

## REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.7 (1)

CONSERVATION AREA MANAGEMENT PLANS			
Date of Meeting	12 <sup>th</sup> August 2009		
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### Reason for the report being considered by Committee

This report informs the Committee and recommends the adoption of Malmesbury and Chippenham Conservation Areas Management Plans , which contain proposals for their preservation and enhancement.

### 1. Purpose of Report

A report in respect of proposed Conservation Area Management Plans for Malmesbury and Chippenham, together with an over-arching document “North Wiltshire Conservation Areas: Criteria and Character Document ‘draft –December 2007’” was referred to the former North Wiltshire District Council’s Executive Committee at its meeting on 5<sup>th</sup> March 2009. The following recommendation was approved and minuted under reference E123:

1. That the Malmesbury Conservation Area Management Plan ‘Consultation Draft – November 2007’ be adopted as a material consideration for development control purposes of the Council.
2. That the Chippenham Conservation Area Management Plan ‘Consultation Draft – December 2007’ be adopted as a material consideration for development control purposes of the Council.
3. That the North Wiltshire Conservation Areas: Criteria and Character document ‘Draft – December 2007’ be adopted as a material consideration for development control purposes of the Council.
4. That the Executive recommends to the Wiltshire Council that the above three documents are adopted as a material consideration for development control purposes and are progressed as Supplementary Planning Documents within the Wiltshire Local Development Scheme.
5. That the decision of this Council be recommended to the Wiltshire Council for ratification as soon as practicable after 1 April 2009.

This report appears as appendix 1

The purpose of this report is to seek the Council’s authority to undertake public consultation in respect of the draft Malmesbury and Chippenham Conservation Area Management Plans (CAMPs) and then to adopt them as Supplementary Planning Guidance (SPG), rather than Supplementary Planning Documents (SPD) as set out in the recommendation above.

### 2. SPG v SPD

When the LDF system was introduced, SPDs were introduced as a replacement for SPG. Both provide additional advice and information relating to a specific policy or proposal in an adopted Local Plan or Development Plan Document such as the Core Strategy. Where they differ is that there are statutory procedures which must be followed in preparing SPD. An important element of that procedure is to demonstrate community involvement in the process and to undertake a sustainability appraisal if appropriate.

### **3. Main Considerations**

The Planning Authority has a duty to prepare proposals for preservation and enhancement for its designated Conservation Areas. Extended guidance on Conservation Area Appraisals and Management of Conservation Areas were published by English Heritage in February 2006. These recommended that Conservation Area Appraisals be produced and published as separate documentary evidence to support Conservation Area Management Plans - which would be adopted as Supplementary Planning Documents (SPDs) after public consultation in accordance with the local authority's Statement of Community Involvement.

The Conservation Area Appraisals and Conservation Area Management Plans for Malmesbury and Chippenham were prepared with substantial input from the local communities; and the draft Management Plans were completed in 2007. They were prepared in accordance with English Heritage guidelines, to comply with policies set out under the North Wiltshire Local Plan 2011; and have been referred to various committee meetings, culminating in the report to Executive committee in March 2009.

However, officers have been advised that in order for them to become SPD there is a requirement to have a more detailed Sustainability Appraisal than is contained in the existing Local Plan. This could be addressed if individual sustainability appraisals were to be undertaken for each Plan, but unfortunately it is not possible to undertake these at present because of lack of resources. Moreover, this will be resolved once the Local Development Framework (LDF) which is currently being prepared for the new Unitary Authority, is in place as it will include a Sustainability Appraisal. In order to avoid any further delay it is proposed that in the short term the CAMPs become SPG instead of SPD. This is consistent with the way CAMPs have been treated elsewhere in the Council by the former District Councils, where it has been considered that that then they will have significant weight as a material consideration within the decision making process without adoption as SPD provided that they have closely followed the EH guidance in respect of their preparation. Once the new LDF is in place, a programme to review all the County's Conservation Area Management Plans can be undertaken, so that they can be brought under the statutory framework provided by the LDF.

Similarly, the draft 'North Wiltshire Conservation Areas: Character and Criteria' document cross-referenced proposals in the Management Plans and to the North Wiltshire Local Plan 2011. As this document only relates to North Wiltshire, it is intended to update it once the new LDF is in place, so that it provides an over-arching document related to the conservation areas throughout the new unitary authority. It will be necessary to make some minor amendments to the Malmesbury and Chippenham Conservation Management Plans to delete references to the North Wiltshire Conservation Areas document. This will be undertaken in association with any other amendments identified during the public consultation exercise, prior to adoption of the Management Plans.

### **4. Recommendation**

1. That the Malmesbury Conservation Area Management Plan 'Consultation Draft – November 2007' be referred for public consultation and subsequently adopted as supplementary planning guidance for development control purposes of the Council.
2. That the Chippenham Conservation Area Management Plan 'Consultation Draft – December 2007' be referred for public consultation and subsequently adopted as a material consideration for development control purposes of the Council.

### **5. Background Information**

- 3.1 Printed copies of the documents - the Malmesbury Conservation Area Management Plan, and the Chippenham Conservation Area Management Plan – are available on the following Wiltshire Council web site link.

<http://www.wiltshire.gov.uk/environmentandplanning/planning/conservationlistedbuildings/conservation-areas/conservationareareviews-2.htm>

3.2 The Malmesbury Management Plans - Consultation Drafts, can also be accessed on the following Wiltshire Council website link.

<http://www.wiltshire.gov.uk/environmentandplanning/planning/conservationlistedbuildings/conservation-areas/conservationareareviews-2.htm>

<b>Report</b>	<b>Committee &amp; Date</b>	<b>Minute Reference</b>
<b>Malmesbury Conservation Area Management Plan</b>	Area 1 Committee 28 <sup>th</sup> November 2007.	M31
<b>Chippenham Conservation Area Management Plan</b>	Area 3 Committee 3 <sup>rd</sup> December 2007.	CH44
<b>Conservation Areas Management Plans</b>	Executive Committee 20 <sup>th</sup> October 2008	114b
<b>Conservation Areas Management Plans</b>	Executive Committee 5 <sup>th</sup> March 2009	E123

<b>Appendices:</b>	<b>Copy of Report submitted to North Wiltshire District Council Executive Committee 5<sup>th</sup> March 2009</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"> <li>• Report to Area 1 Committee 28<sup>th</sup> November 2007.</li> <li>• Report to Area 3 Committee 3<sup>rd</sup> December 2007.</li> <li>• Report to Executive Committee 5<sup>th</sup> March 2009</li> <li>• Conservation Area Appraisals and Management of Conservation Areas English Heritage, February 2006.</li> </ul>

## APPENDIX 1 for Conservation Area Management Plans Report

### REPORT TO THE EXECUTIVE

Report No.

Date of Meeting	5 <sup>th</sup> March 2009
Title of Report	Conservation Area Management Plans
Portfolio	Policy Built Environment
Link to Corporate Priorities	Conservation Area Management Plans contain proposals to conserve and enhance the District's built environment and landscape setting and assets and resources, protect and promote the local distinctiveness of North Wiltshire's heritage, and are prepared in consultation with other local organisations and Councils. The proposed enhancements within the streetscene accord with the District Council's Corporate Priorities of Cleaner, Safer and Better Streets, and Partnership Working; and the Wiltshire Strategic Partnership's priority theme of <i>Improving Wiltshire's Streetscene</i> .  Business Area/Team Plan Objectives: Progressing the Conservation Area Management Plans will maintain performance against the agreed Urban Design work plan 2008-9 and accord with the objectives of Best Value Performance Indicator BVPI 219.
Key Decision	YES  The decision will be significant in terms of its effects on communities living or working in an area comprising of two or more wards within the District of North Wiltshire.
Executive Workplan Ref	B412
Public Report	YES

### Summary of Report

This report informs the Committee and recommends the adoption of proposals for the preservation and enhancement of the district's Conservation Areas.

### Officer Recommendations

1. That the Malmesbury Conservation Area Management Plan 'Consultation Draft – November 2007' be adopted as a material consideration for development control purposes of the Council.
2. That the Chippenham Conservation Area Management Plan 'Consultation Draft – December 2007' be adopted as a material consideration for development control purposes of the Council.
3. That the North Wiltshire Conservation Areas: Criteria and Character document 'Draft – December 2007' be adopted as a material consideration for development control purposes of the Council.
4. That the Executive recommends to the Wiltshire Council that the above three documents are adopted as a material consideration for development control purposes and are progressed as Supplementary Planning Documents within the Wiltshire Local Development Scheme.
5. That the decision of this Council be recommended to the Wiltshire Council for ratification as soon as practicable after 1 April 2009.

Other than those implications agreed with the relevant Officers and referred to below, there are no other implications associated with this report.				
Financial Implications	Legal Implications	Community & Environmental Implications	Human Resources Implications	Equality & Diversity Implications
YES	NO	YES	NO	NO

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## 1. Introduction

- 1.1 Extended new guidance on *Conservation Area Appraisals and Management of Conservation Areas* were published by English Heritage in February 2006. These recommended that Conservation Area Appraisals be produced and published as separate documentary evidence to support Conservation Area Management Plans - which would be adopted as Supplementary Planning Documents (SPDs) after public consultation in accordance with the local authority's Statement of Community Involvement.
- 1.2 The [Malmesbury Conservation Area Appraisal - April 2007](#) is available on the North Wiltshire District Council website. Similarly, the [Chippenham Conservation Area Appraisal – November 2007](#) is available on the North Wiltshire District Council website.
- 1.3 The 28<sup>th</sup> November 2007 Area 1 Committee recommended (M31) to the Spatial Planning Advisory Group that;  
*the Malmesbury Conservation Area Management Plan 'Consultation Draft – November 2007' be approved for the purposes of public consultation in accordance with Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 1.4 The 3<sup>rd</sup> December 2007 Area 3 Committee similarly resolved (CH44) that;  
*It be recommended that the Chippenham Conservation Area Management Plan 'Consultation Draft – December 2007' be approved for the purposes of public consultation in accordance with Section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*
- 1.5 A Draft 'North Wiltshire Conservation Areas: Character and Criteria' document has also been produced which cross-references proposals in the Management Plans to the Local Plan (and other guidance/policies) and contains a 'long list' of Development Guidelines and Enhancement Proposals (proposals for preservation and enhancement) contained in the Management Plans, and identifies the parties involved in implementation of each.
- 1.6 It was reported to both the above Area Committees that it was intended the two draft Conservation Area Management Plans - together with the Draft North Wiltshire Conservation Areas: Character and Criteria document – would have been considered by a meeting of the Spatial Planning Advisory Group prior to commencement of the public consultation process towards adopting all three documents as Supplementary Planning Documents within the North Wiltshire Local Development Scheme.
- 1.7 However, since then confirmation of the formation of a Unitary Wiltshire Council has led to production of the North Wiltshire Local Development Scheme being abandoned, and the Director of Economy and Enterprise at Wiltshire Council took over responsibility for the production of a Wiltshire-wide Local Development Scheme from 28<sup>th</sup> November 2008. The Assets, Design and Regeneration Manager has informed the Director of Economy and

Enterprise that this Council will recommend to the Executive adoption of the draft Conservation Area documents as a material consideration for development control purposes. The Executive are also asked to consider recommending that the Wiltshire Council adopt the same as a material consideration for development control purposes after 31<sup>st</sup> March 2009, and that the Wiltshire Council includes them as Supplementary Planning Documents in the Wiltshire Local Development Scheme.

- 1.8 In considering A Vision for Chippenham, the 29<sup>th</sup> October 2008 Joint Implementation Executive resolved:

*"To provide support and resources to complete the work to review the Chippenham Conservation Area Management Plan and produce it as a Supplementary Planning Document by\* April 2009."*

\*(the word "by" in the resolution has been used in error instead of the word "from")

## **2. Options and Options Appraisal**

- 2.1 The Planning Authority has a duty to prepare proposals for preservation and enhancement for its designated Conservation Areas and BVPI 219 requires the production of Management Plans to discharge this duty. Both the Malmesbury and the Chippenham Conservation Area Management Plans were agreed for production in the North Wiltshire Local Development Scheme (LDS) programme. Not progressing or adopting a Management Plan reduces performance against this duty, indicator and programme.
- 2.2 Voluntary Working Groups were set up to progress research and analysis for the Conservation Area Management Plans. The Development Guidelines and Enhancement Proposals have been considered and agreed with those groups, and there are local expectations that these documents become adopted and published by this Council.
- 2.3 Some data in the documents has become out of date since the drafts were produced. Any updating and alteration of proposals in the Management Plans can be considered in the future Supplementary Planning Document consultation process.

## **3. Background Information**

- 3.1 Printed copies of the three documents - the Malmesbury Conservation Area Management Plan, the Chippenham Conservation Area Management Plan, and the North Wiltshire Conservation Areas: Character and Criteria document – will be available in each of the Members' Group Rooms from Friday 27<sup>th</sup> February. Electronic copies of each document are also available on MARIS.
- 3.2 The Malmesbury Conservation Area Management Plan - Consultation Draft November 2007, can also be accessed on the North Wiltshire District Council website (as the Appendix to the 28/11/07 report) under '[Committee Agendas and Minutes](#)', and the Chippenham Conservation Area Management Plan - Consultation Draft December 2007 can also be accessed on the North Wiltshire District Council website (as the Appendix to the 03/12/07 report) under '[Committee Agendas and Minutes](#)'.

## **Implications**

### **4. Financial Implications**

- 4.1 There are no direct Financial Implications for North Wiltshire District Council.
- 4.2 The Conservation Area Management Plans identify and prioritise a number of enhancements. It is intended that some of these may form the basis for allocation of future available enhancement funding and for future bids for partnership funding.

## **5. Community and Environmental Implications**

- 5.1 Conservation Area Management Plans contain proposals to conserve and enhance the District's built environment and landscape setting, to protect and promote the local distinctiveness of North Wiltshire's heritage for the community.

## **6. Risk Analysis**

- 6.1 Supplementary Planning Documents are intended to amplify and clarify Local Plan policies in specific locations or in relation to a specific subject. Application of Development Guidelines contained in the adopted Management Plan should therefore be at less risk of being contested than ad-hoc interpretation of generic Local Plan conservation policies in relation to individual planning applications.
- 6.2 There are generic safety and financial risks associated with the carrying out of Enhancement Proposal works, particularly within the public highway, and these are mitigated through the application of Council standing orders and financial regulations in placing the relevant order for works.

<b>Appendices:</b>	<b>None</b>
<b>Background Documents Used in the Preparation of this Report:</b>	<ul style="list-style-type: none"><li>• <b>Report to Area 1 Committee 28<sup>th</sup> November 2007.</b></li><li>• <b>Report to Area 3 Committee 3<sup>rd</sup> December 2007.</b></li><li>• <b>Conservation Area Appraisals and Management of Conservation Areas English Heritage, February 2006.</b></li></ul>

### **Previous Decisions Connected with this Report**

<b>Report</b>	<b>Committee &amp; Date</b>	<b>Minute Reference</b>
<b>Malmesbury Conservation Area Management Plan</b>	Area 1 Committee 28 <sup>th</sup> November 2007.	M31
<b>Chippenham Conservation Area Management Plan</b>	Area 3 Committee 3 <sup>rd</sup> December 2007.	CH44