

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

Recommendations

That the Working Party indicate its views on the proposals going to the Planning Committee to agree the draft Watlands Park Conservation Area Appraisal and Management Plan Supplementary Planning Document, the designation of a Conservation Area at Watlands Park and the confirmation of the Article 4 Direction for 7 Park Avenue, Wolstanton.

Purpose of the Report

For the Working Party to consider the results of the consultation process on the draft Watlands Park Proposed Conservation Area and Management Plan Supplementary Planning Document (SPD); the proposal designate a Conservation Area at Watlands Park, as set out in the attached plan (Appendix B) and to consider the comments received on the Article 4 Direction for 7 Park Avenue, Wolstanton and the proposal to now confirm the Direction, and to make comments to the Planning Committee on such proposals.

Reason

The consultation period is now over for the SPD. 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 Working Party considered these items at its meeting on 12th April 2016 and did not propose any amendments or raise any issues with the SPD at consultation stage.

2.0 Consultation process and results

2.1 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

2.2 In total, there have been 5 responses submitted on the draft document. A consultation statement has been prepared with individual comments the council's response, including any recommended changes. 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.

2.3 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 to protect the area's special character.

3.0 Designation of the Conservation Area

- 3.1 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). This course of action is being recommended to the Planning Committee

4.0 Article 4 Direction – 7 Park Avenue

- 4.1 The Planning Committee resolved in April that an immediate Article 4 Direction be issued to remove certain permitted development rights with respect to 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. The Direction came into force on 23rd May 2016 and 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.

- 4.2 The notification period where representations were invited took place between 23rd May 2016 and 21st June 2016. 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.

- 4.3 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 they submit 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.

- 4.4 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.

- 4.5 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.
- 4.6 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 being recommended that the Planning 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.

5.0 Next Steps

- 5.1 Once adopted, the SPD together with an adoption statement will be posted on the Council’s Planning Policy website page. Details of the adoption will be sent to all those who participated in the consultation process and provided their contact details.
- 5.2 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.

6.0 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