

PROPOSED CONSERVATION AREA AT WATLANDS PARK, WOLSTANTON AND CONSIDERATION OF AN IMMEDIATE ARTICLE 4 DIRECTION AT NUMBER 7 PARK AVENUE, WOLSTANTON.

Purpose of the Report

This report

1. Proposes that steps be taken towards the designation of Conservation Area Status for an area of Wolstanton around Watlands Park/Woodlands and Marsh Avenue and Albert Terrace.
2. Seeks approval to make an Article 4 Direction as soon as practicable to remove certain permitted development rights at a residential property in Wolstanton.

Recommendations

1. **That the proposal to designate a Conservation Area at Watlands Park in principle be agreed and officers now carry out the necessary consultation in respect of the proposed area that will help to inform the decision on whether to designate a Conservation Area and its boundaries.**
2. **That the draft Appraisal and Management Plan Supplementary Planning Document (SPD) for the proposed Conservation Area be approved for public consultation purposes to help inform that decision.**
3. **That an immediate Article 4 Direction be made with respect to 7 Park Avenue, Wolstanton in the terms set out in the report, and that within the statutory 6 month period officers report back on the results of the required publicity to the Direction**

Reasons

1. The report proposes the designation of Conservation Area Status for Watlands Park, Wolstanton following a public consultation exercise that is to be undertaken. This is to determine whether to preserve and enhance its special character and it would give additional protection.
2. The review of the area seeks to provide additional protection to ensure that the Borough's special areas are safeguarded for the future to supplement the objectives and policies contained in the Joint Core Spatial Strategy. In accordance with the statutory regulations, an SPD has to undergo a consultation process before it can be adopted; and
3. The removal of permitted development rights through an Article 4 Direction would help to protect a historic building of interest.

1.0 Background

- 1.1 The Council has a statutory obligation to review its Conservation Areas from time to time and to consider new areas. It also must publish from time to time its proposals for the preservation and enhancement of Conservation Areas and consult the local community about the proposals.
- 1.2 Watlands Park Residents Association have approached the Council about designating a Conservation Area around the former Watlands Park estate. They have written a review of the area which proposes the streets around the former Watlands Park estate as a Conservation Area (see boundary on Watlands Park Townscape Appraisal Map attached as Appendix 2).

- 1.3 A key purpose of a Conservation Area Appraisal is to define the special interest of Conservation Areas, identify the issues which threaten these special qualities and to provide recommendations and guidance to manage change and suggest potential enhancements through the Management Plan.
- 1.4 The Council's Conservation Advisory Working Party has been consulted and it recommends to the Planning Committee that the principle of designating a Conservation Area at Watlands Park is accepted, that the draft Appraisal and Management Plan SPD (Appendix 1) be approved for consultation purposes to help to inform any decision, and that an immediate Article 4 Direction is made with respect of 7 Park Avenue, Wolstanton in the terms set out in the report below.

2.0 Consultation Arrangements

- 2.1 It is proposed to hold a consultation event for the proposed Conservation Area with the Residents Association to gauge if there is local support for it. The draft documents will be publicised on the web and made available in Newcastle Library. The Council will use its e-panel and its website to raise awareness of the documents.
- 2.2 All representations received will be considered and a report submitted to the Planning Committee with recommendations to designate the area or not, and to agree the boundary if appropriate. If accepted and adopted, the review document will become a Supplementary Planning Document (Conservation Appraisal and Management Plan) and will carry more weight in giving advice and determining planning applications in the proposed Conservation Areas or in any planning appeals.

3.0 Article 4 Direction

- 3.1 National guidance indicates that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this necessary to protect local amenity of an area. A Direction can withdraw permitted development rights straight away; however it must be confirmed by the local planning authority within 6 months of coming into effect to remain in force. Immediate Directions can be made in relation to development permitted by Part 1 -4 of Schedule 2 and Class B and C of Part 11 to the GPDO which grants permitted development rights to minor external changes for single dwellinghouses, and certain other limited forms of permitted development. An immediate Direction can only be made where the local planning authority consider the current permitted development presents an immediate threat to local amenity or prejudices proper planning of an area.
- 3.2 Article 4 Directions are a means to control kinds of development such as replacement windows, doors, roofs, construction and demolition of boundary walls which in the Council's opinion can harm the appearance or character of a Conservation Area.
- 3.3 The Watlands Park Residents Association have requested that the Council consider issuing an immediate Article 4 Direction with respect to 7 Park Avenue, Wolstanton, to remove permitted development rights that allow, without the need for planning permission, certain development associated with its use as a dwellinghouse. The reason given for the request is that the building has been empty for some time and there is pressure to redevelop the site possibly resulting in overdevelopment and clearance of the site.
- 3.4 The building in question is a fine detached Victorian villa set on a double plot with a high amount of original features including doors, a timber porch, ornamental brickwork, string courses and windows, etc. It also has other internal features of interest, works to which would not come within planning control as a result of an Article 4 Direction. After being vacant for more than a year and

in a state of neglect, number 7 Park Avenue, represents a particularly unaltered original red-brick detached property set in generous grounds with a large side garden and a coach house. It is currently in a vulnerable state of repair but has many original features, such as sash windows, which are all still in place.

- 3.5 The Council received a planning application from a property developer in March 2015 for a large extension and alterations to the existing house into 14 apartments, demolition of the coach house and widening of the access. This application (15/00174/FUL) was considered unacceptable by officers on certain grounds, but before being determined by the Committee, was withdrawn by the applicant. The plot was subsequently sold again at auction and has been boarded up with no indication as to the intentions of the new owners. The site has recently been cleared of unprotected trees and shrubbery and to date there has been no response from the owner to several attempts to make contact.
- 3.6 Although an Article 4 Direction is recommended with the draft Management Plan for Watlands Park (if designated as a Conservation Area), due to the relatively lengthy timescales involved, it would be some time before that Direction came into place and the features referred to would be at risk in the interim. In the meantime development could otherwise take place that would be prejudicial to the proper planning of the area or constitute a threat to the amenities of the area. In the circumstances it is proposed that an immediate Direction should be made at 7 Park Avenue, Wolstanton to help protect the features of the building and therefore the contribution that it makes to the appearance of the area. Once the Direction is made, notice is served on the owner, the Direction is advertised locally and 21 days is given for any representations, after which the notice can be confirmed and will remain in force. If not confirmed the Direction will lapse.

It is being recommended that the Direction should remove the following permitted development rights:-

- The enlargement, improvement or other alteration of the house, any alteration to its roof, the construction or alteration of a porch, outbuildings, hard surfacing, satellite dishes, (Classes A,,B, C, D, E, F and H of Part 1 of Schedule 2)
- The erection, alteration or replacement of a chimney on the house (Class G of Part 1 of Schedule 2).
- The erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure within the curtilage of a house (Class A of Part 2 of Schedule 2).
- The demolition of a building and all or part of a gate, wall or other means of enclosure within the curtilage of a house (Class B and C of Part 11 of Schedule 2).

4.0 Financial and Resource Implications

- 4.1 If a local planning authority makes an Article 4 Direction, it can be liable to pay compensation to those whose permitted development rights have been withdrawn, but only if it then subsequently refuses planning permission for development which would otherwise have been permitted. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of permitted development rights.
- 4.2 Compensation is only payable if an application for planning permission for certain development formerly permitted by the GPDO is made within 12 months of the Article 4 Direction taking effect. No compensation is payable for the withdrawal of certain permitted development rights if an LPA gives notice of that withdrawal between 12 and 24 months in advance. That is not however proposed in this instance for the reasons given above

5.0 Background Papers

English Heritage: Guidance on conservation area appraisals and the management of conservation areas. Feb 2006

English Heritage: Understanding Place: Conservation Area Designation, Appraisal and Management

Planning Practice Guidance (PPG) (2014)

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