

## **Environment and Communities Committee**

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<b>Date of Meeting:</b>	29 <sup>th</sup> September 2022
<b>Report Title:</b>	Conservation Area Appraisals and Management Plans
<b>Report of:</b>	Jayne Traverse
<b>Report Reference No:</b>	EC/16/22-23
<b>Ward(s) Affected:</b>	Alderley Edge, Macclesfield and Ollerton

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### **1. Purpose of Report**

- 1.1.** This report seeks approval to adopt Conservation Area Appraisals and Management Plans for Alderley Edge, Macclesfield and Ollerton School Lane following a 4-week public consultation.

### **2. Executive Summary**

- 2.1.** This report seeks approval to adopt Conservation Area Appraisals and Management Plans for Alderley Edge, Macclesfield Town Centre, and Ollerton School Lane. These appraisals have been subject to public consultation for 4 weeks and are part of a three-year work programme to review the Council's Conservation Areas.
- 2.2.** Cheshire East Council's Corporate Plan sets out three aims. These are to be an open and enabling organisation, a Council that empowers and cares about people, and to create thriving and sustainable places. In striving to create thriving and sustainable places, a key objective is to protect the historic environment and appropriately control development to protect and support our borough. As such, these Conservation Area Appraisals and Management Plans sets out guidance on how planning decisions can contribute to these aims
- 2.3.** The Conservation Area Appraisals add detailed guidance on how the policies of the Local Plan Strategy (LPS) and the Site Allocations and Development Policies Document (SADPD) should be applied to manage change in the Conservation Areas. Each conservation area has a management plan to assist in future management of the area and provide guidance and support for applicants and homeowners in decision making regarding their property or space.

### **3. Recommendations**

#### **3.1. That the Committee:**

- 3.1.1. Consider the feedback from the public consultation (appendix D).
- 3.1.2. Approve the Ollerton School Lane Conservation Area Appraisal (including a boundary review) and Management Plan (Appendix A) for adoption.
- 3.1.3. Approve the Macclesfield Town Centre Conservation Area Appraisal and Management Plan (Appendix B) for adoption.
- 3.1.4. Approve the Alderley Edge Conservation Area Appraisal and Management Plan (Appendix C) for adoption.
- 3.1.5. Delegate authority to the Director of Environment and Neighbourhood Services, in consultation with the Chair, to take all necessary actions to serve the Article 4 Direction on the identified buildings in the Alderley Edge Conservation Area.

### **4. Reasons for Recommendations**

- 4.1. Within the Cheshire East Local Plan there are policies set out for the protection of the Borough's designated heritage assets. However, these are not area specific. Conservation Area Appraisals and Management Plans are a recognised way of putting in place additional planning guidance and a material consideration in determining planning applications, providing a more detailed level of protection for heritage. They should assist applicants when making relevant planning applications, and the Council in determining them.
- 4.2. Alderley Edge has been on the Historic England Heritage at Risk register for a number of years, this is largely due to the development pressures in the area and the loss of a number of Alderley Villas.

### **5. Other Options Considered**

- 5.1. The Council could choose not to adopt the Conservation Area Appraisals or Management Plans. Any relevant planning application would continue to be assessed against existing planning policies. However, this would not allow the Council to provide additional practical guidance on this matter or give clarity to the approach that should be employed by all parties in a consistent way that gives certainty to applicants and decision makers.

### **6. Background**

- 6.1. The Conservation Area reviews have been undertaken by consultants on behalf of the Town and Parish Councils in the relevant area, with the exception of Alderley Edge which has been carried out by Conservation Officers within the Council's Environmental Planning Team. The documents have then been reviewed by the Council's Conservation Officer to ensure policy compliance and deliverability and made into Cheshire East branded documents.

- 6.2. The Appraisal and Management plan for each area have been subject to a public consultation and full consideration has been given to the feedback of the proposed changes to each of the 3 conservation areas and their communities. The final drafts have been amended where required to take account of the feedback received. The documents are now ready to be considered for adoption.
- 6.3. Once adopted, the Conservation Area Appraisals and Management Plans will provide additional planning policy guidance, primarily related to the implementation of Local Plan Strategy policy SE7 “Heritage” and SE1 “Design”. A suite of additional policies set out in the emerging SADPD also provide detailed requirements that applicants must satisfy to gain planning consent. The Conservation Area Appraisals once adopted, will be a material consideration in decision making and support the delivery of key policies in the Development Plan.

## **7. Consultation and Engagement**

- 7.1. There is no statutory requirement for consultation set out in the Planning (Conservation Areas and Listed Building) Act 1990. However, Historic England’s best practice guidance advocates wider community consultation as part of the review process.
- 7.2. The public consultation on the 3 Conservation Area Appraisals took place between the 14th February and 14th March 2022. Homeowners and business within the conservation area boundary (and proposed) were sent letters informing them of the consultation period and where the documents could be viewed. The consultation was advertised in the local newspaper, on the Cheshire East website and social media platforms (Macclesfield only). There was also the opportunity to have a telephone call with a conservation officer to discuss any points.

### **Alderley Edge**

- 7.3. There were 27 responses from the Alderley Edge community to the consultation with 15 Supporting, 1 Neutral, and 11 Objecting. Several concerns were raised regarding the introduction of Article 4 Direction. Several responses objected to the use of Article 4 Directions of the buildings shown, or that the Article 4 Direction should cover the whole Conservation Area not only specific buildings. It is proposed to continue with the Article 4 Direction with the scope defined in the appraisal. The permitted development rights to be removed will be considered with Legal and the Direction made in the Autumn 2022 in accordance with the statutory process.
- 7.4. There was no boundary change proposed to the conservation area, but several responses showed a misunderstanding of the extent of the conservation area and its relationship to the adjacent and bordering Trafford Road Conservation Area. The context map has been revised to include the other 3 conservation areas in Alderley Edge. A few minor amendments have been carried out in response to the feedback.

## **Ollerton**

- 7.5. Ollerton received 3 responses, one objection, one neutral and one in support. A minor change has been made to the appraisal in response to the feedback.

## **Macclesfield Town Centre**

- 7.6. Macclesfield received 3 responses; no changes have been required to the document.
- 7.7. Local Ward Councillors were informed of the consultation and of the intention to proceed to adoption following minor amendments. Following adoption, formal notification must be provided to the London Gazette and to land charges in the case of Ollerton School Lane, where a boundary change occurs. The documents will be made available on the heritage section within the Council's website.

## **8. Implications**

### **8.1. Legal**

- 8.1.1. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the Council to determine which parts of their area are areas of special architectural or historic interest, and the character or appearance of which is desirable to preserve or enhance. Those areas should be designated conservation areas.
- 8.1.2. Section 70 of the Planning (Listed Building and Conservation Areas) Act 1990 requires the local authority to notify the Secretary of State for Digital, Culture, Media and Sport and Historic England of the designation. Also, to advertise the designation both in the London Gazette and a local newspaper.
- 8.1.3. The designation must be based on an up-to-date available evidence base to demonstrate the areas need for additional protection (the character appraisal and extension).
- 8.1.4. The National Planning Policy Framework and the associated Planning Practice Guidance also set out national policy about the circumstances in which Conservation Area Review should be prepared.
- 8.1.5. Once the Article 4 Direction has been prepared by Legal, the procedure involves notifying (amongst others) the owner of the land and Secretary of State. The owner will be given the opportunity to comment on the Council's proposal to make an article 4 direction. The Council must take account of those comments when deciding whether or not to confirm. At least 28 days must elapse before the direction can be confirmed. The Direction will take legal effect once it is confirmed by the Council.
- 8.1.6. If the direction is confirmed the owner will thereafter be required to submit a planning application and secure planning permission for work which would have otherwise been permitted development.

## **8.2. Finance**

- 8.2.1. There will be minor administrative costs associated with the adoption of the 3 appraisals, this will include notification to residents within the conservation area boundary extension in Ollerton, advertisements to be placed in the local newspapers advising of the formal adoption and notification within the London Gazette. These costs will be met within the Planning Service budget.
- 8.2.2. The Appraisals written by consultants have been funded by the relevant Town / Parish council.

## **8.3. Policy**

- 8.3.1. The Conservation Area Appraisals will provide additional guidance to assist applicants and decision makers on how to apply relevant policies of the development plan.
- 8.3.2. The Conservation Area Appraisals are consistent with the neighbourhood plan where this is applicable.

## **8.4. Equality**

- 8.4.1. The Council has a duty under Section 149 of the Equalities Act to have due regard to the need to: eliminate discrimination; advance equality of opportunity between persons who share a “relevant protected characteristic” and persons who do not share it; foster good relations between persons who share a “relevant protected characteristic” and persons who do not share it
- 8.4.2. The approach to the public consultation has been considered and has provided opportunities for all within each of the communities to engage and provide an input. There are no Equalities implications for the adoption of the CAA.

## **8.5. Human Resources**

- 8.5.1. There are no implications for human resources.

## **8.6. Risk Management**

- 8.6.1. The adoption of planning documents can be subject to judicial review. The risk is mitigated by following the process for the preparation of a Conservation Area Appraisal and boundary review, which is governed by legislative provisions (as set out in the legal section of the report).
- 8.6.2. The preparation of appraisals and management plans can assist planning application decision-making. They need to be carried out in line with relevant statutory requirements. Public consultation is recommended as a matter of good practice, and this will assist in enabling material weight to be given to the documents in decision making.

## **8.7. Rural Communities**

8.7.1. Conservation area appraisals and management plans can cover rural and non-rural communities. The proposed extension to the conservation area covers peripheral more rural areas of the main village of Ollerton. Where this is applicable, the area will benefit more greatly from the progression of the plans to provide an up-to-date assessment of the heritage in the area and how this is to be positively managed.

## **8.8. Children and Young People/Cared for Children**

8.8.1. There are no immediate implications for children and young people resulting from this report's recommendations, however, the progression and approval of the conservation area plans has the potential to provide wellbeing benefits to children and young people through long-term heritage, conservation and environmental benefits in the local area.

## **8.9. Public Health**

8.9.1. There are no direct implications for public health

## **8.10. Climate Change**

8.10.1. Whilst the conservation area reviews do not have any direct climate change implications, there is guidance on maintenance of historic buildings which contributes to making buildings more energy efficient and guidance on ensuing new building is of a high standard and in keeping with Government guidance on sustainability.

<b>Access to Information</b>	
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Appendices:	Appendix 1: Ollerton School Lane Conservation Area Appraisal and Management Plan Appendix 2: Macclesfield Town Centre Conservation Area Appraisal and Management Plan Appendix 3: Alderley Edge Conservation Area Appraisal and Management Plan Appendix 4: Consultation responses
Background Papers:	N/A