Council's archaeology officers in relation to the "salt ships" excavated from Second Wood Street, the Roman wooden brine cisterns excavated from the Kingsley Fields site as well as their ongoing work which is funded by English Heritage involving monitoring water levels in waterlogged archaeological deposits in the town: all of which need recording in the appraisal.
- 10.10 In addition the appraisal needs to record the existence of a number of new developments within the town relating to: the emergence of the Nantwich Local Area Partnership; work which is currently taking place on the preparation of a local plan for Cheshire East, including work on a Town Centre Strategy, and, changes in national legislation.

## **11.0 Appendices**

Appendix 1 – Consultation Responses;

Appendix 2 – Potential Candidates For Consideration For Inclusion In The Council's List of Buildings of Local Importance;

Appendix 3 – Potential Candidates For Consideration For Inclusion As Areas In Need of Improvement/Enhancement;

Appendix 4 – The Steps Leading Up To The Adoption Of The Nantwich Conservation Area Character Appraisal And Review;

Map 1 – Nantwich Conservation Area (Existing Boundary, Extension Recommended in 2012, Extensions Recommended in 2006 and Indicative Areas Not Proposed For Inclusion).

## **12.0 Access to Information**

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

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