

Cabinet Member for Housing and Planning Agenda

Date:	Tuesday, 19th April, 2016
Time:	1.00 pm
Venue:	Room G4, Westfields, Middlewich Road, Sandbach, Cheshire CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. Public Speaking Time/Open Session

In accordance with Procedure Rules Nos.11 and 35 a period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the body in question. Individual members of the public may speak for up to 5 minutes but the Chairman or person presiding will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

**4. Sandbach Town Conservation Area - Proposed amendments to Boundary
(Pages 1 - 6)**

To consider amendments to the boundary of the Sandbach Conservation Area.

For requests for further information

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CHESHIRE EAST COUNCIL

Portfolio Holder

Date of Meeting: 19 April 2016

Report: Director of Planning and Sustainable Development

Subject/Title: Proposed adoption of amendments to the boundary of the Sandbach Town Centre Conservation Area

Portfolio Holder: Councillor Ainsley Arnold

1.0 Report Summary

- 1.1 Following community consultation at the beginning of the year this report seeks member 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 of those amendments as required by statute.
- 1.2 A targeted consultation exercise was carried out, in conjunction with Sandbach Town Council for a period of 4 weeks. This is described in more detail in the main body of this report at 11.3.
- 1.3 The proposed amended Conservation Area boundary plan is provided as Appendix 1 to include Dingle Farm paddocks, 7 Dingle Lane and part of Dingle Lane to the Sandbach Conservation Area.

2.0 Recommendations

- 2.1 That the Sandbach conservation area be extended as per the attached boundary plan
- 2.2 That the Environmental Planning Manager 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

Reasons for Recommendations

- 3.1 Section 69 of the Act¹ states that:

‘(1)Every local planning authority —

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

- (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.

(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 The designation introduces a statutory requirement in any subsequent decision under the Planning Acts to consider the desirability of preserving or enhancing the character or appearance of that area. It also introduces controls over demolition, limits to permitted development rights and controls over works to trees.
- 3.3 The conservation area was last reviewed in 2014 and as part of the appraisal processes of that review this boundary amendment was proposed. The 2014 review was undertaken at the request of the ward member for the town centre as a consequence of there being no up to date review of the conservation area or a Conservation Area character Appraisal. There were also no up to date conservation management proposals for the conservation area.
- 3.4 The area enclosed by the boundary amendment was previously put forward for inclusion by the ward member for the area and the Town Council. They considered that they represented the majority community view in this respect and that officers should therefore extend the boundary. The decision on this area was postponed due to a planning appeal for new housing on land within part of the proposed conservation area
- 3.5 The land immediately adjacent to Dingle Farm is in the recently revised conservation area boundary and part of the curtilage to the Listed Farmhouse (grade II). The remaining 2 paddocks, 7 Dingle Lane and part of Dingle Lane are proposed to be included within the conservation area boundary. These paddocks influence perceptions upon approach to the conservation area. They form part of the significance of the listed building and give context the farm and conservation area. Dingle Lane is an informal Green Lane with a key view into the conservation area (defined by the visual juxtaposition of the farmhouse and the Church and its environs). Following a recent appeal a planning inspector decided that the paddocks form a part of the setting and significance of the listed buildings and also the conservation area. The conservation officer agrees with this assessment. They provide evidential and aesthetic value to the listed building and conservation area and therefore should be included in the Sandbach Conservation Area.

4.0 Wards Affected

4.1 Sandbach Town ward

5.0 Local Ward Members

5.1 Councillor Barry Moran

6.0 Policy Implications

6.1 None

7.0 Implications for Rural Communities

7.1 None

8.0 Financial Implications

8.1 The administrative costs associated with the legal notifications of amendment (press notices etc.) will be met within the 2016/17 budget for Development Management.

9.0 Legal Implications

9.1 Under s69(2) of the Planning (Listed Building and Conservation Areas) Act 1990 the Council is required to review the exercise of functions undertaken previously under the act and consider whether any further areas should be designated as conservation areas, and if so they shall designate those areas.

9.2 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.

10.0 Risk Management

10.1 Statutory and local requirements in respect to publicity of the proposals shall be met. There is no appeal process for the designation of a conservation area. However the processes and reasons for designation may be subject to a judicial review.

11.0 Background and Options

11.1 The conservation area has been subject to a lengthy and detailed review process which has seen major revisions to the boundary and production of conservation area appraisal and management plan documents. It is currently in the final stages of being reviewed and the appraisal will be published this summer. This proposed extension forms part of that review and also follows a planning inspector's appeal decision in relation to Dingle Farm and the fields adjacent to it.

- 11.2 There is no statutory requirement for consultation set out in the Act. However, Historic England's best practice guidance advocates wider community consultation as part of the review process.
- 11.3 Following the Cabinet Member for Housing and Jobs' decision on 27/04/2015 a 4 week consultation exercise was undertaken. This entailed:
- 1.) Erection of 3 Public notices within and around the proposed area
 - 2.) Provision of a public notice and hard copy at Sandbach library and Sandbach Town Council offices
 - 3.) Notification by letter of those properties that may be impacted by the proposal (mainly Dingle Bank, Dingle Lane and Dunham Close)
 - 5.) Information provided on CEC website:
www.cheshireeast.gov.uk/sandbachconservation
 - 6.) A media release by Sandbach Town Council which was picked up by the local press.
 - 7.) Email notification of the following:
 - Chair of Sandbach Neighbourhood Planning Group
 - Chair of Sandbach Partnership
 - SandbachU3A
 - Sandbach Council Town Clerk
 - Sandbach councillors
 - Sandbach Conservation Area Working Group
 - Cheshire east property services
 - Sandbach Rotary clubs
 - Cheshire East Property Services
- 11.4 The consultation yielded 9 responses, all in favour of the proposal. This included one from the town council. Of those responses at least 6 were from people targeted in the consultation. Both land owners of the two properties within the proposed extension are aware of the proposals.
- 11.5 A high response rate was not expected and the response has clearly shown a positive reaction to the proposal. To this end therefore the consultation achieved its objective. The Town Council, Sandbach heritage working group and the local ward member support the proposal.
- 11.6 The suggested revised boundary proposed by officers is provided as Appendix 1.
- 11.7 If it is decided to adopt the boundary change, under the provisions of the Act a notice has to be placed in the London Gazette and in a local newspaper and the change will be recorded on the Land Charge Register,

in addition to notifying Historic England. Letters will also be written to all properties included within the revised boundary.

- 11.8 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.

12.0 Access to Information

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

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/environment/heritage_natural_environment/conservation_listed_buildings/conservation_areas/sandbach_conservation_area.aspx

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