

Report to:	EXECUTIVE
Relevant Officer:	Carl Carrington, Built Heritage Manager
Relevant Cabinet Member	Councillor C. Wright, Cabinet Member for Culture and Heritage
Date of Meeting:	21 st July 2014

CONFIRMATION OF NON-IMMEDIATE ARTICLE 4 DIRECTION - STANLEY PARK CONSERVATION AREA

1.0 Purpose of the report:

- 1.1 To consider confirming the Article 4(1) Direction order made on 25 October 2013 under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 as amended, in the form attached at Appendix 3a to this report, for Stanley Park Conservation Area and to come into force on 7 November 2014

2.0 Recommendation(s):

- 2.1 To confirm the making of the Article 4(1) Direction (to which Article 5 applies) made on 7 October 2013 under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1995 as amended, in the form attached at Appendix 3a for Stanley Park Conservation Area and to come into force on 7 November 2014.

3.0 Reasons for recommendation(s):

- 3.1 To maintain the character of Stanley Park Conservation Area.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? NO

3.2b Is the recommendation in accordance with the Council's approved budget? YES

- 3.3 Other alternative options to be considered:

Not to proceed with the order.

4.0 Council Priority:

- 4.1 The relevant Council Priority is:
'Expand and promote our tourism, arts, heritage and cultural offer'

5.0 Background Information

- 5.1 On 15 April 2013, Executive approval was received to make two new Article 4 Directions for Stanley Park Conservation Area. The Conservation Area was originally designated in 1984. The Council made an Article 4 Direction in 1984 to remove a number of permitted development rights under the Town and Country Planning General Permitted Development Orders 1977 to 1981. An Article 4 Direction enables any change to be appropriately managed through the planning system.
- 5.2 The 1984 Direction was made to allow the Council to control certain development which it considered would be prejudicial to the proper planning of the area and a threat to its amenity. The General Permitted Development Orders 1977 to 1981 have been revoked and the presently applicable General Permitted Development Order was introduced in 1995 and has subsequently been amended. It permits such development as attachment of satellite dishes, solar panels and creation of hard standing areas to the front of properties. Executive approval was given to make new Article 4 Directions to take account of the changes in legislation and to allow the management of the installation of such equipment through the planning process, so that the visual impact could be minimised by sensitive placement.
- 5.3 It was proposed to make one immediate and one non-immediate Direction for the Conservation Area, which would take effect on the dates given in the public notification subject to consideration of representations made. The immediate Direction would be a new Article 4 Direction to which Article 6 applies. This would reference the provisions of the amended 1995 Order rather than the provisions of the now revoked 1977-1981 Orders. The Article 4 Direction to which Article 6 applies was confirmed on 26 March 2014.
- 5.4 The National Planning Policy Framework which aims to achieve sustainable development states that 'The use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area.'
- 5.5 Directions under Article 5 and 6 require 6 weeks site display, local advertisement and notification of owners/occupiers. At least 21 days must be given for representations. The requisite notifications in relation to the Article 4 Direction shown at Appendix 1 to this report have been given, and the date for receipt of representations by the Council was 9 December 2013. The Secretary of State has also been informed as

required, and the details published on the Council's website. No representations have been received to this direction and the view of Service Manager Built Heritage is that the Direction is necessary having regard to the guidance, that the legal tests are met and that the Article 4(1) Direction to which Article 5 applies should be confirmed.

5.6 Does the information submitted include any exempt information? No

5.7 **List of Appendices:**

Appendix 3a Article 4 direction

6.0 **Legal considerations:**

6.1 The Town and Country Planning (General Permitted Development) Order 1995 as amended and the Town and Country Planning (Compensation)(England) Orders 2010 (No2 and No3) apply. Article 4 provides that a Local Planning Authority may make a direction if it is satisfied that that it is expedient that development should not be carried out unless permission is granted for it on an application. If the Direction is confirmed it will be necessary to give notice of confirmation in the same way that notification of its making were given and to inform the Secretary of State. An Article 4 Direction should be entered as a local land charge in Part 3 of the register as a 'Planning Charge' (Local Land Charges Rules 1977- rr2 (2) 3).

7.0 **Human Resources considerations:**

7.1 None

8.0 **Equalities considerations:**

8.1 None directly

9.0 **Financial considerations:**

9.1 Twelve months' notice of the intended changes in respect of the non- immediate Direction have been given in order to minimise any financial consequences arising from implementing the Article 4 Direction. Potential claims for compensation are time-limited to 12 months from the date of initial notification. It is not expected that there will be a significant increase in planning applications as a result of the new order. There are no planning fees for planning applications for works covered by the Article 4 Direction.

10.0 **Risk management considerations:**

10.1 None

11.0 Internal/ External Consultation undertaken:

11.1 A six week site display, local advertisement and notification of owners/occupiers has all previously been undertaken.

12.0 Background papers:

12.1 None

ONLY APPLICABLE FOR REPORTS WHICH WILL EVENTUALLY BE CONSIDERED BY THE EXECUTIVE/ CABINET MEMBER

14.0 Key decision information:

13.1 Is this a key decision? NO

13.2 If so, Forward Plan reference number:

13.3 If a key decision, is the decision required in less than five days? N/A

13.4 If **yes**, please describe the reason for urgency:

14.0 Call-in information:

14.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? NO

14.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC SERVICES

15.0 Scrutiny Committee Chairman (where appropriate):

Date informed: N/A

Date approved: N/A

16.0 Declarations of interest (if applicable):

16.1

17.0 Executive decision:

17.1

17.2 Date of Decision:

18.0 Reason(s) for decision:

18.1 Date Decision published:

19.0 Executive Members in attendance:

19.1

20.0 Call-in:

20.1

21.0 Notes:

21.1