



**Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.**

**Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.**

**FIELD\_TITLE**

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

## CONSERVATION ADVISORY WORKING PARTY

Tuesday, 12th April, 2016

**Present:-** Councillor Wenslie Naylor – in the Chair

Councillors Broome, Cooper, Eastwood, Johnson, Wakeling and Whieldon

Representing Mr David Broome, Newcastle Civic Society  
Outside Bodies Mr C Wakeling, Staffordshire Historic Buildings Trust  
Mr J Whieldon, Newcastle Civic Society

Apologies were received from Councillor(s)

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest stated.

### 2. MINUTES OF PREVIOUS MEETINGS

**Resolved:** That the minutes of the previous meeting held on 22<sup>nd</sup> March 2016 be agreed as a correct record, subject to revision of the attendance of outside bodies who have been included under the Councillors heading.

### 3. PREVIOUSLY CONSIDERED APPLICATIONS

**Resolved:** That the decisions on applications previously considered by this Working Party be received.

### 4. NEW APPLICATIONS RECEIVED

**Resolved:-** That the following observations be made on the applications listed below:-

Land East of Trent and Mersey Canal, Kidsgrove 15/01036/FUL

The Working Party objects to this application as overdevelopment of the site, because the proposed building comes too close to the edge of the canal and will be visually harmful to the character of the Conservation Area and this linear green space. The design of the building is inappropriate in terms of its appearance, including the roof pitch, fenestration, materials in what is a Victorian, industrial area. The quality of the design is not of an appropriate quality and standard which is required for any Conservation Area. The Working Party are also concerned over the intrinsic integrity and safety of the canal structure which they feel would probably be compromised by the creation of a building so close to the edge of the canal and the degree of earth movements and stabilising work that would be required.

The Barracks, Newcastle. 16/00206/LBC

The Working Party does not object to the works to the external toilet. It feels that the proposal to the flanking walls at the bin store should be revised to just remove one side and retain the other where the brickwork is intact. This should be large enough to get the

bins in and out and provide some screening. In relation to the windows, the Working Party would like to ensure that only windows which need replacing are replaced and that one example of each type of the earliest windows are retained for future reference and to help maintain the integrity of this important Listed Building.

Smithy Cottages, Bar Hill, Madeley. 16/00226/FUL.

The Working Party thinks the development is acceptable and can be accommodated on this site without overwhelming any of the surrounding buildings including the Listed Building on the adjacent plot. The proposal will preserve the character of the Conservation Area as the development is set well back into the plot behind mature vegetation. What is important is that the quality of details are maintained, for example clay roof tiles should be used. For the garage, timber side opening doors should be conditioned.

7 Merlin Green, Madeley 16/00235/FUL

The Working Party is concerned that the brickwork in the part built extension does not match the existing building.

Leaside, The Holborn, Madeley 16/00236/FUL

The Working Party feels like this design should be revised to create a two storey dwelling to sit better within the streetscene and character of the Conservation Area. Visually the upper floor window looks incongruous as it fills most of the gable.

Old Hall, Poolside, Madeley 16/00252/LBC

The Working Party questions the functionality of the attic floor over the historic integrity of this Grade II\* Listed Building. They do not object to the upright timber post being removed but have real concerns that by removing the cross braces which give lateral restraint to the trusses this is likely to put pressure on the wall plates and external walls.

## 5. **CONSERVATION AND HERITAGE FUND**

The Barracks, Barracks Road, Newcastle.

**Resolved:** That the Planning Committee be advised that the Working Party recommends that a grant of £5000 be offered to the applicant towards the repair of the windows.

## 6. **DRAFT CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN DOCUMENTS FOR THE BRAMPTON CONSERVATION AREA AND WATLANDS PARK PROPOSED CONSERVATION AREA**

Consideration was given to a report regarding Draft Conservation Area Appraisal and Management Plan documents for The Brampton Conservation and Watlands Park Proposed Conservation Areas.

**Resolved:** The Working Party recommends that Planning Committee approve the documents for consultation purposes, supports in principle the designation of a Conservation Area at Watlands Park and the making of an immediate Article 4 Direction with respect of 7 Park Avenue, Wolstanton.

7. **URGENT BUSINESS**

There was no Urgent Business.

**COUNCILLOR WENSLIE NAYLON**  
Chair

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**DECISIONS OF THE BOROUGH COUNCIL ON APPLICATIONS WHICH  
HAVE PREVIOUSLY BEEN CONSIDERED BY THE WORKING PARTY**

For reports on all committee decisions, please follow the minutes and agendas search on the Council’s website or refer to your copy of the Planning agenda for the permitted date. Reports for delegated items can be found in the public access section of the Council’s website and a direct link to the application is provided in the last column.

Reference	Location and Applicant	Development	Working Party Comments	Planning Decision
16/00141/LBC	Lloyd Farmhouse, Pinfold Lane, Hales	Replacement windows	No objections	Approved by delegated powers on 13 April 2016  <a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00141/LBC">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00141/LBC</a>
16/00124/FUL & 16/00125/ADV	Pasta de Pizza, 125 High Street, Newcastle	Alterations to external signage	The WP queries whether the pavement area will be delineated and has concerns regarding the lack of detail for the awnings and signage making it difficult to judge how the proposals relates to the shape of the building.	Approved by delegated powers on 13 April 2016  <a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00124/FUL">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00124/FUL</a>
16/00136/ADV	37-41 High Street, Newcastle	Replacement signage to existing bank	The WP suggests that given the size of the fascia, if it is all to be illuminated, it should be a darker colour as it will be harmful to the appearance of the CA or that only the logo element should be illuminated.	Approved by delegated powers on 13 April 2016  <a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00136/ADV">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00136/ADV</a>

15/00870/FUL	St Thomas Church, The Avenue, Kidsgrove	Replacement ramp	The WP thinks that the handrail should be wooden or powder coated steel and would like to condition the detail for the boxing in of pipework.	Approved by delegated powers on 15 April 2016  <a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/00870/FUL">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/00870/FUL</a>
15/01004/FUL	The Hawthorns and Keele Campus	Proposed student accommodation and residential development	See relevant minutes from 1 Dec 15	Approved by Planning Committee on 5 January 2016  <a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01004/FUL">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/15/01004/FUL</a>



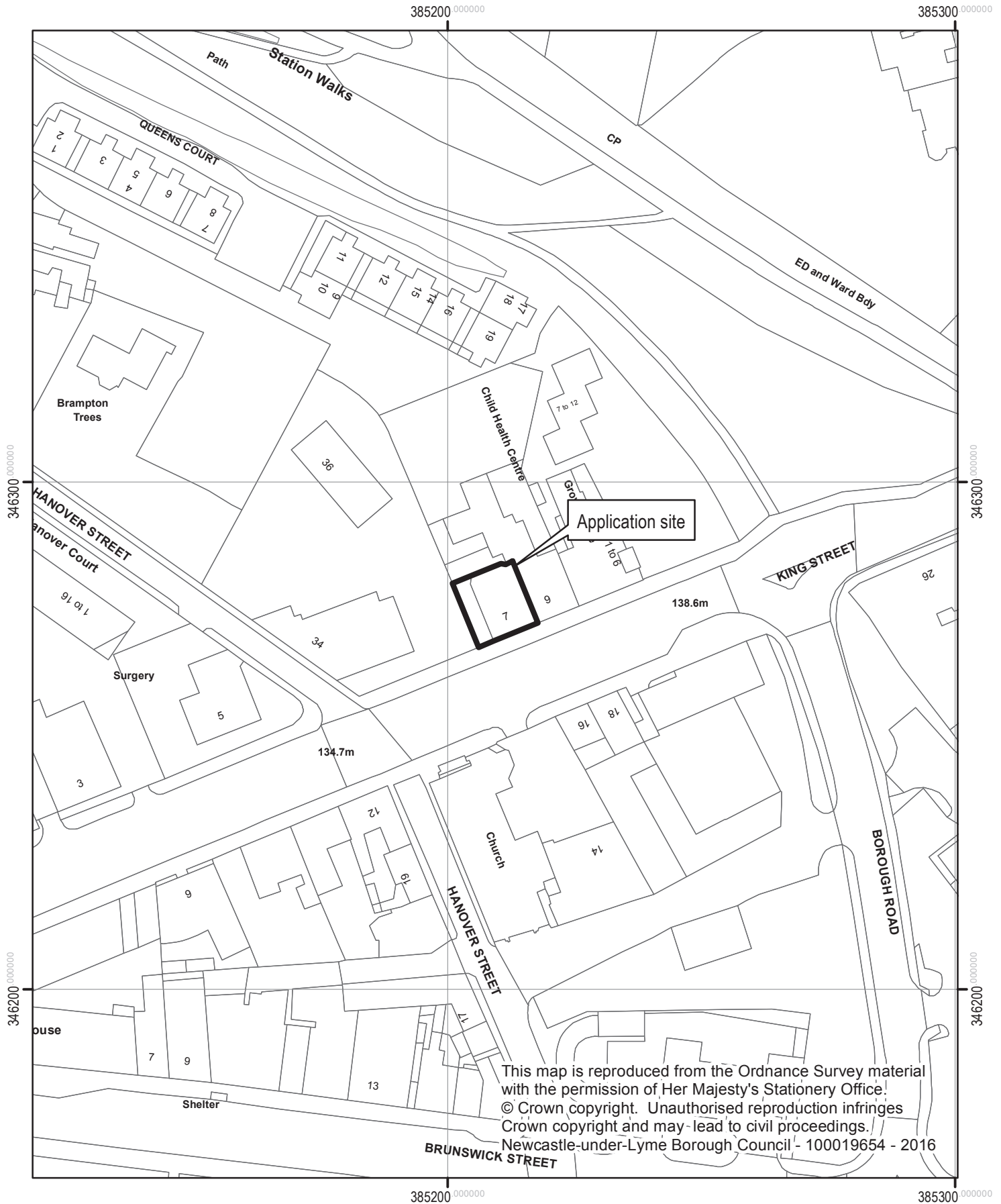
**CONSERVATION ADVISORY WORKING PARTY**

Reference	Location and Applicant	Development	Remarks	Link
16/00267/FUL	Former Hall drive, Keele University	Formation of passing place on driveway	Within Keele Conservation Area and within the Historic Park and Garden.	<a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00267/FUL">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00267/FUL</a>
16/00289/FUL & 16/00290/LBC	7 King Street, Newcastle Mr W Wooldridge	Change of use of former Solicitors Office into residential use	Within Newcastle Town Centre Conservation Area and affecting a Grade II Listed Building.	<a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00289/FUL">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00289/FUL</a> <a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00290/LBC">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00290/LBC</a>
16/00303/ADV	Pizza Hut, Unit 2, The Square, 98-104 High Street, Newcastle Pizza Hut (UK)	Replacement signage comprising of 1 illuminated fascia sign.	Within the Town Centre Conservation Area	<a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00303/ADV">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00303/ADV</a>
16/00262/FUL	The Old Piggery, Bowhill Lane, Betley Mr D Witter	Conversion of existing single storey piggery building into two dwellings, including renovation of part outbuildings to provide garages, car shelters and stores and removal of remaining redundant buildings, re-use existing vehicular entrance and associated landscaping.	Adjacent to the boundary of Betley Conservation Area	<a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00262/FUL">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00262/FUL</a>
16/00244/FUL	Jubilee Baths, Nelson Place, Newcastle ST5 1HG. Westlands Estates Limited.	Construction of 273 room student development with associated communal area and car parking	Within the Town Centre Conservation Area	<a href="http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00244/FUL">http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/16/00244/FUL</a>

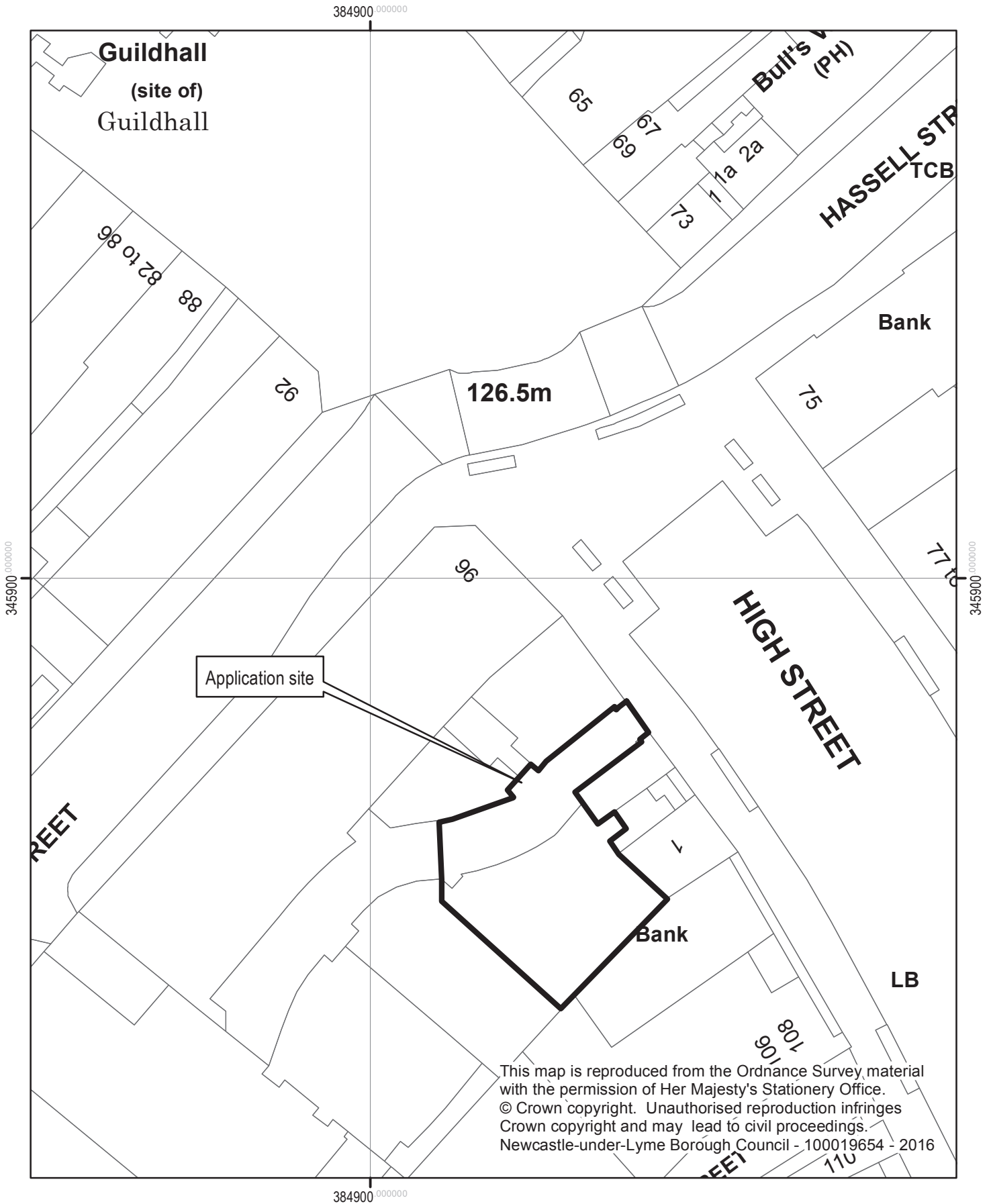
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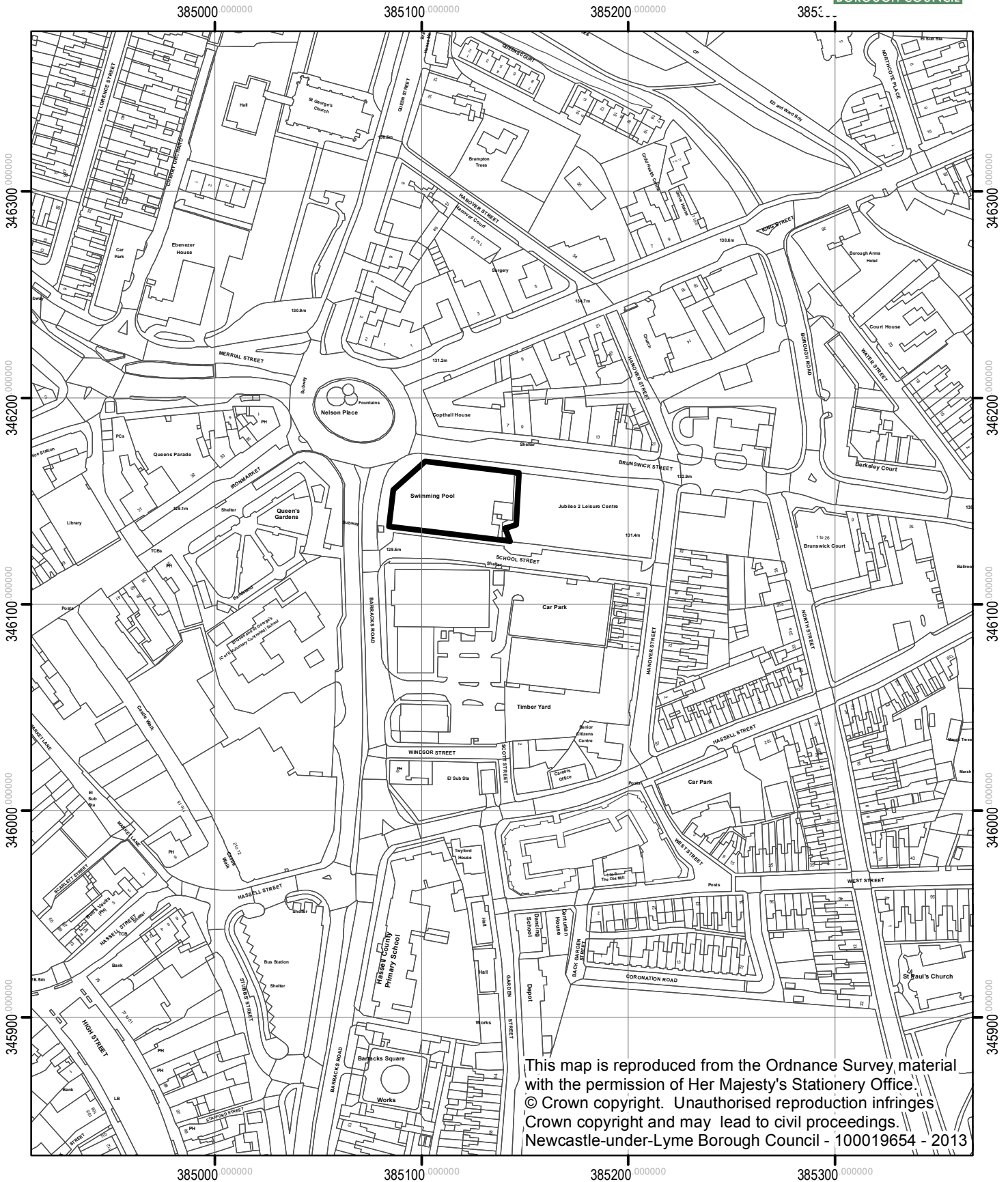
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**16/00244/FUL**  
**Site Of Jubilee Baths**  
**Nelson Place**  
**Newcastle Under Lyme**



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## ARTICLE 4 DIRECTIONS FOR MADELEY AND AUDLEY CONSERVATION AREAS

### Recommendation

That the Working Party indicate its views on a proposal going to the Planning Committee to make Article 4 Directions for the Madeley and Audley Conservation Areas as set out in the report below.

### Purpose of the report

For the Working Party to consider the making of Article 4 Directions in the Madeley and Audley Conservation Areas which will remove certain permitted development rights from certain properties and require planning approval for works which could have an adverse effect on the special character and appearance of these Conservation Areas.

### Reasons

To help protect features in the Conservation Areas which are key elements to their distinctive special character, and to give effect to the proposals within the agreed Conservation Area Appraisals and Management Plans for these Conservation Areas.

### **Background**

The Council resolved in March 2011 to undertake a rolling programme of Conservation Area Appraisals and Management Plans (CAMPs) for the 20 Conservation Areas in the Borough. Conservation Area Appraisal and Management Plans have been adopted by the Council for Madeley and Audley Conservation Areas. One of the proposals set out in these Management Plans was that the Borough Council would consider the making of what was then termed an "Article 4 (2)" Direction for certain and relevant types of development. Since then there have been legislative changes.

This process has already been carried out in Butterton, Betley, and Basford following similar Appraisals, and relevant consultation, Article 4(2) Directions have been made and confirmed in all of these areas.

Extensive consultation was undertaken on the Management Plans for both Audley and Madeley, involving the seeking of the views of local stakeholders on the particular issues facing the Conservation Area. No comments were received on any of the proposals for either of the Conservation Areas.

The final version of the Appraisal and Management Plan for Madeley was approved by the Borough Council as a Supplementary Planning Document on 17 October 2012 and that for Audley on 18 September 2013.

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.

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.

### **National Planning Practice Guidance**

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.

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/>

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

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.

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. This 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
- the installation of microgeneration equipment.

There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation and immediate directions where permitted development rights are

withdrawn straight away, but then must be confirmed following local consultation within 6 months.

Directions made with immediate effect can relate to development within the curtilage of dwelling houses, works to fences or walls, some changes of use, temporary buildings and demolition of walls and fences (as set out in Parts 1 to 4 and 31 of Schedule 2) of the General Permitted Development Order) but only where the local planning authority justifies 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. Immediate Directions can also be made in relation to certain more limited types of permitted development rights in Conservation Areas, such as certain alterations to dwellinghouses, if the Local Planning Authority consider this should be so. Article 4 Directions cannot be made for development which has already started or been carried out.

### **Audley and Madeley Conservation Areas**

The proposal within each of the Management Plans was limited to a removal of certain 'domestic' permitted development rights. The Management Plans indicated that if such Directions were brought in planning permission might then be required for

- all extensions whatever the size, including porches, on the front of the building referred to
- changing roof materials and insertions of rooflights on front-facing roofslope
- replacing windows or doors on the front elevation
- painting a house, and the 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 road)

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 in Conservation Areas such as Audley and Madeley which have a high percentage of houses.

### **Proposed Audley and Madeley Article 4 Directions**

Officers have considered carefully the buildings in both Conservation Areas including those identified as "positive buildings" within the relevant Conservation Area Appraisal and those identified as potential buildings in the Appraisal and Management Plan 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. Schedules A and B below set out the specific buildings for which it is proposed to remove certain permitted development rights in Audley and Madeley respectively, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing a Conservation Area.

Plans for each Conservation Area indicating the location of these properties have been prepared and are attached as Appendices to this report (Appendix 1 and 2). It should be noted that Listed Buildings already have protection from alterations which are considered to affect their special character.

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

### **Consultation**

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.
- By informing the Parish Councils involved

### **Compensation**

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 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.

### **Conclusions**

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.

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

If the Planning Committee agree to progress with non-immediate Directions reports will be brought back to the Working Party for comment setting out any representations received regarding the Directions, before the Planning Committee give consideration to whether the Directions should be confirmed.



## **Schedule A**

### **Audley Conservation Area - Article 4 Direction Property Schedule**

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

1-3 (odd) Church Bank  
1-13(odd) Church Street  
7 Nantwich Road  
17 Nantwich Road  
23-31 (Odd) Nantwich Road  
8- 30 (even) Nantwich Road  
2-16 (even) Wilbraham's Walk  
32-44 (even) Wilbraham's Walk  
The Old Rectory, Wilbraham's Walk  
Bulls Head House, Nantwich Road  
Bulls Head Cottage, Nantwich Road  
6-16 (even) Dean Hollow  
7-11 (odd) Dean Hollow  
19-27(odd) Alsager Road

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

26-32 (even) Church Street  
4 Nantwich Road

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

50 Wilbraham's Walk  
2 Alsager Road  
33 Nantwich Road

## **Schedule B**

### **Madeley Article 4 Direction Property Schedule**

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

*1 & 2 Greyhound Cottages  
Sycamore House, corner of Furnace Lane  
1 & 2 Madeley Mill, Moss Lane  
1,2,3 & 4 Post Office Square  
Buff House, Bar Hill  
Bridge House, Moss Lane  
Rose Cottage, Moss Lane  
Brush End, Moss Lane  
Smithy Cottages, Bar Hill  
Pool Villa, Poolside  
Church House, Woore Road  
Church Cottage, Woore Road  
Broomcroft, Poolside  
Pool Villa, Poolside  
Poolside, Poolside  
Cygnet Studio and Swan Cottage, Poolside  
The Cottage, Poolside  
Pool House, Poolside  
Pool Farmhouse, Poolside  
Yew Tree House, Poolside  
Yew Tree Cottage, Poolside  
Spring Cottage, Poolside  
Hillview Cottage, Holborn Cottage, The Holborn  
Mullberry Cottage and Berry Barn, The Holborn  
Holborn House, The Holborn  
Holly Cottage, The Holborn  
Prospect House, The Holborn  
Smithy Cottages, Bar Hill  
Old Vicarage, Vicarage Lane  
2-12 (even) Vicarage Lane  
Birches Cottage, Castle Lane*

*2. The following properties would be affected by removal of Permitted Development rights relating to the removal of chimneys, the provision of replacement windows and doors, porches, and any alteration to the roof on front roof slopes*

*The Coach House, The Holborn  
Pool View, Poolside*



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

12 Station Road  
Cherry Orchard, Poolside  
Pineview, Poolside  
Suo Marte, Poolside  
Leeside, The Holborn  
Trencrom, The Holborn  
Orchard House, The Holborn  
Turnpike, The Holborn  
Church View, The Holborn  
New Vicarage, Vicarage Lane  
Inchequin, Vicarage Lane  
Maydale, Castle Lane

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# Madeley Conservation Area Proposed Article 4 Directive 2016

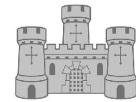
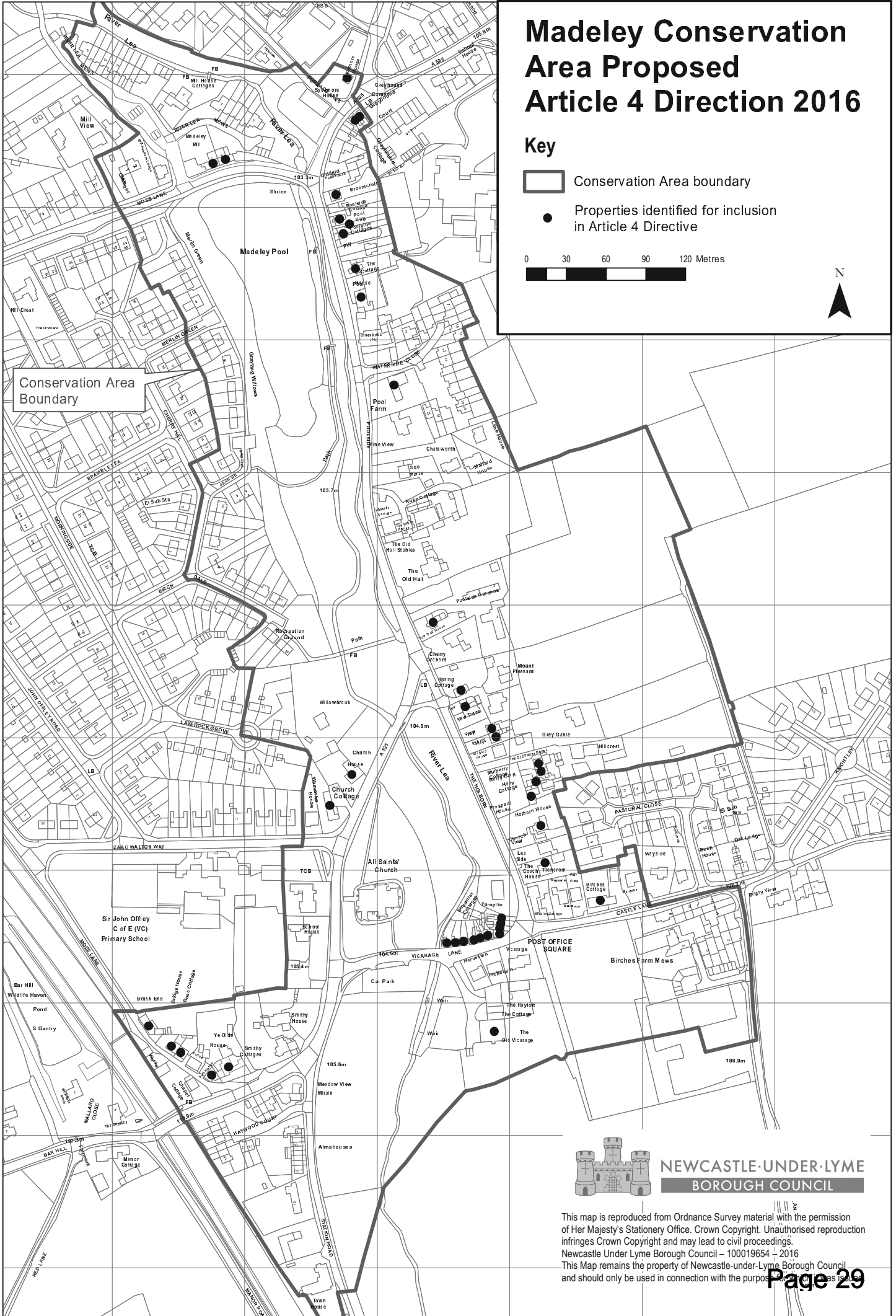
## Key

-  Conservation Area boundary
-  Properties identified for inclusion in Article 4 Directive

0 30 60 90 120 Metres



Conservation Area Boundary



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Conservation Area Boundary



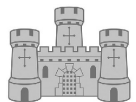
# Audley Conservation Area Proposed Article 4 Direction 2016

## Key

-  Conservation Area boundary as designated 18th September 2013
-  Properties identified for inclusion in Article 4 Directive



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## ARTICLE 4 DIRECTION FOR WHITMORE CONSERVATION AREA

### RECOMMENDATION

**That the Working Party indicate its views on a proposal going to the Planning Committee to make an Article 4 Direction in Whitmore as set out in the report below**

#### **Purpose of report**

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

#### **Introduction**

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 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.

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.

#### **National Planning Practice Guidance**

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.

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/>

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

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.

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. This 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
- the installation of microgeneration equipment.

The quality of a Conservation Area such as Whitmore can be defined by its original and traditional features and windows and doors are such key features. Minor changes can often affect the character of an area especially in prominent positions and on a row of terraces with the same features.

There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation and immediate directions where permitted development rights are withdrawn straight away, but then must be confirmed following local consultation within 6 months.

Directions made with immediate effect can relate to development within the curtilage of dwelling houses, works to fences or walls, some changes of use, temporary buildings and the demolition of walls and fences (as set out in Parts 1 to 4 and 11 of Schedule 2 of the General Permitted Development Order) but only where the local planning authority considers that the development to which the Direction relates would pose a threat to local amenity or would be prejudicial to the proper planning of an area. Immediate Directions can also be made in relation to certain more limited types of permitted development rights in Conservation Areas, such as certain alterations to dwellinghouses, if the Local Planning Authority consider this should be so. Article 4 Directions cannot be made for development which has already started or been carried out.

### **Whitmore Conservation Area**

Whitmore Conservation Area was designated in 1971 by the County Council, within which a short appraisal was prepared to justify the designation. The following statement was made;

*“Whitmore is fortunate in remaining practically unaffected by recent development, a tribute to the effectiveness of landlord control, and its buildings are almost without exception well maintained. Its distinctive unspoiled quality is vulnerable, particularly if there should be any fragmentation of the present unified ownership. Future policy will have to be especially sensitive to the delicate balance between unity and contrast which is held by the subtle combination of the siting, design and materials of buildings and their landscape setting. Any*

*essential changes should be suitably small in scale and most carefully detailed so as to maintain the present character”.*

No review has yet been undertaken for Whitmore Conservation Area which was designated over 40 years ago. The programme for reviewing the Borough’s Conservation Areas was set by the Council in 2011, and taking into account progress to date, this now envisages such a review at Whitmore will be undertaken in 2019/120. A Conservation Area Appraisal and Management Plan highlights ways of protecting and improving an Area but it is not a requirement.

The statement from the designation appraisal of Whitmore Conservation Area is still true of the character of the village today and it is still controlled by the same estate and the buildings are well maintained. However subtle small changes are likely to cause harm to this unique village and despite the above statement, no control through planning policies can stop the incremental minor changes to important features such as windows, doors, roofs, porches, chimneys and boundary walls. Even though some of the permitted development rights for solar panels and other forms of micro-generation are different in Conservation Areas they are considerably and they do not necessarily require any prior approval by the LPA. There are also agricultural permitted development rights of alteration and extension which potentially apply at the agricultural building known as Church Farm barn that lies parallel to the A53 close to the junction Bent Lane which if exercised might cause harm to the character and appearance of the Conservation Area. As indicated above to withdraw microgeneration and agricultural rights required “particularly strong justification”.

Officers consider that some control over these changes through an Article 4 Direction will help to preserve the special character of the village. Some properties on the estate within the Conservation Area now have upvc windows which does not reflect the traditional pattern of glazing bars and they have a shiny appearance and the glass a completely different reflective quality. A significant number of properties however retain their original windows, doors and other features of interest, such as porches and decorative barge boards.

The Council needs to be aware of the benefits of keeping buildings in use and of landlord requirements to provide Energy Performance Certificates (EPC) given that the Energy Act introduced a legal minimum energy efficiency standard for homes rented from a landlord so the Council will need to work with the owner to help them improve their ratings but there are many ways to do this. Listed Buildings are exempt from the requirement to provide an EPC.

It should be noted that Listed Buildings already have protection from alterations which are considered to affect their special character and it is illegal to carry out such work without the appropriate consent. It is not proposed to make an Article 4 Direction to any Listed Buildings in the Conservation Area.

### **Proposed Whitmore Article 4 Direction**

Officers have considered carefully the buildings in Whitmore Conservation Area to determine which buildings are the most appropriate for an Article 4 Direction. The Schedule below sets out the specific forms of development rights that it is proposed should be removed in the Whitmore Conservation Area and the properties involved, which your officers feel is the minimum necessary to achieve the objectives of preserving and enhancing this Conservation Area. Given that some of the rights that are proposed to be removed in Whitmore Conservation Area can be removed with immediate effect and others cannot, it is proposed to elect to make a non-immediate Direction which could come into effect following the proposed consultation and after the required consideration of any representations received.

*It is proposed to apply an Article 4 Direction to the locations set out below. A plan indicating these properties is attached as Appendix 3 to this report*

*1. The following properties to be considered for the removal of Permitted Development rights including those for the removal of chimneys, replacement windows and doors, porches, any alteration to the roof on front roof slopes, alteration, erection or demolition of boundary treatments and installation of micro-generation equipment.*

*1-5 Maltkiln Cottages, Bent Lane*

*1-3 Bent Lane Cottages*

*Yew Tree, Bent Lane*

*Church Farmhouse, Bent Lane*

*Lilac Cottage, Whitmore Road*

*Church View, Whitmore Road*

*Ivy House, Whitmore Road*

*The Old Parsonage*

*2. The following property to be considered for the removal of Permitted Development rights including those for the removal of chimneys, any alteration to the roof on front roof slopes and alteration, erection or demolition of boundary treatments and installation of micro-generation equipment.*

*Box Cottage*

*3. The following property to be considered for the removal of Permitted Development rights for the extension or alteration of a building on agricultural land comprised in an agricultural unit of 5 ha. or more in area, which are reasonably necessary for the purposes of agriculture within that unit*

*Church Farm barn, A53/Bent Lane*

## **Consultation**

Any representations received during the consultation must be taken into account by the local planning authority in deciding whether or not to proceed with the Direction. Consultation will be done through the following:

- By production of a leaflet explaining the effect of the proposed Direction and how to make representations and the serving of the required notice on the owners and occupiers of every building affected by the Direction, detailed as above
- Placing an advert in The Sentinel and displaying site notices 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.
- By informing the Parish Council

## **Compensation**

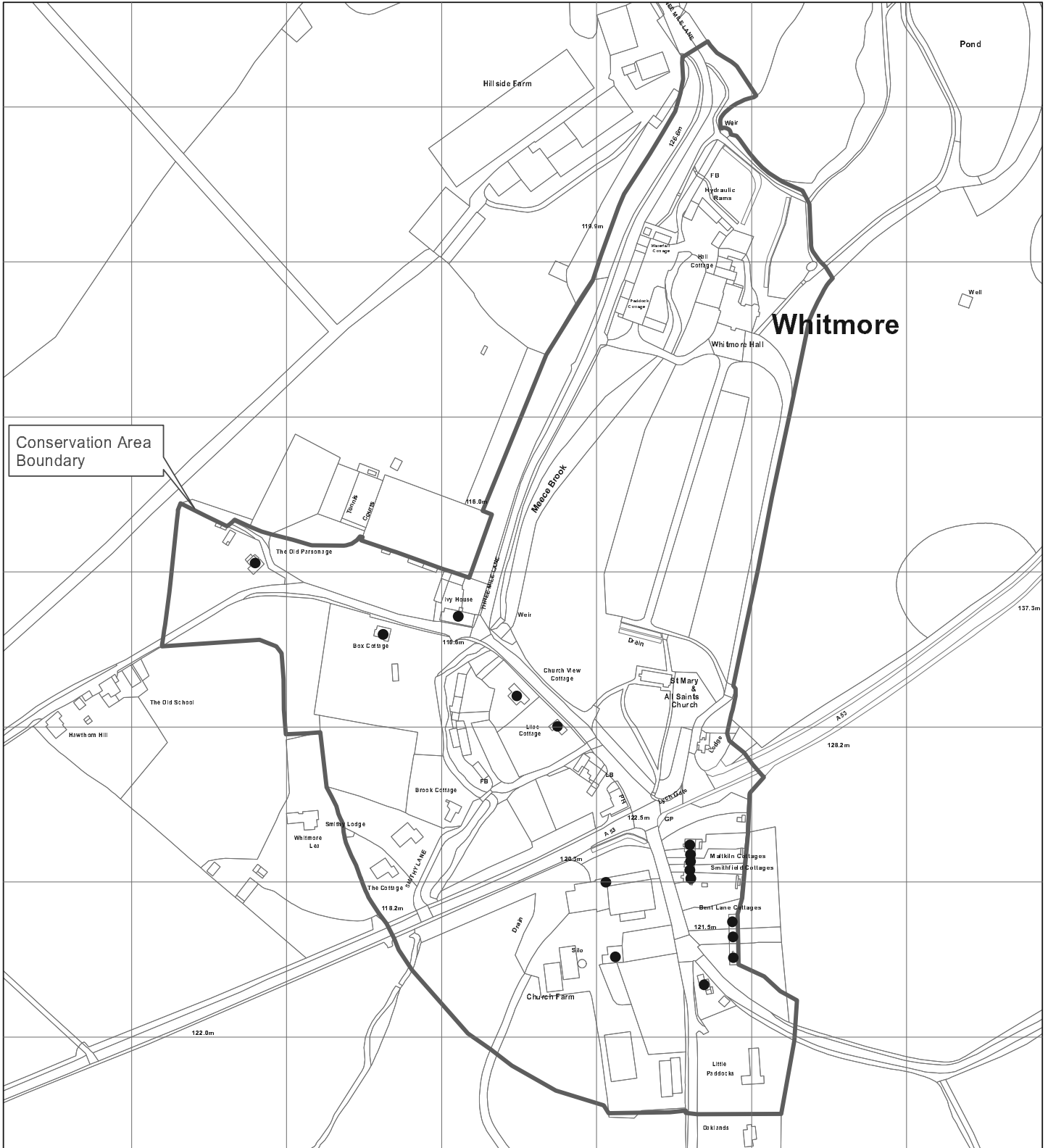
Following the making of an Article 4 Direction, the local planning authority may be liable to pay compensation to those whose permitted development rights have been removed if permission is refused (or granted subject to more limiting conditions than the GPDO), where development would normally be permitted.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

**Future involvement of the Working Party**

If the Planning Committee agree to progress with a non-immediate Direction a report will be brought back to the Working Party for comment setting out any representations received regarding the proposed Article 4 Direction, before the Planning Committee give consideration to whether the Direction should be made.

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## Whitmore Conservation Area Proposed Article 4 Direction 2016

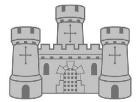
**Key**

- Conservation Area boundary
- Properties identified for inclusion in Article 4 Directive

0 30 60 90 120 Metres

N

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**NEWCASTLE-UNDER-LYME**  
BOROUGH COUNCIL

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