

ARTICLE 4 DIRECTION FOR MADELEY AND AUDLEY CONSERVATION AREAS

Purpose of the report

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

Recommendation

That the Working Party indicate its support to the Article 4 Direction for the Madeley and Audley Conservation Areas coming into force on 31st October as set out in the Direction.

Reasons

The notification period is over and the Council must now decide if the Direction should be confirmed or not in the light of representations received.

1.0 Background

- 1.1 The Planning Committee resolved on 24th May 2016 that a non-immediate Article 4 Direction be issued to remove certain permitted development rights with respect to certain residential properties within both Madeley and Audley Conservation Areas including rights associated with works of improvement, extension and alteration of the building, works to boundary walls and the demolition of such walls. This Direction was made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015. The Working Party supported this proposal.
- 1.2 The purpose of this report is to inform the Working Party of the representations received, and to provide the Working Party with an opportunity to give its views to the Planning Committee on whether the Article 4 Direction should now be confirmed. The Direction was made and will come into force on 31st October provided it is first confirmed by the Local Planning Authority.
- 1.3 There are two types of Directions:- non-immediate directions where rights are only withdrawn following consultation and then confirmation, and immediate directions where permitted development rights are withdrawn straight away, but then must be confirmed following local consultation within 6 months. In the case of Madeley and Audley a non-immediate Direction has been progressed which would come into effect if now confirmed. The Council in deciding whether or not to confirm the Direction is required to take into account any representations received during the consultation period

2.0 Consultation

- 2.1 Representations were invited between 3rd August 2016 and 9th September 2016. In accordance with legislation, the relevant notifications were undertaken.
- 2.2 One representation has been made in respect of the proposed Article 4 Direction from Madeley residents and is summarised as follows:-

In principle have no objections to the Article 4 Direction, however they are concerned that that the special character of the village is being ruined by development of the surrounding countryside and the turning of Madeley into a suburb anyway. Because of this, consider controls over works to historic features within the Conservation Area to be a “rather trifling” matter. Concerned that the Offley Arms is not included within the Direction.

- 2.2 No objections to the Article 4 Direction itself have been raised. Whilst the concerns expressed about the development of greenfield sites around Madeley is noted these sites are beyond the Conservation Area boundary, and therefore not material to the decision about whether or not to confirm the Article 4 Direction in this case. Historic and architectural features are important to the character of the area and incremental changes which might include removal of such features will erode what makes the Conservation Area special. The Offley Arms is not included within the Article 4 Direction it not being a dwellinghouse, the Article 4 Direction in this case being limited to dwellinghouses, and certain of their permitted development rights. Public Houses have at present limited permitted development rights insofar as material alterations and extensions are concerned. Accordingly at present there is not considered to be a justification for promoting an Article 4 direction with respect to the Offley Arms property (and if there were that would in any case need to be the subject of a new proposal with a related consultation opportunity).

3.0 **Conclusions**

- 3.1 It is considered, taking into account the representation received, that the Direction, as made, is justified and will hopefully help to retain the special architectural details which contribute to the character of the two areas. 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 recommended that the Article 4 Direction now be confirmed