

## **PROPOSED ARTICLE 4 DIRECTION FOR STUBBS WALK CONSERVATION AREA**

### **Purpose of the report**

For the Working Party to consider the making of an Article 4 Direction in the Stubbs Walk Conservation Area to remove permitted development rights from properties and require planning approval for works which could have an adverse effect on the special character and appearance of these Conservation Area.

### **Recommendation**

**That the Working Party indicates its views on a proposal to the Planning Committee to make an Article 4 Direction for the Stubbs Walk Conservation Areas as set out in the report below .**

### **Reasons**

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

## **1.0 Background**

1.1 A Conservation Area Appraisal and Management Plan has been adopted by the Council for Stubbs Walk Conservation Area. One of the proposals was to consider the making of an Article 4 Direction for certain types of development. This process has already been carried out in six Conservation Areas following similar Appraisals, and relevant consultation.

## **2.0 Removal of Permitted Development Rights**

2.1 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation of at least 21 days and only come into force on a specified date which is not less than 28 days after the notice is published. Permitted development rights are withdrawn after consideration has been given to any representations and the Direction is formally confirmed by the Local Planning Authority.

2.4 Directions can also be made with immediate effect are where permitted development rights are withdrawn straight away. This is only where the local planning authority considers that the development to which the Direction relates would pose an immediate threat to local amenity. They can only relate to development within the curtilage of dwelling houses, works to fences or walls or other minor operations, some changes of use and temporary buildings, and the demolition of buildings (except by Historic England). Following consultation on a Direction with immediate effect, the Direction must be confirmed within 6 months otherwise it no longer remains in force.

## **3.0 Proposed Stubbs Walk Article 4 Direction**

3.1 Schedule A below sets out the specific buildings for which it is proposed to remove certain permitted development rights in the Stubbs Walk Conservation Area, which

officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area.

- 3.2 It is legally possible for the Council to implement an immediate Direction as long as the Council perceives that there is a direct threat to the amenity or character of the Conservation Area even though there are more limited types of permitted development rights that may be restricted in this way. It is also possible to make a non-immediate Direction in instances where it is legally possible to make an immediate Direction. Your officers consider that given that there is no immediate identifiable threat the Council should now proceed with a non-immediate Direction for properties which would come into effect following the proposed consultation and after the required consideration of any representations that may be received.
- 3.3 Consideration has been given to the removal of Permitted Development rights for extensions and alterations to offices in the Conservation Area. Such uses do not have the same Permitted Development rights within Conservation Areas and planning permission is required for most alterations and extensions or is restricted and controlled by conditions to ensure that materials match. It is therefore not proposed to take away permitted development rights for commercial premises for these forms of development because there is little to gain.
- 3.4 Newcastle-under-Lyme School is the main landowner within the Conservation Area and has many buildings across two main sites. Schools have extensive permitted development rights for new buildings, extensions and alterations and consideration has been given to removing this permitted development right. There are already more restrictions and conditions within a Conservation Area, and planning permission is required for any development if it is within 5 metres of a boundary edge of the premises. Given the nature of the location of the school buildings, the consequences of the School taking advantage of its permitted development rights is limited and the likelihood of causing harm to the Conservation Area is unlikely. It is the Conservation Officer's view that it is not relevant to take away permitted development rights for schools.

#### 4.0 **Consultation**

- 4.1 By production of a leaflet explaining the effect of the Direction and how to make representations and the serving of the required notice on the owner/occupier of every house affected by the Direction and, placing an advert in The Sentinel which will set out the properties and classes of development affected, explain the Direction's effects and specify a period of 21 days to make representations to the Local Planning Authority.
- 4.2 The Conservation Advisory Working Party views will be reported to the Planning Committee on the 28<sup>th</sup> February.

#### 5.0 **Compensation**

- 5.1 Following the making of an Article 4 Direction, the local planning authority may be liable to pay compensation to those whose permitted development rights have been removed if permission is refused (or granted subject to more limiting conditions than the GPDO), where development would normally be permitted.

#### 6.0 **Future Involvement of the Working Party**

- 6.1 If the Planning Committee agree to progress with a Directions a report will be brought back to the Working Party for comment setting out representations, if any are received,

regarding the Direction, before the Planning Committee give consideration to whether the Direction should be confirmed.

## **Schedule A**

### **Stubbs Walk Conservation Area - Article 4 Direction Property Schedule**

*1. The following dwellings would be affected by removal of Permitted Development rights relating to extensions, the provision of replacement windows and doors, porches; any alteration to the roof on front roof slopes; the removal of chimneys; and boundary treatments*

7 – 19 (odd), 19, 25, 27, 29, 31, 33 & 35 (odd) Mount Pleasant  
96 & 104, 106, 108 (even) Lancaster Road  
1 and 2 Gladstone Villas, Victoria House & 12 – 22 Victoria Road  
48 - 64 West Street  
37, 39, 41, 43 West Street  
21 Clarence Street  
35 Princess Street  
2 North Street  
111 York Street  
1, 2, 3 & 4 Lancaster Avenue

*2. The following properties would be affected by removal of Permitted Development rights for boundary treatments only including erection, alteration or demolition.*

92 & 94, 98, 100 & 102 Lancaster Road  
45 West Street & 6 & 8 Marsh Parade  
Newcastle-under-Lyme School in respect of Victoria Road, Mount Pleasant and Lancaster Road.