

 Executive 3rd December 2008		Agenda Item No.
Title	Protecting Conservation Areas – Article 4 Direction for New Milverton, Leamington Spa	
For further information about this report please contact	Alan Mayes (Principal Architect/Planner)	
Service Area	Planning	
Wards of the District directly affected	New 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Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	N/A	
Background Papers	Article 4 Direction files	

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)	No

Officer/Councillor Approval		
With regard to officer approval all reports <u>must</u> be approved by the report authors relevant director, Finance, Legal Services and the relevant Portfolio Holder(s).		
Officer Approval	Date	Name
Relevant Director	12/11/2008	Bill Hunt
Chief Executive	13/11/2008	Chris Elliott
CMT	13/11/2008	
Section 151 Officer	12/11/2008	Mary Hawkins
Legal	12/11/2008	Peter Oliver
Finance	12/11/2008	Marcus Miskinis
Portfolio Holder(s)	17/11/2008	Councillor John Hammon
Consultation Undertaken		
Please insert details of any consultation undertaken with regard to this report.		
None		
Final Decision?		No
Suggested next steps (if not final decision please set out below)		
The report is seeking approval to consult all properties affected by the proposed Article 4 (2) Direction to remove permitted development rights in the New Milverton area of the Conservation Area. The suggested next step would be for a second report to be brought back to Executive with the findings of the consultation prior to a decision being taken to confirm removal of permitted development rights.		

1. SUMMARY

- 1.1 This report seeks to provide additional protection to the conservation area in Leamington Spa by removing permitted development rights from unlisted single dwellings in the New Milverton area. Most single dwellings have permitted development rights to remove and replace windows, roof coverings and boundary treatments without the need for planning permission. These rights can significantly alter the character of the conservation area.
- 1.2 The Town and Country Planning Act makes provision for removal of these rights by the making and service of an Article 4 (2) Direction thus requiring planning permission for the carrying out of these works. It should be noted that the Direction can only be applied to the front elevation of the single dwelling facing a highway, public open space or a waterway (it cannot therefore be applied to the rear of dwellings).
- 1.3 This report is therefore seeking approval to formally make the Article 4 Direction and to serve notice on all properties affected by the proposed Direction to remove their permitted development rights in the New Milverton area of the conservation area. Householders will then have an opportunity to comment, prior to the matter being brought back to Executive to confirm or otherwise the Direction.

2 RECOMMENDATION

That the Council formally make a Direction under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to remove permitted development rights for development specified in Article 4 (5) in respect of all unlisted single dwellings in New Milverton (see appendix A for a schedule of all streets affected) and serve notices under Article 4 (2) upon all owners and occupiers of affected properties, and publish notice in the local press.

- 2.2 An explanatory letter be sent with each Notice, inviting house holders to comment on the removal of the permitted development rights on their property.
- 2.3 A report be brought back to Executive with the findings of the consultation and recommendations for the confirmation or otherwise of the Article 4 Direction.

3. REASONS FOR THE RECOMMENDATION

- 3.1 Single unlisted dwellings within the conservation area have certain permitted development rights which enable them to change windows, remove roofing material and replace boundary walls within the conservation area. Significant changes may take place to such dwellings which may harm the overall character of the conservation area contrary to the objectives of the Local Plan and Sustainable Community Strategy without there being any requirement for planning permission and therefore control over these changes. These include:
 - Removal of timber windows and replacement with metal or UPVC windows can significantly change the character of a property;
 - Removal of slate roofs and replacement with concrete tiles and insertion of roof lights to the front of the property can significantly change the character of the roof; and,
 - Removal or alteration to the traditional boundary walls can also significantly change the character of the property and, by removing the wall, access can be created for

vehicles to be parked in the front garden, which again can detract from the character of the conservation area.

- 3.2 The Town and Country Planning Act makes provision for removal of these rights by the making of an Article 4 (2) Direction thus requiring planning permission for the carrying out of these works. Removal of permitted development rights does not necessarily mean that the development cannot be carried out. It would, however, require planning permission and consideration in the same way as any other building in the conservation area that does not have the benefit of such permitted development rights.
- 3.4 In this respect, it should be noted that the implementation of Article 4 Directions will bring consistency to planning legislation in the conservation area, where residential properties other than single dwellings are presently controlled by the Planning Act in terms of window replacements, works to roofs and works to boundary treatment. At present, single dwellings are not so controlled even though changes to single dwellings can equally harm the conservation area where controls are not in place.
- 3.5 Article 4 Directions have been used successfully in the centre of Leamington to maintain consistent paint colours to the classical terraces and many other towns have used Article 4 Directions to control changes proposed under the present recommendations. It is recommended in national planning policy, PPG15 (Planning and the historic environment) that local authorities use Article 4 Directions to help preserve the conservation area in this way and their use will assist the Council in achieving its objectives in the Local Plan and Sustainable Community Strategy in relation to protecting and enhancing the built environment.

4. ALTERNATIVE OPTION CONSIDERED

- 4.1 An alternative option at this stage would be to not serve the Notice. Alternatively, once consultation has been carried out there would also be an option for the Council as to whether or not to confirm the Notice in the 6 month period.

5. BUDGETARY FRAMEWORK

- 5.1 Because Article 4 Directions relate to the removal of the permitted development rights, a planning fee cannot be collected for planning applications which may result from the Article 4 Direction. A recent study carried out on behalf of English Heritage indicated that broadly local authorities with Article 4 Directions in place have noted an increase in 1 to 2 applications per week.

6. POLICY FRAMEWORK

- 6.1 The implementation of Article 4 Directions will support the achievement of objectives within the Local Plan and the Sustainable Community Strategy in relation to protecting and enhancing the historic environment.

7. BACKGROUND

- 7.1 The effect of carrying out consultation by way of the service of a Notice to each individual property is that the stated permitted development rights are removed once the Notice has been served. The householder is invited at the same time to comment upon the removal of permitted development rights. Being under Notice

ensures that no works are carried out during the period of consultation that would otherwise require planning permission once the Notice is confirmed.

- 7.2 Following the period of consultation, the District Council would be required to decide, on the basis of the consultation, whether to confirm the Notice or allow it to expire after a period of 6 months. Once the Notice is confirmed the Article 4 Direction is permanent and planning permission is required for the stated developments; changes to windows, changes to roof coverings and changes to boundary treatments.