

PROPOSED ARTICLE 4 DIRECTION FOR THE BRAMPTON AND WATLANDS PARK CONSERVATION AREAS

Purpose of the report

For the Working Party to consider the making of an Article 4 Direction in the Brampton and Watlands Park Conservation Areas 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 Areas.

Recommendation

That the Working Party indicates its views on a proposal to the Planning Committee to make Article 4 Directions for the Brampton and Watlands Park Conservation Areas as set out in the report .

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2.1 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation of at least 21 days and only come into force on a specified date which is not less than 28 days after the notice is published. Permitted development rights are withdrawn after consideration has been given to any representations and the Direction is formally confirmed by the Local Planning Authority.

2.4 Directions can also be made with immediate effect where permitted development rights are withdrawn straight away.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. Following consultation these are confirmed within 6 months otherwise it will no longer remain in force.

3.0 Proposed Article 4 Directions

3.1 Schedule A sets out the specific buildings for which it is proposed to remove certain permitted development rights in the Brampton Conservation Area, which officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a

Conservation Area. Schedule B sets out the specific buildings for which it is proposed to remove certain permitted development rights in the Watlands Park Conservation Area. Schedules and maps showing properties will follow in a Supplementary report.

- 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 Areas. 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.

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 who will decide whether to confirm the Direction or not following consideration of any representations that are received.

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.