

 Executive 11th September 2013		Agenda Item No. 12C
Title	Article 4 Direction for New Milverton	
For further information about this report please contact	Alan Mayes	
Wards of the District directly affected	Leamington , Milverton	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	Yes	
Date and meeting when issue was last considered and relevant minute number		
Background Papers	Article 4 file	

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	Yes
Equality & Sustainability Impact Assessment Undertaken	Not relevant

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	16.8.13.	Bill Hunt
Head of Service	16.8.13.	Tracy Darke
CMT		
Section 151 Officer	16.8.13.	Mike Snow
Monitoring Officer		
Finance	16.8.13.	Jenny Clayton
Portfolio Holder(s)	16.8.13.	Councillor John Hammon
Consultation & Community Engagement		
The report seeks to re consult under the Article 4 process as part of a wider consultation on the use of Article 4 Directions within Leamington Spa.		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
The Article 4 Direction would need to be confirmed or otherwise within 6 months of the original service of the Notice of the Article 4 Direction.		

1. **SUMMARY**

- 1.1 Following the establishment of an Article 4 Direction in New Milverton, Leamington Spa, approval was given by the Executive for the establishment of a further Article 4 Direction in the remaining parts of Leamington Spa Conservation Area. In order to ensure all properties are covered, it is proposed to re consult in the New Milverton area at the same time as the consultation for the remaining part of Leamington Conservation Area is carried out.on

2. **RECOMMENDATION**

- 2.1 That the Executive authorise the service of a Direction under Article 4 (2) of the Town and Country Planning (general development order) 1995 to the whole of the Leamington Spa Conservation Area. The purpose being 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 .
- 2.2 That a second report be brought back to the Executive following public consultation recommending or otherwise the confirmation of the Direction .

3. **REASONS FOR THE RECOMMENDATION**

- 3.1 Article 4 has already been established in the New Milverton area of the Royal Leamington Spa Conservation Area on all single dwellings. It has subsequently been established that there could be a reversion to Permitted Development Rights in the event of a change in planning status to any particular property for instance flats reverting to a single dwelling. It is therefore proposed that at the time of service of Notice on the remaining part of the Leamington Spa Conservation Area, Notice is also served upon all buildings within the New Milverton area, again thus ensuring that all buildings within the Leamington Spa Conservation Area have had Permitted Development Rights removed in perpetuity. Appendix 1 shows the area in New Milverton upon which the Article 4 Direction is to be re-served .

In accordance with the service of an Article 4 Direction, once notice is received by the household, permitted development rights are removed from that point in time. The property owner is then given the opportunity to respond to the removal of Permitted Development Rights. If the Direction is not confirmed within six months of the service of the notice becomes null and void. It is therefore proposed that a second report be brought back to Executive within a six month period from the service of notice recommending or not that the Direction be confirmed for the whole of the whole of the Leamington Spa Conservation Area. If confirmed it would then remove permitted development rights from all properties within the Leamington Spa Conservation Area in perpetuity irrespective of their future Planning status.

4. **POLICY FRAMEWORK**

- 4.1 Policy DAP 8: Protection of Conservation Areas of Warwick District Local Plan, paragraph 9.37 makes provision for the service of Article 4 Directions to restrain Permitted Development Rights in order to maintain areas of high quality townscape.

- 4.2 **Fit for the Future** – the serving of an 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 the Article 4 Direction cannot be collected. A recent study carried out on behalf of English Heritage has indicated that broadly local authorities with Article 4 Directions in place noted an increase in one to two applications per week for which a fee could not be collected.
- 5.2 Compensation for abortive expenditure or other loss or damage directly contributable to the withdrawal of Permitted Development Rights may be payable to persons affected by the Article 4 Direction if their application for Planning Permission is refused, or granted subject to conditions- this would be a rare occurrence
- 5.3 Whilst it is anticipated the increase in planning applications should be able to be accommodated within the existing resources, this position should 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 not to re consult on the Article 4 Direction in the New Milverton area. This would leave open properties where the direction had not been served in the past to a reversion of permitted development rights which would in effect result in certain properties within streets of identical housing not being covered by an Article 4 Direction. For example, a house reverting from three flats to a single dwelling would not require planning permission and would regain its Permitted Development Right in so doing