

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

7TH MARCH 2011

HEWELL GRANGE ARTICLE 4 DIRECTIONS

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Head of Service	Ruth Bamford Head of Planning and Regeneration Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Hewell Grange Conservation Area was formally designated by the Council's Cabinet on 6th October 2010, following a six week public consultation period. The designation was subsequently advertised in the local and national press on 22nd October 2010 and notifications sent to all residents.
- 1.2 During our consultation phase it was suggested by a number of consultees that a special planning control called an Article 4 Direction be considered for those historic buildings which still retain historic windows and other traditional features. This special control would mean that formal Planning Permission would be required from the Council before alterations were made to these features, but no fee would be charged for this process. At the moment these types of works are included within Permitted Development rights and are outside the Council's control.

2. RECOMMENDATIONS

- 2.1 This report is for information only, as approval of the Article 4 Directions under the Town and Country Planning (General Development Order) 1995 (as amended) would be given at Cabinet level. Planning Committee Members are welcome however to make comments on the proposals.

3. BACKGROUND

- 3.1 An Article 4 Direction is a special planning control commonly used in Conservation Areas to protect historic features, which contribute to the character and appearance of the wider area. A 2008 survey by the Historic Towns Forum found that 81% of Local Planning Authorities had Article 4 Directions in place. Policy HE4.1 of PPS5 Planning for the Historic Environment advises that Local Planning Authorities should consider the use of Article 4 Directions where the exercise of Permitted Development rights would undermine their aims for the historic environment.
- 3.2 Two different types of direction would be required for the Hewell Grange Conservation Area called an Article 4(1) and an Article 4(2). This is because only properties fronting the highway can be covered by an Article 4(2), and some properties within Hewell Grange Conservation Area are accessed only from

private roads. Procedurally the Article 4(1) must be referred to DCLG prior to serving, the Council has authority to serve an Article 4(2) without any referral.

3.3 It is proposed that only those historic houses within the Conservation Area boundary which retain important features such as traditional windows and ornate chimneys would be the subject of the Direction including the following properties:

- Hewell Kennels, Hewell Lane
- Old Papermill Cottage, Hewell Lane
- 1-6 Papermill Cottages, Hewell Lane
- Papermill Lodge, Hewell Lane
- Southwest Lodge, Hewell Lane
- Hewell Dairy Cottage, Hewell Lane
- 1, 2 and 3 Rose Cottages, Hewell Close
- 1-4 Park Cottages, Hewell Lane

3.4 There are various types of work which can be included within an Article 4 Direction and it is proposed that the following items could be applied to these historic houses within the Hewell Grange Conservation Area:

- Any enlargement or improvement or alteration such as an extension or conservatory
- Any change to doors or windows, including changed materials, details and designs and types of decorative finish.
- Any alteration to a roof, including changes to roof coverings, or the installation of roof lights and solar panels.
- Removing, building or altering chimneys.
- Building new or altering existing walls, gates, fences or other means of enclosure.

4. **KEY ISSUES**

4.1 The Strategic Planning team is currently carrying out a public consultation exercise to gather views on the proposed special controls. Consultation letters have been sent to every resident who would be affected, and to local and national amenity societies including the Victorian Society. The deadline for comments to be submitted is Friday 4th March.

5. **FINANCIAL IMPLICATIONS**

5.1 The cost of consulting on the Article 4 Direction is being met by the existing Strategic Planning team budget. No planning application fee can be charged for works which require Planning Permission only because of an Article 4 Direction. However as only 18 properties would be covered by the proposed directions the financial impact of this is likely to be minimal. An application fee would still be charged for any works which would have required Planning Permission prior to the special controls.

6. **LEGAL IMPLICATIONS**

- 6.1 The Article 4 direction must first be approved by the Council's Cabinet because of the impact upon householders permitted development rights. A draft of the Article 4(1) Direction must then be sent to DCLG for consultation before the Direction comes into effect, followed by a public notification period. DCLG may choose to either cancel or amend the Direction. The authority to serve an Article 4(2) Direction is held by the Council and must be advertised in the local press and a notification served on all affected residents, it must then be officially confirmed within six months or the control will lapse. The Directions will come into force on the date on which they are served, or the date of the press advertisement. There is no right of appeal against an Article 4 Direction.
- 6.2 The withdrawal of permitted development rights may give rise to a claim for compensation if Planning Permission is either refused or granted conditional consent. Compensation could only be claimed for abortive expenditure or for other loss or damage directly attributable to the withdrawal of permitted development rights. The 2008 Historic Towns Forum study found that no claims for compensation had ever been made, aside from isolated cases related to Sunday markets and car boot sales prohibited by an Article 4(1) Direction.

7. **POLICY IMPLICATIONS**

- 7.1 The Conservation Area designation is a material consideration in the determination of planning applications. Any applications for works covered by the Article 4 Directions would need to preserve or enhance the character of the area, as would any other form of development.

8. **COUNCIL OBJECTIVES**

8.1 **Objective 2 Improvement**

The designation of a Hewell Grange Conservation Area had been promoted by the Victorian Society and the Hereford and Worcester Gardens Trust for several years, prior to its designation in October 2010. As part of the designation process a character appraisal and set of management proposals were prepared and included future reviews of the necessity for special planning controls in this area. Taking a more proactive approach to the protection and management of the historic built environment, will also support the Historic Environment policy of the draft Core Strategy 2.

9. **RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS**

- 9.1 These risks are being managed as follows:

Risk Register: Planning and Regeneration

Key Objective Ref No.: 5

Key Objective: Effective, efficient, and legally compliant Strategic Planning Service

Key Control: Carry out Conservation Area character appraisals and management plans in accordance with national planning guidance

Action: No specific actions relate to Hewell Grange Conservation Area

10. **CUSTOMER IMPLICATIONS**

10.1 The public consultation has been carried out in line with current legislation and adopted standards contained in the Bromsgrove District Council Statement of Community Involvement (SCI).

11. **EQUALITIES AND DIVERSITY IMPLICATIONS**

11.1 None.

12. **VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT**

12.1 All work related to the proposed Article 4 directions and public consultation has been carried out by existing staff.

13. **CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY**

13.1 The retention and repair of historic buildings harnesses their embodied energy and reduces the need for the production of new building materials and associated construction energy costs.

14. **HUMAN RESOURCES IMPLICATIONS**

14.1 None.

15. **GOVERNANCE / PERFORMANCE MANAGEMENT IMPLICATIONS**

15.1 None.

16. **COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998**

16.1 None.

17. **HEALTH INEQUALITIES IMPLICATIONS**

17.1 None.

18. **LESSONS LEARNT**

18.1 Any lessons learnt from the public consultation and designation process will influence proposals relating to other conservation areas in the future.

19. **COMMUNITY AND STAKEHOLDER ENGAGEMENT**

- 19.1 Consultation letters have been sent to residents of the 18 properties which would be covered by the Article 4 directions with comments requested by 4th March 2011. English Heritage, the Victorian Society and the Hereford and Worcester Gardens Trust have also been consulted and information on the proposals advertised on the Council's website.

20. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	Yes
Chief Executive	No
Executive Director - Planning, Regeneration and Housing Services	No
Executive Director - Section 51	No
Executive Director and Deputy Chief Executive	No
Director of Policy, Performance and Partnerships	No
Head of Planning and Regeneration	No
Head of Resources	No
Head of Legal, Equalities and Democratic Services	No
Corporate Procurement Team	No

21. **WARDS AFFECTED**

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22. **APPENDICES**

- Appendix A Copies of the draft Article 4(1) and Article 4(2) Directions
Appendix B Map showing which properties would be covered by the Directions
Appendix C Hewell Grange Conservation Area Character Appraisal

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