

ARTICLE 4 DIRECTIONS FOR THE BRAMPTON AND WATLANDS PARK CONSERVATION AREAS

Purpose of the report

This report proposes the making of two Article 4 Directions, one in the Brampton Conservation Area and the other in the Watlands Park Conservation Area, which will remove some permitted development rights from certain properties and require planning approval for certain minor works.

Recommendation

To agree to the making of an Article 4 Direction for the Brampton and Watlands Park Conservation Areas on the terms set out in the report.

Reasons

The removal of permitted development rights through an Article 4 Direction would help protect features in Conservation Areas which are key elements to their distinctive special character, and give effect to the proposals within the agreed Conservation Area Appraisal and Management Plans for these Conservation Areas.

1.0 Background

- 1.1 The Council resolved in March 2011 to undertake a rolling programme of Conservation Area Appraisals and Management Plans (CAMPs) for the Conservation Areas in the Borough. Conservation Area Appraisal and Management Plans have been adopted by the Council for The Brampton Conservation Area and the Watland Park Conservation Areas. One of the proposals set out in these Management Plans is that the Borough Council would consider the making of an Article 4 Direction for certain and relevant types of development.
- 1.2 This process has already been carried out in Butterson, Betley, Basford and more recently last year in Madeley, Audley, Whitmore following similar Appraisals, and relevant consultation. Article 4 Directions have been made and confirmed in all of these areas. A report on the confirmation of an Article 4 Direction for the Stubbs Walk Conservation Area is to be found elsewhere on this agenda.
- 1.3 Extensive consultation was undertaken on the Management Plans for The Brampton and Watlands Park, involving the seeking of the views of local stakeholders, including local residents groups on the particular issues facing each Conservation Area. Support for Article 4 Directions was given during this consultation from residents and the Residents group at Watlands Park have been involved in jointly considering the Direction with the Council.
- 1.4 The final versions of the Appraisal and Management Plans for both Conservation Areas were approved by the Borough Council as a Supplementary Planning Document on 7th December 2016.

- 1.5 Article 4 Directions are one of the tools available to local planning authorities to help to respond to the requirement in legislation to preserve and enhance their Conservation Areas. Such Directions are made under Article 4 of the General Permitted Development Order (the GPDO) and they can withdraw selected automatic planning permissions granted by the GPDO. The existence of an Article 4 Direction ensures that the community, through its Local Planning Authority, has an opportunity to consider any proposed changes by requiring the submission of a planning application to obtain planning permission first for particular types of development. An Article 4 Direction only means that a particular development cannot be carried out under permitted development and therefore needs a planning application. It does not mean that such development is not allowed.
- 1.6 The National Planning Policy Framework (NPPF) states 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 or the wellbeing of the area. Conservation Areas are designated because of their special character and appearance and their architectural and historic interest. The aim of such a designation is to try and preserve and enhance this special character and appearance.
- 1.7 The Conservation Area Working Party recommends to the Planning Committee that the Council make Article 4 Directions for the Brampton and Watlands Park Conservation Areas as set out in the report. With particular regard to the Watlands Park Conservation Area the Working Party consider that the Article 4 Direction is justified as a lot of infill housing has been constructed which is not good quality and it is necessary to control further development to avoid unsympathetic alterations damaging the special character of the Conservation Area

1.8 **National Planning Practice Guidance**

- 1.9 The Town and Country Planning (General Permitted Development) Order 2015, as amended, makes various forms of development permitted development and thus grants automatic planning permission for them.
- 1.10 The 2014 *National Planning Practice Guidance* provides easy accessible and up to date information on all aspects of Planning including the making of an Article 4 Direction. The following link sets out the information needed to make such a direction and answers general questions on procedure and the implications of a Direction.

<http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>

2.0 **Removal of Permitted Development Rights**

- 2.1 Local planning authorities can remove permitted development rights by either a condition on a planning permission or by an Article 4 Direction. The latter are made on a case by case basis and should be based on whether the exercise of permitted development rights, in the case of Conservation Areas, would harm the visual amenity of an area or damage the historic environment. The potential harm that the Direction is intended to address should always be clearly identified. An Article 4 Direction means that a particular development cannot be carried out under permitted development and therefore needs a planning application.

- 2.2 Not all areas have the same permitted development rights. There are a range of exclusions to what development is permitted in protected areas, which is known as Article 2(3) land, which covers Conservation Areas. Article 4 Directions are however a means to bring within the scope of planning control some of the incremental changes which can damage the important characteristics of a Conservation Area. The Guidance states that there should be a particularly strong justification for the withdrawal of permitted development rights relating to
- a wide area (such as the whole of a local authority area)
 - agricultural and forestry development – such directions would need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
 - cases where prior approval powers are available to control permitted development
 - leisure plots and use, and
 - the installation of microgeneration equipment.
- 2.3 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation of at least 21 days and the Directions 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 or would be prejudicial to the proper planning of an area. 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 works of demolition (other than by Historic England). To remain in force immediate directions must be confirmed following consultation within 6 months of when it was originally made otherwise they will no longer remain in force. Article 4 Directions cannot be made for development which has already started or completed.

2.5 **Existing Article 4 Direction within the Brampton Conservation Area**

The Council made an immediate Article 4 Direction in within the Brampton Conservation Area (following the extension to the boundary made in 2016) which removes permitted development rights to change from a dwellinghouse use (Class C3) to small houses in multiple occupation (SHMOs) (Class C4). The area covered is Sidmouth Avenue, Gower Street, Granville Avenue, Northcote Place and King Street.

3.0 **Scope of Article 4 Directions**

- 3.1 The proposals within the Management Plans are limited to a removal of certain permitted development rights indicating that if such a Direction was made planning permission might then be required for
- all extensions whatever the size, including porches, on the front of the building
 - changing roof materials and insertion of rooflights on front-facing roofslopes
 - replacing windows or doors or other architectural features on the front elevation
 - removal or partial demolition of a chimney
 - the erection, alteration or removal of a wall, gate, or fence at the front of the house can also be controlled as well as demolition (front means a public highway or open space)

3.2 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 to these two Conservation Areas which both have a high percentage of buildings with original windows, doors and boundary walls.

4.0 **Proposed Article 4 Direction for Watlands Park and the Brampton Conservation Areas**

4.1 Officers have considered carefully the buildings in the 2 Conservation Areas including those identified as “positive buildings” within the Conservation Area Appraisals and those identified as potential buildings which might be added to the Council’s Local Register of Buildings of Architectural or Historic Interest, to determine which buildings are the most appropriate for an Article 4 Direction. **Schedule A** below sets out the specific buildings for which it is proposed to remove certain permitted development rights in the Brampton Conservation Area, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area. **Schedule B** below sets out the specific buildings for which it is proposed to remove certain permitted development rights in the Watlands Park Conservation Area.

4.2 A plan for each of the Conservation Areas indicating the location of these properties will be displayed at the meeting. Attached as Appendix 1 is the plan for the Brampton and Appendix 2 the plan for Watlands Park.

4.3 It is proposed that the Council should proceed via the use of a non-immediate Direction for both areas which could come into effect following the proposed consultation and after the required consideration of any representations that may be received.

4.4 Consideration has been given to the removal of Permitted Development rights for extensions and alterations to financial or professional services and offices in the Brampton Conservation Area. Such uses do not tend to have 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 and Directions should only be used when there is real threat to the amenity of an area.

5.0 **Consultation**

5.1 Consultation will be done through the following:

- 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.
- 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.

6.0 **Compensation**

6.1 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. The grounds for compensation are

limited to abortive expenditure (for example on the drawing up of plans) or other loss or damage directly relating to the withdrawal of permitted development rights. These rights for compensation are set out in sections 107 and 108 of the Town and Country Planning Act (as amended) and the Town and Country Planning (Compensation) (England) Regulations 2015 set out when time limits apply. Where notice of withdrawal of the above rights is published not less than 12 months and no more than 2 years before the withdrawal took place, the issue of potential compensation does not arise at all.

7.0 Conclusions

- 7.1 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.

Schedule A

The Brampton Conservation Area - Article 4 Direction Property Schedule

1. The following properties 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

1, 2, 2A, 4, 5, 6, 7, 9, 16, 17, 18 & 19 Sidmouth Avenue
1, 2, 3, 4, 5, 6, 7, 8 & 9 Northcote Place
8 Gower Street
9, 11 (odd) Granville Avenue
2 – 10 (even) Granville Avenue
Glen Mayner, Hobbergate, and The Manor House, Brampton Road

2. The following properties would be affected by removal of Permitted Development rights for boundary treatments only.

1A, 3, Registry Office, Maple Court, 11, 12, 13, 15 Sidmouth Avenue
15 & 17, 19, 21, 23, 25, 27, 29 King Street
1, 2, 3, 4, 6, 11a, 15, 17, 19, & 21 Gower Street
2a & 12 Granville Avenue
1-7 (odd) Granville Avenue
Brampton Hill, Kingsley and The Brampton, Derwent House, Homelea, Netherby, Eversley, and Derwent, Brampton Road

Schedule B

Watlands Park Conservation Area - Article 4 Direction Property Schedule

1. The following properties 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

26 – 42 (even) and 3 – 25, 31 - 33 Woodland Avenue
14 – 20, 30, 32 (even) and 13 – 23 & 43 (odd) Watlands Avenue
3 – 5, 9, 17 & 19 (odd) and 8 – 12 (even) Park Avenue
9 - 29 Marsh Avenue
1, 3, 61 - 81(Newcroft Court) and 38, 62 Albert Terrace
18 & 20 23, 25, 27, 29, 41 – 45 High Street

2. The following properties would be affected by removal of Permitted Development rights for boundary treatments only.

2, 20, 27 Woodland Avenue

1, 42, 44 Watlands Avenue

1, 11, 15, 2, 2a, 4 & 14a, 14b, 14c, 14d, 14e, 16 - 22 Park Avenue

4, 20 – 38 & Marsh Avenue

24 & 21, 31 – 39, 47 High Street