

Title:	Review of Melksham and Westbury Conservation Areas – Boundary Changes
Portfolio Holder:	Cllr Mounde – Economic Development and Planning.
Reporting Officer:	Russell Brown – Conservation Officer
Key Decision:	No

Purpose

To consider the findings of the Policy Project Groups (PPGs) for Melksham and Westbury Conservation Areas boundary changes as part of the on-going work for the District Council's Historic Environment Strategy and to agree to a public consultation exercise.

Background

In both the cases of Melksham and Westbury, the Conservation Areas were designated some time ago and as a result the boundaries need reviewing. Melksham was designated in 1981 and Westbury was designated in 1975. A PPG meeting for each has now taken place, including detailed site visits to the various parts of the Conservation Areas identified for change. The results of the PPG findings are summarised below and plans illustrating the proposals are appended to this report (please see separate A3 sheet).

Key Issues

Results of the PPG findings

The maps appended to this report indicate a number of changes to both Conservation Areas that either put forward areas for removal from the Conservation Area or extend them into newly identified areas.

There are 10 changes proposed for Melksham, the most notable being the extension of the Conservation Area north along Bath Road to include the bridge over the River Avon and the industrial area adjacent to the river (area 10). The PPG agreed to all of the changes unanimously. It is proposed that during the public consultation area 10 will be split into 10a and 10b, as shown on the map, and comments will be invited as to whether one or both of these areas is appropriate for Conservation Area status.

There are 7 proposed changes to the boundaries in Westbury. The PPG agreed to proposed changes 1 – 5 unanimously. Concerning no. 6, the Conservative Club site, the existing boundary divides the modern section of the building and was considered therefore to be an unsatisfactory boundary. The PPG discussed either taking the modern part of the Conservative Club out of the Conservation Area or putting the whole site in. The PPG agreed that to include the whole of the Conservative Club site, and the adjacent brook, into the Conservation Area was the

preferable choice. At the PPG meeting another extension was proposed, number 7 on the attached plan, to include the area of Gibbs Close. This extension was agreed to go forward.

Officers Recommendations

It is considered that all the proposals for both Melksham and Westbury should be sent out for public consultation.

The Public Consultation

Subject to Cabinet's agreement, it is proposed that an eight week period of public consultation takes place immediately after this meeting. The nature of this consultation will take the form of individual letters to each owner/occupier of any property or land that is affected by the boundary changes proposed. Exhibitions showing these boundary changes will be put on in the town libraries and Town Council offices and public notices will be displayed around the Conservation Area boundaries.

Next Stage

In accordance with The Constitution (Item 61 of the Scheme of Delegation 'Functions relating to the Constitution and Policy'), following the public consultation exercise, Full Council will make the decision on the adoption of the proposed boundary changes.

Timetable

A timetable showing the dates for consultation and Cabinet/Council meetings for both Conservation Areas is set out below. Please note these are not statutory deadlines and may be subject to change:

<i>STAGE</i>	<i>DATE</i>
Boundary review for Melksham and Westbury Conservation Areas	April – June 2008 PPGs set up in April 2008
Consultation on boundary changes	July – August 2008
Agreement to boundary changes - Council meeting	22 nd October 2008
Preparation of draft Conservation Area Character Appraisals for Melksham and Westbury	July – October 2008
Cabinet consideration of draft Character Appraisals	5 th November 2008
Consultation on Character Appraisals	November – December 2008
Date of final Cabinet Report and Adoption of Character Appraisals	February / March 2009

Effect on Strategies and Codes

The corporate strategies that may be affected by this report are:

- Identifying the character and important elements in each town may influence decisions with regards to where enhancement schemes or regeneration should be targeted.
- The Town Councils, other appropriate local organisations and individual property owners/occupiers will be involved in robust consultation in this area of work.
- Development Control Officers will be able to use the Character Appraisals to assist them in determining applications.

Risk Management Implications

There could be the potential for Judicial Review if the processes of review and public consultation are not undertaken in line with Planning (Listed Buildings and Conservation Areas) Act 1990 and later Government Guidance in PPG15 and other advice.

Consequently, the consultation process will specifically target those who would be directly affected by any changes to the Conservation Areas, as well as more general public displays and public notices.

Financial Implications

Cost of legal searches as part of the consultation exercise. This cost will be met through existing Planning Policy and Conservation budgets.

Legal and Human Rights Implications

There is no right of appeal on the designation of Conservation Areas. The only course of action open to members of the public or organisations is to apply for a Judicial Review.

Within Conservation Areas, the permitted development rights extended to householders and commercial premises are more restricted than outside of Conservation Areas. There are also requirements with regards to tree works and demolition that only apply within Conservation Areas. Consequently, whilst the Act presents no specific requirements for consultation, it is recommended that a full and robust period of consultation is undertaken for any areas that are either to be designated or de-designated.

Recommendation

It is recommended that Cabinet agree to go forward with a period of public consultation on the proposed boundary changes for both the Melksham and the Westbury Conservation Areas.

Background Papers

File Reference: Adopted Local Development Framework
File Location: Planning Policy and Conservation Section

Planning (Listed Buildings and Conservation Areas) Act 1990
PPG15 Planning and the Historic Environment. 1994.
Recent Guidelines on Conservation Areas published by English Heritage.

Plain English Guidance Given