

 <b>Executive Report</b> <b>18 April 2012</b>		<b>Agenda Item No.</b> <b>13B</b>
<b>Title</b>	Article 4 Direction for New Milverton	
<b>For further information about this report please contact</b>	Alan Mayes (Principal Architect/Planner)	
<b>Wards of the District directly affected</b>		
<b>Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?</b>	Yes/No If yes state why	
<b>Date and meeting when issue was last considered and relevant minute number</b>	18 July 2007	
<b>Background Papers</b>	Article 4 File	

<b>Contrary to the policy framework:</b>	No
<b>Contrary to the budgetary framework:</b>	No
<b>Key Decision?</b>	No
<b>Included within the Forward Plan? (If yes include reference number)</b>	No
<b>Equality &amp; Sustainability Impact Assessment Undertaken</b>	Yes/No (If No state why below)

<b>Officer/Councillor Approval</b>		
<b>Officer Approval</b>	<b>Date</b>	<b>Name</b>
Chief Executive/Deputy Chief Executive	19.3.12	Chris Elliott /Bill Hunt
Head of Service	19.3.12	David Barber
CMT		
Section 151 Officer	19.3.12	Mike Snow
Monitoring Officer		
Finance	19.3.12	Jenny Clayton
Portfolio Holder(s)	19.3.12	Cllr. John Hammon
<b>Consultation &amp; Community Engagement</b>		
A public consultation has been undertaken during January and February 2012 into the proposed Article 4 Direction for New Milverton, Leamington Spa.		
<b>Final Decision?</b>		Yes
<b>Suggested next steps (if not final decision please set out below)</b>		

## 1. **SUMMARY**

- 1.1 Following a public consultation the purpose of this report is to consider the confirmation of an Article 4 Direction for New Milverton to remove certain Permitted Development Rights from owners of single dwellings.

## 2. **RECOMMENDATION**

- 2.1 That the Executive authorise the confirmation of a Direction under Article 4(2) of the Town and Country Planning (General Development) Orders 1995. Any Orders resolving and re-enacting that Order with or without modification to remove Permitted Development Rights in relation to the specific purpose of controlling development which affects windows, doors, boundaries/surface treatments and roofs to the front elevations and elevations visible from the public highway and all unlisted single dwellings in New Milverton (see Appendix A of the Schedule of all streets effected) and service of Notice under Article 4(2)(see Appendix A) on all owners and occupiers of such properties with an Explanatory Letter and Information Sheet (Appendix B).

## 3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Single dwellings within Conservation Areas have Permitted Development Rights which enable them to change windows, remove roofing materials, replace panels on roofs and remove or replace boundary walls within a Conservation Area without the need for Planning Permission.
- 3.2 Such works as described above have or would have affects upon the character of the Conservation Area such as to a road and the character of the said Conservation Area. Permanent removal of Permitted Development Rights will not necessarily mean the development cannot be carried out but that it would require Planning Permission and consideration in the same way as other buildings in the Conservation Area that do not have the benefit of Permitted Development Rights.
- 3.3 Following the service of Notice of the Direction under Article 4(2) for a period of 6 months together with the public consultation, a number of comments have been received from members of the public. Details of the response to the public consultation are set out in the background of this report. It has been concluded from the limited response received that there is no strong objections to the confirmation of the Direction.
- 3.4 If the Direction is to be confirmed this needs to be carried out within 6 months of the date of the service of the Notice which would be the 23 July 2012.

## 4. **POLICY FRAMEWORK**

- 4.1 **Policy Framework** – Policy DAP8 Protection of Conservation Areas of the Warwick District Local Plan, paragraph 9.37 makes provision for the service of Article 4 Directions to restrict Permitted Development Rights in order to maintain areas of high quality townscape.
- 4.2 **Fit for the Future** – The serving of Article 4 Direction will directly help to protect the environment of the District in accordance with the SCS which aims to protect the built environment.

## **5. BUDGETARY FRAMEWORK**

- 5.1 Because Article 4 Directions relate to the removal of Permitted Development Rights, the planning fee for applications required under an Article 4 Direction cannot be collected, a recent study carried out on behalf of English Heritage indicated that broadly Local Authorities with Article 4 Directions in place noted an increase in one to two applications per week.
- 5.2 Compensation for Abortive Expenditure or other loss or damage directly contributable to withdrawal of Permitted Development Rights may be payable to persons affected by the Article 4 if their application for Planning Permission is refused, or granted subject to conditions.
- 5.3 Whilst it is anticipated that the increase in Planning Applications should be able to be accommodated within the existing resources, this position would be set against any likely changes to the charging regime adopted by Local Authorities and may need to be reviewed accordingly.

## **6. ALTERNATIVE OPTION(S) CONSIDERED**

- 6.1 An alternative option would be to not confirm the Direction and therefore this would expire on the 23 July 2012 and would revert properties notified within the New Milverton area to the position prior to the service of the notice in terms of their Permitted Development Rights. This would mean that no controls were possible upon unlisted buildings within this area of the Conservation Area and therefore gradual erosion of the character of the Conservation Area would continue and not be controlled.

## **7. BACKGROUND**

- 7.1 In order to ensure that all people affected by the Article 4 Direction have had a right to make their views known the public consultation exercise was carried out between the 9 January and the 1 March to all properties affected. Approximately 1000 properties were notified in the New Milverton Area, by letter containing documents approved by the Council as part of the previous Executive Report on the 13 July 2011.
- 7.2 At the conclusion of the Consultation period 12 responses had been received which is particularly limited given the number of letters sent out. Of the responses received three gave direct support, 3 were against the service of the Direction. The remainder were householders requiring clarification of the content of the Direction; following clarification no further objections were received. Further observation was received that as the envelopes did not contain the District Council Logo some householders may have disregarded them.
- 7.3 One objector was concerned that this would limit development and economic growth. A second objector (Coventry Diocese) wished for the modern vicarage at St Marks to be excluded and this had been taken into account and will be excluded from the final agreed list of those to which the Article is to be served. The third objector wrote an extensive letter concerning the increase in Planning Legislation particularly following the changes to the Planning Acts in 2008 and the likely further confusion this would add to householders. Comments were also made concerning the capacity of the Planning Department to deal with the additional applications. A number of objectors and supporters also raised the

issue of bin storage in the front of properties in Conservation Areas which is not a Planning matter.

- 7.4 In terms of the three objectors concerned the matter concerning St Marks Vicarage will be dealt with. The Direction is not intended to prevent development but to bring proposals for development that would affect the appearance of the Conservation Area into the public domain and therefore to ensure development is appropriate for a particular part of the Conservation Area.
- 7.5 In terms of the general understanding of additional Planning Legislation, an information sheet has been sent to all householders and will be sent again (Appendix B) which clearly points out those areas of development that would now require Planning Permission. It is therefore considered that efforts have been made to provide a clear guide to householders in terms of the Article 4 Direction. The objector also indicated the confusion may arise between the Article 4 Direction currently in place relating to housing in multiple occupation however this is unlikely to affect, greatly, single dwellings in the New Milverton Area or add confusion.
- 7.6 In relation to the capacity of the Planning Department to deal with any additional planning applications that may arise from the Direction, the Council currently employs the equivalent of 5.5 town planners to deal with up to 1,000 applications a year in the eastern half of the District (including minor amendments, discharge of conditions, permitted development and pre-application enquiries). Given the nature of the developments being brought under planning control and the size of the area within which they will be controlled, it is not considered that this itself will result in a significant increase in workload that would require additional resources either in determining applications or pursuing enforcement action, rather it would be subsumed into existing workloads.
- 7.7 This additional work will have some impact on performance times, and it is acknowledged that reductions in staffing levels in 2011 and 2012 did reduce the level of performance of the service. However, the forthcoming Development Management Intervention addressed separately within the agenda will consider existing processes and staff resourcing with the aim to improve performance times in the future, taking into account any additional workload as a result of this proposal.
- 7.8 The Warwick District Towns Conservation Area Advisory Forum were also consulted on the proposal and gave their full support to the confirmation of the Direction .
- 7.8 In view of the limited number of responses it is felt there is no strong feeling in terms of the imposition of the Direction and therefore following a very extensive public consultation (there is not a legal requirement to notify every household individually although this was felt to be necessary) it is felt that the recommendation as set out in the body of the report is justified in terms of protecting the appearance of the townscape of a Conservation Area in New Milverton, Leamington Spa.