



Appeal Decision

Site visit made on 29 June 2022

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2022.

Appeal Ref: APP/R0660/W/21/3282602

Land at Brookhouse Road, Sandbach, CW11 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C R Muller (of Muller Property Group) against the decision of Cheshire East Council.
 - The application Ref 20/4673C, dated 22 October 2020, was refused by notice dated 27 May 2021.
 - The development proposed is "Full planning application for the relevant demolition of an existing dwelling in a Conservation Area and erection of Class E(a), E(b), E(c), sui generis units and 14 residential units, associated access, car parking and landscaping".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Cheshire East Local Plan First Draft Site Allocations and Development Plan is subject to a number of main modifications, including its Historic Environment policies, following its examination in October and November 2021. In light of its stage of preparation and the guidance in the National Planning Policy Framework (the 'Framework') only limited weight can be afforded to its policies.
3. During determination of the appeal the Sandbach Neighbourhood Plan (Modification) (the 'updated SNP') was made in March 2022 and the versions of Policies H2 (Design & Layout) and HC1 (Historic Environment) of the previous 2016 Sandbach Neighbourhood Plan cited in the reason for refusal have been revoked. The main parties have been given the opportunity to comment on the implications of this for the appeal. In reaching my decision I have had regard to the versions of Policies H2 and HC1 from the updated SNP, which remain similar to their revoked counterparts.
4. The application is accompanied by a duly dated and executed planning obligation, pursuant to Section 106 of the Town and Country Planning Act 1990, whereby the appellant and the Council have jointly entered into an obligation by agreement (the 'S106'). The S106 includes an obligation for £32,685 towards secondary education. I return to matters of the S106 later.
5. As the proposal is in a conservation area and relates to listed buildings I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the setting of the nearby listed buildings and the extent to which it would preserve or enhance the character or appearance of the Sandbach Conservation Area.

Reasons

Significance of Sandbach Conservation Area

7. The appeal site lies within, but on the edge of, the Sandbach Conservation Area (the CA). I saw on my visit that the town centre and High Street comprise a compact arrangement of old streets and buildings of various ages and designs, with open spaces around the main market square and St Mary's Church. The latter occupies an elevated position close to High Street such that the church tower is visible from various vantage points around the town centre and beyond, acting as a landmark to indicate the centre of the town.
8. The Conservation Area Appraisal (the CAA) describes the CA as being 'multi period' with different character areas, however "the town centre retains its identity as a market town with a medieval heart focused on the historic market square and the church". I saw that buildings are mainly of a traditional design and materials and small scale with a variety of roof designs creating an interesting roofscape. The heritage significance of the CA, in so far as it relates to this appeal, is therefore derived principally from its architectural and historic interest reflecting the economic and social development and growth of Sandbach.

Significance of nearby Listed Buildings

9. St Mary's Church dates from medieval times, is primarily 15th century and has seen significant Victorian restoration. It sits in the centre of Sandbach close to the medieval market square. Its significance derives primarily from its age, architectural and historical interest lying at the heart of Sandbach's medieval town centre and part of the town's evolution into a successful market town. Due to its elevated position with the surrounding churchyard it is a dominant landmark, with its tower visible above rooftops.
10. As part of the medieval centre of Sandbach the church, although prominent, is set apart from the streets beyond due to its elevation in the streetscene and location within a green churchyard. Walking along High Street the church is prominently seen in its historic and evolutionary context. Standing at the church door and in the churchyard looking out, its immediate setting is limited to the quiet, tranquil greenspace formed by the walled churchyard which is at an elevated level to the street. The age and prominence of the church reflects its social and community importance and its tower forms an important historic landmark building giving it a wider setting across the town. I find that the setting of the building, insofar as it relates to this appeal, to be primarily associated with the visibility and prominence of the Church tower within the town and that this directly contributes to its significance and special interest.
11. The Council's statement makes reference to the listed properties along the High Street which it considers to be affected by the proposal. This includes the row of properties from No.59 to the George Public House. These are mainly smaller

vernacular buildings whose significance is primarily derived from their historic and architectural interest as part of Sandbach's social and economic growth. These buildings would have once had burgage plots extending back towards Brookhouse Road. I saw that these have already been substantially carved up into smaller yards, driveways and car parks that do not correspond with the alignment of the burgage plots. Nevertheless, views of the buildings are available along the High Street contributing to an appreciation of the historic architecture and evolution of buildings in the town.

12. The Council also refers to the Old Hall Hotel within its statement, which is a Grade I listed building. However, from the evidence before me and my observations on site, I am satisfied that the appeal site does not contribute to the significance of the Old Hall Hotel, by virtue of the distance between the two and lack of historical association.
13. The site is located in the centre of Sandbach and adjacent to its Principal Shopping Area with retail and commercial premises nearby. The appeal site comprises two parcels of land; namely a detached inter-war residential property 'The Croft' and its residential curtilage, and an adjacent overgrown vacant parcel of land. There are mature trees on both parcels. The parcels are located behind the rears of old properties on High Street, accessed from it via a narrow cobbled/tarmac track between Nos.45 and 43B High Street, such that only part of the site is visible between the gap in High Street.
14. The western site boundary runs along Brookhouse Road, a service road for the Post Office, Waitrose supermarket and car park, and which forms part of the western edge of the CA. The site boundary along Brookhouse Road comprises an approximately 1m high brick wall along the back edge of the pavement, with an approximately 1-1.3m high timber fence on top, which screens the site from view. The mature trees on the site provide a verdant backdrop to Brookhouse Road and the Waitrose car park. The tower of St Mary's Church rises above the trees and can be seen from the Waitrose car park and from other vantage points including parts of Old Mill Road.
15. As the appeal site lies within the surrounding area over which the views of the Church tower are prominent, then it is within the setting of the Church. The appeal site therefore contributes to its significance, albeit in a small way, given the large extent of surrounding land over which the Church tower is visible and that the views currently available from the appeal site are no more important than any other in the wider area.
16. The appeal site sits within the CA area and to the immediate rear of the listed buildings Nos.41-51 High Street, effectively at a transition point between the more intimate scale and finer grain of the historic town centre and High Street, and the more modern and larger developments of Waitrose and the out of centre development along Brookhouse Road and beyond. Due to its secluded and screened nature, the site makes a neutral contribution to the significance of the heritage assets.

Effect on significance

17. There is no dispute between the parties that the site affords opportunities for enhancement and greater connectivity to the town centre and there is policy support in principle. Indeed, the site forms part of a larger parcel of land which

is allocated in the Congleton Borough Local Plan (the CBLP) for retail development and other appropriate uses, including residential on upper floors.

18. The proposal would involve the demolition of the existing dwelling and erection of 2no. 2½ storey pitched-roof buildings that would effectively create two terraced blocks. These would be on a staggered building line and set back from Brookhouse Road. The frontages of the 6 ground floor commercial units would face Brookhouse Road, with paved courtyards shown indicatively in front for outdoor café-type seating. The two blocks would be linked by a central flat-roofed 3 storey lift-shaft building that would give access to the 14 apartments on the upper two floors. This link building would breach the eaves line of the adjacent blocks, but would sit lower than the roof ridge. Brookhouse Road would also provide vehicular access to a residents' car park at the southern end of the building. In the centre of the frontage there would be a turning head for delivery and service vehicles and two parking spaces for residents.
19. I saw that Brookhouse Road does not have a distinct or strong character. The blocks of flats near the roundabout are a substantial distance away and set back from the road so as not to be a design reference. New development need not be a pastiche and attempts have been made to create a building that tries to respond to its transitional location and the different sides of the CA the site inhabits.
20. The façades would be broken up with a band of fascias across each commercial unit and fenestration would get smaller with each storey. However, there would be wide and steeply-pitched gables, with minimal projection from the front elevation, and small flat-roof dormers. These features do little to break up the continuous roofline of each block. The proposed buildings would each have a large footprint divided into 3 commercial units per block that would extend the entire depth of each building from front to back. Combined with their height, the deep floorplans would create an unduly deep roof span at odds with the prevailing pitches and roof spans of older existing buildings and the proposed front gable features. The south side elevation of the terrace block has better roof articulation as the floorplan is not as deep. Linking the two blocks with a flat-roof link block, albeit set back and lower than the proposed buildings either side, would effectively result in a single monolithic structure, despite some architectural articulation. The height, bulk and massing the buildings would also obscure most of the church tower from view. Whilst the view of the church tower from Waitrose car park and Old Mill Road are not 'key views', the lack of roof articulation provides no respite to the over dominant horizontal emphasis of the proposed buildings, which sit at odds with the vertical emphasis of the church tower. Furthermore, the pedestrian linkage through the lift-shaft link building would not be particularly apparent to pedestrians from High Street and would not openly invite connectivity, diminishing the historic street pattern.
21. The ground floor commercial units have the potential to create an active street frontage to Brookhouse Road. However, this would be marred and dominated by the wide bell-mouth and turning head for delivery vehicles located centrally between the two blocks and in front of the flat-roofed link block. Two residents' parking spaces would also be incongruously sited in the turning head away from the main residents' car park, almost as an after-thought. As a result, the frontage would be dominated by parking and a vehicle-turning area that would diminish the proposed streetscene.

22. Consequently, proposal would be obtrusive and would not acceptably integrate into the pattern and form of historic buildings and street pattern. This would cause harm to the character and appearance of the CA.
23. From High Street, the gap between Nos.45 and 43B frames a much smaller element of the site and the proposed buildings, and induces a more intimate scale of development. Part of a rear gable of the bigger block and the rear of the smaller block would present themselves to High Street. Even though set back, and having regard to the final images provided by the appellant, the height and massing of the buildings means they would dominate and visually compete with the more diminutive listed buildings facing the High Street, with little reference to historic form or layout. Furthermore, the flat-roof lift shaft, with its blank elevations, presents an unduly dominant form of building that jars with the prevailing pitched roof buildings around it.
24. While the proposal would only be visible in conjunction with Nos. 43B and 45, the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. Nevertheless, given that the significance of the buildings, for the purposes of this appeal, lies in an appreciation of their architecture and history from the High Street, then the proposal would materially diminish the ability to appreciate the significance of 43B and 45 High Street in the streetscene
25. The proposal would not harm the immediate churchyard setting of the Church. Although it would result in the reduction of the extent of the Church tower that would be apparent, particularly from the Waitrose car park, it would nevertheless still be visible and its ability to be a landmark building would not be materially lost from the environs of the appeal site. I am satisfied therefore that the proposed development would not harm the setting and significance of St Mary's Church.
26. Overall, the design, size, scale, form and layout of the proposed development, and lack of meaningful pedestrian connectivity to the town centre, would be harmful to the significance of heritage assets. It would also be contrary to the Framework's requirements in paragraph 130 for development to function well and add to the overall quality of the area and be visually attractive as a result of good architecture and layout.
27. A traditional palette of materials and detailing such as stone window cills, brick window headers, brick quoin detailing, and traditional style fenestration, would not overcome the harm I have identified. I understand the Council's Design Officer supported the scheme, but the Council's Conservation Officer did not. A difference of views between officers in different departments is not uncommon. However, this was a matter for the Council's planning officer to reconcile and justify, which they did.

Weighing up the harm to the heritage assets against the public benefits.

28. In accordance with the statutory duties described above and paragraph 199 of the Framework I attach great weight to the conservation of the heritage assets and to the harm that would be caused to them, even in the absence of harm to the setting of the Grade II* listed St Mary's Church. The harm caused to the significance of the heritage assets would be less than substantial. In such cases

paragraph 202 of the Framework states that the harm should be weighed against the public benefits.

29. The site's Local Plan allocation indicates the Council is generally supportive of new mixed-use development including residential in this town centre location accessible to shops and facilities, and has recognised the site offers a development opportunity to enhance the CA. The Council has raised no objection to the provision of commercial units, the jobs that would be created or the quantum of residential development. There is no dispute that the Council has a 5-year supply of housing land. This site would contribute to the windfall element of that housing land supply and attracts significant weight in that respect.
30. The proposal would not materially impact on the local road network and there would be no harm to highway safety, and the Highway Authority has raised no objections. However, the absence of harm carries neutral weight in the planning balance.
31. The proposal would see a more efficient use of this previously developed land than currently is the case. However, this fact and the site's Local Plan allocation is not a green light for any form of development on the site. I am aware that the proposed scheme has been revised since a previous refusal. I have not been presented with any substantive evidence to demonstrate that the design and form of the scheme before me is the only iteration that could deliver the same benefits. I saw that the High Street is not without pedestrian connection to Waitrose and the car parks due to George's Walk.
32. The financial contribution in the S106 is not a benefit to be weighed in the balance, because the S106 is mitigation against the impact of the development.
33. Drawing all the above points together, I conclude that any public benefits of the proposal, alone or in combination, do not outweigh the harm that would be caused to the significance of the heritage assets. The proposal would therefore fail the statutory tests and be contrary to the Framework guidance.
34. Accordingly, the proposal would fail to preserve the special historic interest [setting] of listed buildings and the character or appearance of the Sandbach Conservation Area. This would fail to satisfy the requirements of the Act, and conflict with Policies SD1, SD2, SE1, SE2 and SE7 of the Cheshire East Local Plan Strategy; Policies BH4 and BH9 of the CBLP; and Policies H2 and HC1 of the updated SNP. Collectively these seek high quality design and development that respects the character and appearance of the area, and respects and where possible enhances the significance of heritage assets.

Other Matters

35. A S106 has been submitted. However, as the appeal is being dismissed for other substantive issues it is not necessary for me to consider this any further.

Conclusion

36. The proposed development would not accord with the development plan as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should be dismissed.

K. Stephens INSPECTOR