

ARTICLE 4(2) DIRECTIONS FOR MADELEY AND AUDLEY CONSERVATION AREAS

Purpose of the report

To consider the approval of Article 4(2) Directions for Madeley and Audley Conservation Areas

Recommendation

That Members agree to the making of Article 4(2) Directions in Madeley and Audley as set out in the report and attachments and that delegated authority be given to the Development Control Manger to make the necessary arrangements.

Reasons

To help protect features in the Conservation Areas which are key elements to their distinctive special character.

Background

The Council resolved in March 2011 to undertake a rolling programme of Conservation Area Appraisals and Management Plans (CAMPs) for the 20 Conservation Areas in the Borough. A CAMP has been adopted by the Council for Madeley and Audley Conservation Areas. One of the proposals set out in the Management Plan was to consider the making of an Article 4 (2) Direction for the both Madeley and Audley Conservation Areas. This process has already been carried out in Butterton, Betley, Basford and following Appraisals, and relevant consultation, Article 4(2) Directions have been made and confirmed in all of these areas.

Extensive consultation was undertaken for the Management Plan for both Audley and Madeley, involving the seeking of the views of local stakeholders on the particular issues facing the Conservation Area. No comments were received on any of the proposals for either of the Conservation Areas.

The final draft of the document for Madeley was approved by Newcastle-under-Lyme Borough Council as Supplementary Planning Guidance on 17 October 2012 and for Audley on 18 September 2013.

Main issues

Important features such as windows, doors, roofs, frontages, chimneys and boundary walls all play a part in defining the character of an area. This is especially relevant in a Conservation Area which has a high percentage of houses.

The Town and Country Planning General Permitted Development Order 1995, as amended, makes various forms of development for houses, permitted development and thus grants planning permission for them.

Article 4(2) Directions are a means to control these kinds of incremental changes which can damage the important characteristics of a Conservation Area. The presence of an Article 4(2) Direction does not aim to prevent all changes, but help to carefully manage change through a planning application process.

Directions are restricted to only those developments which in the Council's opinion can harm the appearance or character of a Conservation Area. The relevant circular 9/95 indicates that "the Secretaries of State are particularly concerned that the power to withdraw permitted development rights for extensions should be used only exceptionally, and only where the character or appearance of a Conservation Area is likely to be threatened".

The following developments are some examples of what Article 4(2) Directions can help to control. It only relates to a residential building as a single unit (ie, not flats) or land that fronts a highway; so the Direction does not prevent development on the rear:

- The enlargement, improvement or other alteration of a house, any alteration to its roof, the construction of a porch,
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure within the curtilage of a house
- The demolition of all or part of a gate, wall or other means of enclosure within the curtilage of a house
- The erection, alteration or removal of a chimney on a house or building within the curtilage of a house, whether or not it fronts a highway.

Officers have considered carefully the buildings in both Conservation Areas including those identified as "positive buildings" within the Conservation Area Appraisal and those identified as potential buildings in the Appraisal and Management Plan which might be added to the Councils Local Register of Buildings of Architectural or Historic Interest, to determine which buildings are the most appropriate for Article 4(2) Direction. The schedules below set out the specific buildings and forms of development to be removed in Madeley and Audley, and on which specific properties, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area.

A plan for each Conservation Area indicating the location of these properties is shown as an Appendix to this report and will be displayed at the meeting. It should be noted that Listed Buildings already have protection from alterations which are considered to affect their special character.

Consultation

Consultation will be done through the following:

- By production of a leaflet explaining the effect of the Direction and how to make representations and serve notice on owner/occupier of every house affected by the Direction, detailed as above and inform the Parish Council.
- Inserting an advert in The Sentinel which will set out the properties and classes of development affected, explain its effects and specify a period of 21 days to make representations to the Local Planning Authority.

Financial Implications

Following the making of an Article 4(2) Direction, it may be possible for residents to claim compensation from the authority under the Town and Country Planning Act 1990 Section 108, if permission is refused (or granted subject to conditions), where development would normally be permitted. Compensation however, is very unlikely to be applicable in the control of precise details such as materials used in windows and doors or in new front garden walls. In addition where an application is received as a result of an Article 4(2) Direction, no fee is required for processing this application.

Conclusions

The Conservation Area Management Plans for the Conservation Areas contain a number of recommendations which when successfully implemented will meet the Council's statutory duties and responsibilities under the planning and conservation legislation to preserve and enhance the special architectural or historic interest of this area.

A report will be brought back to Planning Committee to consider any representations made regarding the Article 4(2) Directions and for it to consider confirmation of them. The Direction will no longer apply if the Council does not confirm it within 6 months.

Audley Conservation Area - Article 4(2) Direction Property Schedule

1. The following properties are affected by removal of Permitted Development rights including those for the removal of chimneys, replacement windows and doors, porches, any alteration to the roof on front roof slopes and boundary treatments

1-3 (odd) Church Bank
1-13(odd) Church Street
7 Nantwich Road
17 Nantwich Road
23-31 (Odd) Nantwich Road
8- 30 (even) Nantwich Road
2-16 (even) Wilbraham's Walk
32-44 (even) Wilbraham's Walk
The Old Rectory, Wilbraham's Walk
Bulls Head House, Nantwich Road
Bulls Head Cottage, Nantwich Road
6-16 (even) Dean Hollow
7-11 (odd) Dean Hollow
19-27(odd) Alsager Road

2. The following properties are affected by removal of Permitted Development rights including those for the removal of chimneys, replacement windows and doors, porches, any alteration to the roof on front roof slopes

26-32 (even) Church Street
4 Nantwich Road

3. The following property is affected by removal of Permitted Development rights for boundary treatments.

50 Wilbraham's Walk
2 Alsager Road
33 Nantwich Road

Madeley Article 4(2) Direction Property Schedule

1. *The following properties are affected by removal of Permitted Development rights including those for the removal of chimneys, replacement windows and doors, porches, any alteration to the roof on front roof slopes and boundary treatments*

*1 & 2 Greyhound Cottages
Sycamore House, corner of Furnace Lane
1 & 2 Madeley Mill, Moss Lane
1,2,3 & 4 Post Office Square
Buff House, Bar Hill
Bridge House, Moss Lane
Rose Cottage, Moss Lane
Brush End, Moss Lane
Smithy Cottages, Bar Hill
Pool Villa, Poolside
Church House, Woore Road
Church Cottage, Woore Road
Broomcroft, Poolside
Pool Villa, Poolside
Poolside, Poolside
Cygnet Studio and Swan Cottage, Poolside
The Cottage, Poolside
Pool House, Poolside
Pool Farmhouse, Poolside
Yew Tree House, Poolside
Yew Tree Cottage, Poolside
Spring Cottage, Poolside
Hillview Cottage, Holborn Cottage, The Holborn
Mullberry Cottage and Berry Barn, The Holborn
Holborn House, The Holborn
Holly Cottage, The Holborn
Prospect House, The Holborn
Smithy Cottages, Bar Hill
Old Vicarage, Vicarage Lane
2-12 (even) Vicarage Lane
Birches Cottage, Castle Lane*

2. *The following properties are affected by removal of Permitted Development rights including those for the removal of chimneys, replacement windows and doors, porches, any alteration to the roof on front roof slopes*

*The Coach House, The Holborn
Pool View, Poolside*

3. *The following property is affected by removal of Permitted Development rights for boundary treatments.*

*12 Station Road
Cherry Orchard, Poolside*

Pineview, Poolside
Suo Marte, Poolside
Leeside, The Holborn
Trencrom, The Holborn
Orchard House, The Holborn
Turnpike, The Holborn
Church View, The Holborn
New Vicarage, Vicarage Lane
Inchequin, Vicarage Lane
Maydale, Castle Lane