

# CHESHIRE EAST COUNCIL

## Cabinet Member for Housing and Jobs

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<b>Date of Meeting:</b>	27 <sup>th</sup> April 2015
<b>Report of:</b>	David Hallam, Principal Conservation and Design Officer
<b>Subject/Title:</b>	Proposed Adoption of Amendments to the Boundary of the Sandbach Town Centre Conservation Area and Adoption of the Associated Character Appraisal and Management Plan
<b>Portfolio Holder:</b>	Councillor Don Stockton

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### 1.0 Report Summary

- 1.1 Conservation Areas are designated by Local Planning Authorities under powers within the Planning (Listed Buildings and Conservation Areas) Act 1990 in order to preserve or enhance the character and appearance of our developed areas. Cheshire East currently has 76 Conservation Areas and within our overall approach to sustainable development they perform a vital role in helping to protect the character and heritage value of our towns and villages. They are also one of the building blocks for the development of neighbourhood plans. It is important that existing conservation areas are reviewed on a regular basis in order to accommodate and respond to changes in built character and policy.
- 1.2 Following community consultation last year, this report seeks Portfolio Holder authority to adopt the proposed revisions to the Sandbach Town Centre Conservation Area, which are set out in this report, and to authorise officers to undertake the necessary formal notifications as required by statute of those amendments. It also seeks Portfolio Holder authority to amend, adopt and publish the character appraisal and management plan prepared as part of the review, and which has also been subject to public consultation.
- 1.3 The review has comprised the preparation of a character appraisal for the conservation area, a review of the conservation area boundary and preparation of draft management proposals for the conservation area, including a draft management plan.
- 1.4 An extensive programme of consultation was undertaken, some of which was undertaken jointly with Sandbach Town Council. This is outlined in more detail in the main body of this report at 10.9. The overall number of responses was lower than anticipated, but it did provide clarity on the

community's conservation priorities and in relation to proposed boundary changes.

- 1.5 Given the consultation responses and the recent planning appeal decisions at Dingle Farm, it is proposed that a further, targeted review be undertaken at the earliest opportunity to consider extending the conservation area further to include the paddocks and land associated with Dingle Farm within the Conservation Area. This will include appropriate consultation, as required by the legislation and to reflect the community consultation procedures of the Council. It is envisaged that this will take place in June/July of this year, subject to resources being available.
- 1.6 Appendix 1 shows the proposed amended Conservation Area boundary plan, identifying the existing conservation area boundary edged blue, the amended conservation area boundary edged red and the area proposed to be consulted upon as a possible further extension to the conservation area boundary in a blue hatch, Appendix 2 comprises the Summary of consultation responses and Appendix 3 is the proposed Management Plan summary

## **2.0 Recommendations**

- 2.1 That officers be authorised to undertake the necessary notification of amendment to the Conservation Area as required by Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and also be authorised to carry out the necessary amendments to the Conservation Area character appraisal and associated management plan and to publish them accordingly (as set out in 10.17 to 10.20 of this report).
- 2.2 That officers be authorised to engage in the implementation of actions within the Management Plan in accordance with standing orders and subject to separate reporting requirements as deemed necessary on an action by action basis.
- 2.3 That officers be requested to carry out a further review of the Conservation Area boundary adjacent to Dingle Farm at the earliest possible time.

## **3.0 Reasons for Recommendations**

- 3.1 Section 69 of the Act<sup>1</sup> states that:

‘(1)Every local planning authority —

- (a) shall from time to time determine which parts of their area are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and (b) shall designate those areas as conservation areas.

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<sup>1</sup> Planning (Listed Buildings and Conservation Areas) Act 1990

(2) It shall be the duty of a local planning authority from time to time to review the past exercise of functions under this section and to determine whether any parts or any further parts of their area should be designated as conservation areas; and, if they so determine, they shall designate those parts accordingly.'

- 3.2 Section 71 of the Act states: 'it shall be the duty of a 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'.
- 3.3 The last review of the Conservation Area was in 1995, whilst the original designation was in 1970, when an appraisal document, including management proposals was adopted.
- 3.4 A detailed character appraisal has been prepared as part of the review of the conservation area, including reviewing the current boundary. The review has also led to draft management proposals for the conservation area that have been consulted upon, as encouraged by best practice<sup>2</sup>.
- 3.5 The consultation process and a planning appeal decision have indicated that a further review of the Conservation Area Boundary is required in the vicinity of Dingle Farm.

#### **4.0 Wards Affected**

- 4.1 Sandbach Town

#### **5.0 Local Ward Members**

- 5.1 Cllr Barry Moran

#### **6.0 Policy Implications**

- 6.1 None

#### **7.0 Financial Implications**

- 7.1 The administrative costs associated with the legal notifications of amendment (press notices etc.) will be met within the 2014/15 budget for Development Management.
- 7.2 Part of the management plan entails specific projects, albeit only one falls within the priority short term projects identified by the community. This project is a shop front improvement project to be led by Sandbach Town Council with Cheshire East as a key partner (refer to revised Action Plan produced as Appendix 3). Future financial input into this and other

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<sup>2</sup> Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage, revised 2012

projects would have to be subject to an individual bid for Cheshire East capital funding, in accordance with its Finance and Contract Procedure Rules and approval processes, and would be joint projects with the Town Council and other agencies.

- 7.3 There are also 5 non-project based priority actions linked to the statutory functions of the Council which will need to be met within the annual budget for Development Management.
- 7.4 In respect to other longer term projects, Cheshire East would not be the lead agency for such projects.
- 7.5 During the consultation and as part of the management plan itself a caveat was and will be included to the effect that all management actions are subject to the availability of funding/resources.

## **8.0 Legal Implications**

- 8.1 The approval of this report relates to the adoption of the revised boundary of the Conservation Area and its publication/notification in accordance with statutory requirements and the cabinet member authorising officers to amend the Conservation Area character Appraisal and Management Plan.
- 8.2 Certain of the management actions indicated in the management proposals, such as the service of an Article 4(2) direction will require separate individual approval by members, either via the Cabinet or by the Portfolio holder on its behalf.

## **9.0 Risk Management Implications**

- 9.1 Statutory and local requirements in respect to publicity and future adoption of the conservation area appraisal and management proposals shall be met.

## **10.0 Background and Options**

### **The Legal basis for Conservation Area Review**

- 10.1 Local authorities have a statutory responsibility to manage the built heritage of their areas, including the periodic review of conservation areas and to formulate and publish proposals for preservation and enhancement of those areas.
- 10.2 Sandbach Town Centre Conservation Area was first designated in 1970. An appraisal was prepared for that designated area. Since then the conservation area has been extended on two more occasions, the first in 1976 and more recently in 1995. Neither of those extensions were the subject of updated appraisals or management proposals and therefore the appraisal and management proposal coverage is incomplete and where there is coverage, it is over 40 years old.

- 10.3 The enlargement of the conservation area has led to a more complex and varied conservation area than that first designated in 1970. The areas are of varied character and therefore face different issues in terms of threats to their historic interest. As a consequence there has been some erosion of character in certain parts of the conservation area due to the lack of management and controls, notwithstanding the conservation area designation.
- 10.4 Whilst there is no defined statutory period in terms of the frequency of conservation area review, it would be extremely difficult to argue that, in Sandbach's case, the review is not long overdue. Best practice advocated by English Heritage discusses review every 5 years and the need to have an up to date appraisal and management proposals for the conservation area<sup>3</sup>

### **The Conservation Area Review process**

- 10.5 The review process entailed a detailed assessment of the positive and negative elements of a place, and in the case of a review of an existing conservation area, the continued relevance of the adopted boundary. The review was then encapsulated in a revised character appraisal, which explains what is significant in built heritage terms and what defines the special characteristics of the conservation area. The appraisal also identifies elements that are less positive and where improvement of the conservation area can be secured through planning and positive conservation management.
- 10.6 Management proposals have also been devised. There is a statutory duty for local planning authorities to draw up and publish proposals for the preservation and enhancement of conservation areas<sup>4</sup>
- 10.7 Both the appraisal and management plan were prepared working closely with both the Sandbach Town Council and the Sandbach Conservation and Heritage Group, comprising several meeting and workshop type sessions. It also entailed informal dialogue with some Cheshire East Council officers and with English Heritage. Amendments were incorporated to take account of that informal feedback.
- 10.8 The only statutory requirement for consultation set out in the Act is that proposals shall be submitted for consideration to a public meeting in the area to which they relate. However, English Heritage best practice guidance advocates wider community consultation as part of the review process.

### **The consultation arrangements**

- 10.9 An extensive consultation programme was undertaken. This entailed:

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<sup>3</sup> Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage, revised 2012

<sup>4</sup> Section 71 of the Planning(Listed Buildings and Conservation Areas) Act 1990

- 1) Advance publicity of the consultation via posters, distributed by the Town Council, and flyers posted through every mailbox in the conservation area, with specific notification letters for those areas proposed to be included. This was undertaken in the preceding week to the consultation.
- 2) Advance publicity of the consultation on the CEC, STC and Sandbach partnership websites (with the website providing an electronic resource of the review documentation and exhibition material once the consultation had commenced).
- 3) Several media releases were published during the period of consultation.
- 4) Preview presentation of the draft appraisal and management plan and suggested boundary changes to Sandbach Town Council Community and Environment Committee 29<sup>th</sup> August 2014
- 5) A public meeting co-hosted by the Town Council and held at the Literary Institute on the evening of 12<sup>th</sup> September 2014
- 6) Attendance at the monthly meeting of the Sandbach Historical Society to announce the consultation and hand out information.
- 7) Presentation to the Sandbach Traders and Retailers group (STAR), which was attended by representatives of both national and local businesses and the wider community.
- 8) A static exhibition located at Sandbach Library between 2<sup>nd</sup> September –15<sup>th</sup> October 2014 with feedback questionnaires available at the venue.
- 9) 4 surgery sessions, held at different times of the day/early evening, took place at the library during the early part of the consultation period.
- 10) Exhibition and attendance at the Saturday Farmers Market in late October 2014 and at the annual Sandbach Today community event hosted by the Sandbach Partnership and held on the morning of 7<sup>th</sup> September 2014.

10.11 A questionnaire was designed to capture the views of the community about the following aspects of the review of the conservation area:

1. Proposed extension to include certain areas within the conservation area
2. Proposed exclusion of part of the current conservation area
3. Views upon the list of management actions in the draft management plan
4. The top 5 priority actions from the list of actions in the management plan
5. Suggestions for other actions to be included in the Management Plan

10.12 Feedback comprised paper copy questionnaire at the exhibition and electronic questionnaire via the website. In addition, a separate email address was created for the consultation to allow for non standard responses or queries to be sent directly to the conservation team. This contact information was set out on all publicity material, as was the web address for the conservation area review homepage on the Cheshire East

Council website. Periodically during the consultation, the event was also flagged on the Cheshire East Council home page.

- 10.13 Collectively this provided a comprehensive and wide ranging programme to inform and capture the opinion of a range of people within the Sandbach Community and was carried out in addition to the minimum statutory requirement of holding a public meeting in the town.
- 10.14 We received 35 responses from the community and a detailed response from the Town Council. Whilst this was lower than anticipated the consultation served to inform a wide section of the community. From the consultation responses we had clear indications about suggested changes to the boundary, and the priority actions within the Management Plan. To this end therefore the consultation did achieve its objectives.
- 10.15 The report attached at Appendix 2 sets out a summary of the consultation responses and the proposed actions, both in terms of amendments to the boundary and changes to both the character appraisal and management plan. The headlines are identified below:

#### 10.16 **Comments**

- 85% of responses supported extending the boundary. There were minority comments about not wishing to extend the boundary further and 'watering down' or undermining the conservation area. Specific comments were also made about extending the boundary further to include the Paddocks off Dingle Lane.
- In respect to the proposal to remove part of the conservation area (the largely residential part of Green and Wells Streets), the result was more finely balanced. 47% were opposed, 28 % supported the exclusion and 15% were undecided. A number of comments were made supporting why the area should be retained in the conservation area, including:
  - the alterations have not been so damaging to justify removal,
  - it would dilute the principles of the original designation and would send out the wrong message,
  - continued inclusion means there is a chance of securing enhancement,
  - these streets would remain visible from the heart of the conservation area and would therefore further detract.
- In response to the proposed management plan, 5 priorities were identified (in fact 6 because 2 were deemed to be of equal priority):
  - Serve an Article 4 direction
  - Improve design quality in the planning process
  - Prepare local list of Assets at Risk
  - Shop front/building frontage improvement scheme
  - Promotion of the conservation area to residents, businesses and visitors
  - Highway and streetscape works to protect and enhance historic streetscape

- A number of other recommended actions were identified, in addition to those in the Management Plan, these included:
  - Setting up a Conservation Area Friends/Trust Group
  - Publically praising those who do good things within the conservation area (for example positive works to buildings/areas)
  - A householder grant scheme
- A range of other comments were made, including:
  - Concern about development proposals current at the time of the consultation
  - Comments about the post office building and tree lighting on the Cobbles
  - The character appraisal and management plan seen as a positive step in promoting the conservation area and engaging the community
  - The need for co-ordination between/within public authorities
  - That Sandbach retains its identity and does not become a 'clone' town
  - The need to improve streets and lanes and to encourage businesses to look after frontages
  - The need to improve shop fascias and signage to reflect the town's heritage
  - Too many of the proposals are assigned to the Town Council, more should be with Cheshire East Council.
- Sandbach Town Council made some specific comments in relation to the draft management plan:
  - Disagreement with extending the conservation area along Middlewich Road and also that the paddocks associated with Dingle Farm should be included in the Conservation Area
  - Further clarification on the benefits of the zone of sensitivity (proposal 2 of the Management Plan) should be set out in the Management Plan document
  - Include the Lower Chequer in the list of buildings at risk
  - In respect to proposal 9 relating to shop front guidance, the Town Council wanted input into the more detailed guidance and to ensure that there was a clear vehicle for Cheshire East to adopt it.  
*(it should be stressed the guidance referred to in Proposal 9 is additional Cheshire East Wide guidance on shop front design as part of a design SPD to supplement core and Development Management Policies)*
  - various minor changes within the Action Plan table, principally around who leads and supports particular actions.

## 10.17 Proposed changes

### Boundary alterations

- **Dingle Farm** - The ward member for the area and the Town Council believe that the paddock land to Dingle Farm should be included within the Conservation Area. They consider that they represent the majority

community view in this respect and that officers should therefore amend the document accordingly.

Officers were concerned that this was not appropriate and originally considered and discounted this approach, favouring the extension of the conservation area to include the farm's immediate curtilage (which is clearly defined on site). However, the recent appeal decisions in relation to proposed development at Dingle Farm concluded that the setting of the farm was extensive; including the paddocks and that their development would contribute to suburbanising and therefore seriously harming the setting of the listed building and a key approach into the conservation area.

Legal Officers have advised that as the paddock land was not originally included in the proposed revised boundary and therefore not subject to the original consultation, it would not be appropriate to include it as part of this conservation area review. Therefore, it is proposed to proceed with adopting the revision to the boundary as originally proposed, namely to include the immediate curtilage of Dingle Farm, but not the paddocks.

Given the consultation responses and planning appeal decision, it is proposed that a further, targeted review be undertaken at the earliest opportunity to consider extending the conservation area further to include the paddocks and land associated with Dingle Farm within the Conservation Area. This will include appropriate consultation, as required by the legislation and to reflect the community consultation procedures of the Council. It is envisaged that this would be undertaken in June/July of this year, subject to resources being available

- **Middlewich Road** - The Town Council made representation that there should be no extension of the conservation area along Middlewich Road beyond Chapel Street, however there was some community support for its inclusion. The area includes properties associated with the former ERF works and former community buildings some of Victorian origin and is a key gateway to the town centre. It is therefore recommended that this area continue to be included in the revised conservation area.
- **Green Street/Welles Street** - There was a majority community view that Green Street and Welles Street should remain within the Conservation Area. It is therefore proposed to retain this area within the designated conservation area
- **Other minor proposed extensions** – no comments were received in respect to the other inclusions and therefore it is proposed that the boundary be amended to include those.

10.18 The suggested revised boundary proposed by officers and the area proposed to be consulted upon as a possible further extension to the conservation area boundary is provided as Appendix 1.

#### 10.19 Alterations to the appraisal document

- Minor typographical corrections, including street names,
- Include more information/clarification on the Sandbach Skirmish
- Re-title heading “6 suggested boundary amendments” on page 66 to “Potential boundary amendments”. Substitute Map 11 with the areas of assessment plan from page 1 of Appendix 2b (i.e. the plan showing the areas originally assessed rather than the proposed boundary revisions)
- Potential minor corrections to plans, updating of photographs

#### 10.20 Alterations to the management plan and action plan summary table

- Proposal 2 – modify and insert additional text to clarify the purpose and benefits of the zone of sensitivity
- Proposal 5 - Reviewing the list of potential buildings at risk given the time that has lapsed since the draft was prepared.
- Edits to Action Plan summary table as set out in the Sandbach Town Council response (see section 1b of Appendix 2), except action 12 (now action 8 in the revised Action Plan summary – Appendix 3) , which should still refer to ‘scheme’ as opposed to strategy, as this is a project. Action 10 of the summary (now action 6 of non-priority projects of the modified action plan) refers to a public realm strategy.
- In response to the community suggestion of setting up a Conservation Area Friends Group or Trust, a further action has been included in the non-priority actions section of the Action Plan (action 4). A proposal will be added into the main Management plan providing further explanation of this action.
- Potential minor corrections to plans, updating of photographs
- In response to consultation comments, insert a further action in the Other Recommended Actions to encourage a Sandbach scheme to recognise and reward good practice in relation to conservation and design and other place making activities within the town as a whole. This would be led either by the Town Council or Sandbach partnership.

#### 10.21 **Next steps**

Once adopted, under the provisions of the Act, a notice has to be placed in the London Gazette and in a local newspaper and it needs to be recorded on the Land Charge Register, in addition to notifying English Heritage.

Thereafter the amended character appraisal and management plan shall be published, with copies available on the built heritage part of the Planning website and with links to partner websites such as the Town Council and the Sandbach Partnership.

## 11.0 Access to Information

Appendix 1 Proposed amended Conservation Area boundary plan identifying the existing conservation area boundary edged blue and the amended conservation area boundary edged red and the area proposed to be consulted upon as a possible extension to the conservation area in a blue hatch.

Appendix 2. Summary of consultation responses

Appendix 3. The proposed Management Plan summary

### Background papers

The Draft conservation area appraisal and management plan and appendices and consultation material can be inspected by following this link:

<http://www.cheshireeast.gov.uk/default.aspx?page=19533>

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