

Sandbach Town Centre Conservation Area Character Appraisal and Management Plan

Appendix 3 Additional controls

There are additional planning powers and guidance and statutory controls which seek to ensure that the character and appearance of a conservation area and its setting are preserved or enhanced in all new development proposals, which come into force following designation.

These are currently contained within The Planning (Listed Buildings and Conservation Areas) Act 1990, The National Planning Policy Framework (NPPF) and The Town and Country Planning (General Permitted Development) Order 1995 and (General Development Procedure) Order 1995, as amended. They are summarised below:

New Development

When considering applications for development proposals for any buildings or land in a conservation area Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This is reiterated in the NPPF.

In particular special regard needs to be paid to matters such as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis, and detailed design matters e.g. the scale and spacing of windows, materiality, local vernacular features and the impact upon historic characteristics that hold significance to the area

Permitted Development

The Town and Country Planning (General Permitted Development) Order 1995, as amended, requires the submission of a planning application for certain types of development within conservation areas which elsewhere are classified as 'permitted development'.

This includes works for the enlargement, improvement or alteration of a dwelling house - depending on the proposed size, height and location of the works; an enlargement consisting of an addition to a roof; the cladding of the exterior; the provision of a building, enclosure, pool or container within its curtilage; installing, altering or replacing a chimney, flue or soil and vent pipe, or, antenna or satellite dishes, or, solar panels on the front or side elevation of the dwelling house (this excludes panels on roofs which are permitted development).

Full details of the limits and conditions which apply under the Order within and outside conservation areas can be found at www.planningportal.gov.uk

Demolition

Within a conservation area certain types of demolition, which elsewhere can normally be carried out without planning permission, are more restricted and require a special type of consent known as Conservation Area Consent. This includes the demolition of a building with a total volume of 115 cubic meters or more; demolition of a gate, wall, fence or other means of enclosure over 1 metre high fronting a highway,

waterway or open space (or over 2 metres elsewhere) and total demolition of pre 1914 agricultural buildings. Proposed works involving substantial destruction of a building or demolition of the entire building except its facade may also require an application for Conservation Area Consent.

Trees

Anyone wishing to carry out works to a tree which is protected by a Tree Preservation Order (TPO) needs to apply to the Borough Council to obtain permission to carry out the works proposed. In a conservation area there is also a requirement to give the Borough Council six weeks notice of any intention of works to top, lop or fell trees which are not protected by a TPO.

Design and Access Statements & Heritage Statements

All applications for Planning Permission, Conservation Area Consent or Advertisement Consent within a Conservation Area should now be accompanied by a Design and Access Statement and a Heritage Statement, explaining the significance of assets affected and how the special character and appearance of the conservation area has been taken into account.

Other Related Consents - Archaeology

Whilst it is not the purpose of this document to address in detail development proposals relating to archaeology, it should be noted that inside or outside a conservation area proposals for works which affect a Scheduled Ancient Monument will require a special kind of consent known as Scheduled Ancient Monument Consent. Scheduled Ancient Monuments within the Conservation Area are shown in the appraisal document

It should be noted that conditions can be placed on decision notices granting planning permission, listed building or conservation area consent to require archaeological investigation on sites where it is considered that there may be some archaeological potential.

Other Related Consents – Listed Buildings

Whilst it is not the purpose of this document to address in detail development proposals relating to works to Listed Buildings it should be noted that inside or outside a Conservation Area proposals to carry out works to alter, extend or demolish a Listed Building or any building attached to it will require Listed Building Consent.

In addition Listed Building Consent will also be required for works to pre 1948 buildings in the curtilage of the Listed Building where the works would affect the character of the Listed Building or curtilage building itself.

Proposals to carry out repairs to a Listed Building may also require Listed Building Consent, depending on the scale of the works involved and the materials and techniques to be used and their effect on the Listed Building.

Planning Permission will also be required for works to erect, construct, maintain, improve or alter a gate, wall, fence or other means of enclosure if it is within or enclosing the curtilage of a Listed Building, or, for a new building, enclosure, pool or container situated within the curtilage of a Listed Building.

All applications for Listed Building Consent also need to be accompanied by a Design and Access Statement and a Heritage Statement, explaining how the special architectural or historic interest of the building will be protected and why the proposal is appropriate.

Advice on Proposals

This appraisal should not be relied on for a full determination of whether a proposal for development within the Conservation Area would be appropriate. Pre-application advice can be obtained by visiting the advice webpage on the Cheshire East website:

http://www.cheshireeast.gov.uk/environment_and_planning/planning/view_a_planning_application/pre-application_advice.aspx

Please note that this is a paid pre-application service, although advice on some heritage proposals will not be subject to a pre-application fee.