

CHESHIRE EAST COUNCIL

REPORT TO: CABINET

Date of Meeting: 19th July
Report of: Adrian Fisher, Head of Planning and Policy
Subject/Title: Extension of Conservation Areas :
1. Moody Street, Congleton
2. West Street, Congleton

Portfolio Holder: Cllr Jamie Macrae

1.0 Report Summary

- 1.1 The purposes of the two Conservation Area Appraisals which have been undertaken are, in accordance with the methodology recommended by English Heritage, to define and record the special architectural and historic interest of the West Street and Moody Street Conservation Areas in Congleton. The West Street Conservation Area was designated by Cheshire County Council in 1969 and the boundaries were amended by Congleton Borough Council in 1980. The Moody Street Conservation Area was designated by Congleton Borough Council in 1980 and the boundaries amended in 1990.
- 1.2 The draft Conservation Area appraisals were both approved for consultation purposes, in early 2010 and were subject to consultation over a 6 week period between the 12th March and 23rd April 2010. The public consultation has resulted in modifications to the content of both the Moody Street and West Street Conservation Area Appraisals and changes to the recommended boundary revisions. A total of eight written responses were received during the consultation period. These representations are summarised in the reports in Appendix 1.

2.0 Decision Requested

- 2.1 That Cabinet approves the amended extensions to the boundaries of the Conservation Areas for formal designation and that the Conservation Area Appraisals be adopted.
- 2.2 That it be noted that the Strategic Director Places and/or the Head of Planning and Policy will undertake all necessary formal procedures and notices to amend the Conservation Area boundaries; including complying with statutory requirements and notifying all property owners, Local Land charges and G.I.S., and that such officers be authorised, so far as is necessary, to undertake such steps.

3.0 Reasons for Recommendations

- 3.1 To allow the formal adoption of the Moody Street and West Street Conservation Area Appraisals incorporating some, though not all, of the proposed changes to the boundary, and incorporating actions identified in the management proposal.

4.0 Wards Affected

- 4.1 Congleton Town East and West

5.0 Local Ward Members

5.1 Congleton Town East and West

6.0 Policy Implications including - Climate change - Health

6.1 Neither Conservation Area appraisals contain any policy implications for climate change and health.

7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)

8.1 The costs of consultation and notification attached to the adoption of the Conservation Area appraisal will be met within the 2010/11 budget for Spatial Planning.

9.0 Legal Implications (Authorised by the Borough Solicitor)

9.1 Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places an obligation on local planning authorities from time to time to 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 to designate those areas as Conservation Areas. A duty to review from time to time the past exercise of these functions and to determine whether any further parts should be designated is included.

Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to notify the Secretary of State and of the designation, and to advertise the designation in the London Gazette and at least one local newspaper, in this case the Congleton Chronicle. Further notification, such as to English Heritage and local residents is clearly also advisable and recommended.

10.0 Risk Management

10.1 Failure to follow the required process could result in challenge. However, statutory requirements of the Conservation Area appraisal have been met.

11.0 Background and Options

11.1 It is the responsibility of Cheshire East Council to determine which parts of its area are considered to be of architectural or historic interest, the character or appearance of which it would be desirable to preserve or enhance, and to designate such areas as Conservation Areas. Government guidance and established best practice stress the need for proper assessment of such areas by means of a “character appraisal” to determine their merit for Conservation Area status and for the public consultation to be undertaken prior to designation.

11.2 The purpose of the Conservation Area appraisal is to

- Identify those elements of a Conservation Area that contribute to its character.
- Identify elements which detract from the character
- Propose measures to maintain or improve the positive character, local distinctiveness and sense of place within Congleton.

11.3 It is a statutory duty to review existing boundaries from time to time, understanding the character of the Conservation Area and the public perceptions of it. Alongside the Conservation Area boundary review, Article 4 (2) Directions can be introduced to limit the alterations that can be made without the need for planning permission. They do so only on residential properties and on their elevations that front a highway. This recommendation is supported by the community and could be introduced as part of a longer term management plan for the area, requiring additional work and consultation to introduce it.

11.4 The main implications of Conservation Area designation would be:-

- Conservation Area consent would be required prior to demolition of any buildings.
- Six weeks’ prior notification of any tree felling, topping or lopping would be required (over a 75mm trunk diameter and 1m off the ground applies to this ruling)
- Additional planning controls would be introduced. Most works to the exterior of buildings would require planning permission.
- In the determination of applications for development, the Council is required to have special regard to the character and appearance of the area.

11.5 The draft Moody Street and West Street Conservation Area Appraisals went to simultaneous public consultation over a 6 week period between the 12th March 2010 to 23rd April 2010. The Conservation Officer and the consultant who wrote the Appraisals held two well attended ‘surgeries’ at Congleton Library on the evening of 22nd March and the morning of 23rd March.

Consultation Publicity included:

- Notification to Congleton Town Council
- Written notification to the occupiers of all buildings within the proposed new extended boundaries of the Conservation Area.
- The public exhibitions at Congleton Library on 22nd and 23rd March at which Michael Scammell, Cheshire East Conservation Officer and Kathryn Sather of Kathryn Sather Associates, author of the Appraisals, were available to listen to concerns, answer any questions and offer advice. Well over twenty persons expressed their views and a total of six written responses were subsequently received. These are summarized in Appendix 1.

Copies of the document were available for public view at Congleton Library. A Press Release was also issued on the 10th March 2010 and publication of the draft Appraisal available for download on the Cheshire East website.

Details of responses and proposed actions are set out in Appendix 1. Two representations requested extension of the Moody Street Conservation Area to include the allotments on Swan

Meadow. This small plot of private allotments has a clear historic link to the early Victorian terraced housing in the adjacent streets and helps to illustrate the social history of the area. The boundary line has been revised to incorporate these areas; the revised Conservation Area boundary is shown in Appendix 2.

One representation requested the revision of the boundary line along West Street to exclude vacant commercial and industrial buildings. This prompted a review which did identify the car park and other subsidiary areas as marginal in terms of positive contribution to historic character. It is important to assess character areas carefully to avoid inclusion of elements which may devalue the overall quality of the proposed area. The boundary line has been revised and is shown in Appendix 2. Copies of the representations are available for inspection in the Planning Department.

Owners of affected houses were consulted on the proposal to extend the Conservation Area in March and April and the five supportive responses received and one objection are summarised in Appendix 1. Written notification will be sent to all properties within the Conservation Area boundaries in the event of formal adoption of the appraisal and extension of the boundaries.

Both Congleton Town Council and Congleton Partnership have stated their willingness for Cheshire East Council to proceed with the designation of the boundary changes and adoption of the appraisal.

12.0 APPENDIX

Appendix 1 – Revised Conservation Area boundaries for Moody Street and West Street, Congleton

Appendix 2 – Conservation Area Appraisal for Moody Street

Appendix 2 – Conservation Area Appraisal for West Street, Congleton

Appendix 4 – The report of Consultation on the Conservation Area Appraisals-

13.0 *For further information*

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