

# CONFIRMATION OF ARTICLE 4 DIRECTION FOR KEELE CONSERVATION AREA

Report to Planning Committee 3 January 2019

## Purpose of the report

To provide the Committee with the opportunity to consider any comments received on the Article 4 Direction for the Keele Conservation Area and to decide whether to confirm the Direction.

## Recommendation

**That the Committee confirms the non-immediate Article 4 Direction for Keele Conservation Area as coming into force on 10 January 2019, as set out in the Direction.**

## Reasons

The consultation period is over and the Council must now decide if the Direction should be confirmed or not.

## **1.0 Background**

- 1.1 The Planning Committee, on 6<sup>th</sup> November 2018 resolved that a non-immediate Article 4 Direction be issued to remove certain permitted development rights with respect to specified properties within Keele Conservation Area including rights associated with works of improvement, extension and alteration of a dwelling, works to boundary walls and the demolition of such walls. This was made under Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 A non-immediate Direction has been progressed which will come into effect on 10<sup>th</sup> January 2019 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 20<sup>th</sup> November and 11 December. In accordance with legislation, the relevant notifications were undertaken. This took the form of a formal notice (as required) in local Sentinel newspaper, two site notices posted within the village, information included on the Council's website about the Direction including a leaflet, and a letter and leaflet was posted to all individual properties to be affected by the Direction explaining the effect of the Direction. This information was also sent to the Parish Council. The Council's Conservation Advisory Working Party supports the making of a Direction for Keele Conservation Area.
- 2.2 During the consultation one representation has been received orally to point out that the information on the leaflet and the Direction was incorrectly addressed to one of the properties. The property in question has historically been converted into two dwellings, one to the front and one to the rear. Endeavours were taken to get the right address from other departments in the Council and both properties front and rear have received

all of the information by hand delivery including the map which clearly shows which properties are affected by the Article 4 Direction.

### **3.0 Response to representations**

- 3.1 The Notice given of the Direction required any representations to be made in writing. There have been no written representations received regarding the Article 4 Direction for Keele Conservation Area only the verbal comment that one property was incorrectly addressed on the Direction. Despite that party orally stating their objection to the Article 4 Direction, no written representations have been received from them either objecting or supporting the Direction.
- 3.2 Legal advice has been taken about the comment that has been received regarding the use of a wrong address and given the circumstances and the fact that the information has been hand delivered and the map provided clearly showed the affected properties, and is not ambiguous, the error is considered to be of typographical nature rather than one which is fatal to the Direction, and one that can be amended during the confirmation of the Direction.

### **4.0 Conclusions**

- 4.1 The presence of an Article 4 Direction over the last 10 years in other Conservation Areas such as Basford, Betley and the Brampton has not caused problems for either the Council or homeowners and a solution is generally found through the application process. In other Conservation Areas, residents value the historic features their properties have managed to retain and they are often seen as a positive attribute when people are selling their property.
- 4.2 An Article 4 Direction only means that a particular development cannot be carried out under permitted development rights on an elevation fronting the public highway and therefore needs a planning application. This gives a Local Planning Authority the opportunity to consider the proposal in more detail.
- 4.3 It is considered that the Direction, as set out in the previous report, is justified and will hopefully help to retain the special architectural details which contribute to the character of the area. Accordingly it is recommended that the Committee now confirm the Keele Article 4 Direction.

Background documents – Conservation Area Appraisal and Management Plan for Keele, proposed Article 4 Direction for Keele

Report prepared 18<sup>th</sup> Dec 2018