

Watlands Park, Wolstanton - Proposed Conservation Area Appraisal and Management Plan Supplementary Planning Document and 7 Park Avenue Article 4 Direction

Report to Planning Committee 13th September 2016

Purpose of the Report

- 1) To inform the Committee of the results of the consultation process on the draft Watlands Park Proposed Conservation Area Appraisal and Management Plan Supplementary Planning Document (SPD) and to consider the SPD prior to its adoption by Cabinet.
- 2) To provide the Committee with the opportunity to consider whether to designate a Conservation Area at Watlands Park, as set out in the attached plan (Appendix B).
- 2) To provide the Committee with the opportunity to consider the comments received on the Article 4 Direction for 7 Park Avenue, Wolstanton and to decide whether to confirm the Direction.

Recommendations

- 1) That the Committee agree the draft Watlands Park Conservation Area Appraisal and Management Plan Supplementary Planning Document and to the publication of the attached Consultation Statement and the SPD for the required final period of representations; and**
- 2) That, subject to no representations being now received seeking changes to the Appraisal and Management Plan SPD, the Planning Committee commend the SPD to Cabinet for adoption;**
- 3) That the Committee agrees to designate a Conservation Area at Watlands Park as shown on the plan attached as Appendix B and arrangements are made to formally designate the Conservation Area as soon as possible.**
- 3) That the Committee confirms the Article 4 Direction for 7 Park Avenue, Wolstanton.**

Reason

The consultation period is now over for the SPD, the responses have been analysed and a period within which further representations can be made for the SPD is possible before the documents can be adopted.

The Committee has the authority to designate new Conservation Areas or vary Conservation Area boundaries and to make and confirm Article 4 Directions

With regard to the Article 4 Direction the notification period is over and the Council must now decide if the Direction should be confirmed or not.

1.0 Introduction

- 1.1 The Planning Committee, on 26th April, approved the draft Watlands Park Conservation Area and Management Plan Supplementary Planning Document (SPD) for consultation purposes. The purpose of this report is to inform members of the results of the consultation on the draft SPD, and to enable the Planning Committee to consider the final draft SPD before it is considered for adoption by the Cabinet. It also will consider whether to designate a Conservation Area at Watlands Park, as set out in the Appraisal and on the Townscape Appraisal map. This report also considers the confirmation of the Article 4 Direction at 7 Park Avenue.

2.0 Background

- 2.1 The SPD seeks to provide additional information to ensure that the Borough's Conservation Areas are safeguarded for the future to supplement the objectives and policies contained in the Joint Core Spatial Strategy. The SPD defines the special interest of the area around Watlands Park and proposes to designate a Conservation Area. It also identifies issues which might threaten these special qualities. The Management Plan provides a framework for future actions which includes the imposition of an Article 4 Direction on some of the properties within this area – as identified on the Townscape Appraisal map.

3.0 Consultation process and results

- 3.1 The consultation on the draft SPD took place over a six week period from 10th June to 22nd July 2016. The documents were on the Council's website and made available in the Guildhall. This draft is still available to view on the Council's website www.newcastle-staffs.gov.uk/conservation
- 3.2 In total, there have been 5 responses submitted on the draft documents. A consultation statement has been prepared with individual comments, the Council's response, including any recommended changes to the draft SPD. A copy of this Statement is appended to this report as Appendix A. Any representations have been retained on file and can be viewed on request.
- 3.3 Residents who attended the consultation were positive about the environment in which they lived and want to preserve it. The representations support the designation of a Conservation Area and the making of an Article 4 Direction to restrict permitted development rights for certain houses within the Area as a way of helping the protect the area's special character.
- 3.4 The Conservation Advisory Working Party's further views are being obtained - they proposed no amendments or raised any issues with the document at consultation stage.

4.0 Designation of the Conservation Area

- 4.1 The appraisal is considered to provide an appropriate basis for concluding that the Council should move to designate the area as a Conservation Area given that it is an “area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance” (Section 69, Planning (Listed Buildings and Conservation Areas) Act 1990).

5.0 Article 4 Direction – 7 Park Avenue

- 5.1 At its meeting on 26th April, the Planning Committee also resolved that an immediate Article 4 Direction be issued to remove certain permitted development rights with respect 7 Park Avenue – including rights associated with works of improvement, extension and alteration of the building, its outbuildings; works to boundary walls and the demolition of the building and such walls. Under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 a Direction that affects this property was made with the giving of the required notice, including service upon the owner. The Direction came into force on 23rd May 2016. The Direction expires at the end of a 6 month period beginning with the date on which it came into force (i.e. by 23rd November 2016) unless it is confirmed by the Local Planning Authority.
- 5.2 The purpose of this report is to inform members of the representations made, and to enable the Planning Committee to consider whether the Article 4 Direction should be confirmed.

Notification process and results

- 5.3 The notification period where representations were invited took place between 23rd May 2016 and 21st June 2016. In accordance with legislation, the relevant notifications were undertaken. In total, there has been 1 letter of objection to the Article 4 Direction, in response to the notification submitted from an agent on behalf of the owner of the property and one of support.
- 5.4 The letter of objection (summarised) indicates the following;

The owner of the property wishes to renovate and occupy the property as a single family home and to retain the trees protected by a Tree Preservation Order. They want to retain the site as a single dwellinghouse, rather than, as appears to have been assumed in the April Committee report, to redevelop the site. They remind the Council of the policy set out in the NPPF and claim that the Council has failed to identify what special character or specific features the building possesses that are desirable to preserve in the interests of protecting local amenity, other than sash windows, nor have the Council identified any special or historic importance that the building possesses. They submit that Park Avenue has a mix of properties and that the area is unremarkable. The property itself they assert is well built and has undergone few alterations and considers the Article 4 Direction is not appropriate – on the basis that the property and the wider area in general lacks the special architectural or historic interest necessary to warrant a more strict level of protection. Similarly they question why 7 Park Avenue was singled out for an Article 4 Direction.

- 5.5 There has been a representation fully supporting the Direction from the Watlands Park Residents Association. The reason for the support of the Direction is to ensure the extensive renovation work needed to this vacant property is undertaken in character with this historically important house and uses appropriate materials.
- 5.6 The property lies within the proposed Conservation Area at Watlands Park. The NPPF indicates that *“the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity”* whilst the national planning practice guidance goes on to indicate that the potential harm that the Direction is intended to address should be clearly identified and there should be a particularly strong justification for the withdrawal of permitted development rights in certain cases – none of which apply here. The Conservation Area Appraisal sets out why the area has significant special architectural and historic interest to justify its status as a Conservation Area. The property at 7 Park Avenue is a fine example of an unaltered building which retains its original features. The fact that permitted development rights would enable any owner to remove many of these features is the reason why the Direction has been made to help protect and control development. Since the Direction has been made, a planning application (16/00538/FUL) for extensions and alterations to the house has been submitted which includes removal of all sash windows – without the Article 4 Direction an alteration which did not require permission. Conditions have been attached to this permission to retain and repair the timber sash windows on the main elevations or to replicate the style with any replacements.
- 5.7 It is required that the Borough Council notifies the Secretary of State of the Direction and the Secretary of State has raised no objections to it. As indicated above, the Direction must be confirmed before 23rd November 2016 or it will expire. It is considered, taking into account the representations received, that the Direction as made is justified as the property does retain special architectural details which contribute to the character of the area. An Article 4 direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. This gives a Local Planning Authority the opportunity to consider the proposal in more detail. Accordingly it is recommended that the Committee confirm the Direction. Following this, it will be necessary for the Local Planning Authority, as soon as practicable, to give notice of the confirmation and send a copy of the Direction to the Secretary of State.

6.0 Next Steps

- 6.1 Under the Local Planning Regulations, before the SPD can be adopted the Council has to make available both the SPD and the Consultation Statement and allow a further limited period, of not less than 4 weeks, for representations to be made.
- 6.2 Once adopted, the SPD together with an adoption statement will be posted on the Council’s Planning Policy website page and will be made available at a

charge in hard copy if requested. Details of the adoption will be sent to all those who participated in the consultation process and provided their contact details.

- 6.3 If accepted by the Planning Committee the boundary will be formally designated and the relevant notifications done in the local newspaper and the London Gazette. The Article 4 Direction for 7 Park Avenue will be confirmed and the non-immediate Article 4 Direction for the new Watlands Park Conservation Area will be progressed as set out in the Management Proposals and in line with statutory procedures.

7.0 Background Papers

Consultation Draft SPD

Copies of representations made on the draft SPD

The SPD Consultation Statement

The Town and Country Planning (General Permitted Development) (England) Order 2015.

The responses received to the notification