
MEETING: PLANNING CONTROL COMMITTEE

DATE: 18 JUNE 2009

SUBJECT: ST MARY'S CONSERVATION AREA (PRESTWICH)
ARTICLE 4 DIRECTION

REPORT FROM: JOHN LEATHERBAROW, IMPLEMENTATION
MANAGER

CONTACT OFFICER: M NIGHTINGALE, CONSERVATION OFFICER

TYPE OF DECISION: Executive key decision

**FREEDOM OF INFORMATION/
STATUS:** This paper is within the public domain

SUMMARY:

This report seeks approval to make a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 in the form proposed to exclude permitted development rights for dwellings located within the St Marys Conservation Area of Prestwich.

OPTIONS AND RECOMMENDED OPTION (with reasons):

The options are as follows:

- (a) To resolve to make 'The Metropolitan Borough of Bury St Marys Conservation Area (Prestwich) Article 4 Direction 2009' under Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 in the form proposed and hereby authorise the Council Solicitor to affix the common seal thereto.
- (b) To amend the proposed Article 4 Direction.
- (c) To resolve not to make the Article 4 Direction.

Option (a) is recommended for the following reason:

The Article 4 Direction is an integral part of the management plan proposals approved by the Planning Committee on 24 March 2009.

IMPLICATIONS -

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework?

Financial Implications and Risk Considerations

Director of Finance and E-Government

Statement by Director of Finance and E-Government:

Equality/Diversity implications Considered by Monitoring Officer:

No

Are there any legal implications?

No

Staffing/ICT/Property:

Wards Affected:

St Marys

Scrutiny Interest:

Appraisals and management plans have previously been discussed at scrutiny committee.

TRACKING/PROCESS

EXECUTIVE DIRECTOR:

Chief Executive/ Management Board	Executive Member/ Chair	Ward Members	Partners
No		Directly and through Area Board/LAP since September 2006	Community consultations and interest groups since September 2006
Scrutiny Commission	Executive	Committee	Council
Process included in reports to Economy, Environment and Transport Scrutiny Commission in 2004 and 2006	No	Previous reports 27 March 2007, and 24 March 2009.	

1. BACKGROUND

- 1.1 The Planning Control Committee approved broad proposals in connection with the Management Plan for St Mary's Conservation Area on 24th March 2009. Part of these proposals referred to legal processes being put in place to make a direction pursuant to Article 4(2) of the Town and Country Planning (General Permitted Development) Order 1995 to withdraw rights of permitted development for dwellings located within the conservation area boundary.
- 1.2 This report seeks specific approval to make the aforementioned Article 4 Direction in the form proposed.

2.0 ARTICLE 4 DIRECTION.

- 2.1 Article 6 of the Town and Country Planning (General Permitted Development) Order 1995 sets out a specific procedure to be followed in making an Article 4 Direction. In summary a resolution is required to make the Direction which is then affixed with the common seal of the Council. The Direction is then published and consulted upon for a period of 21 days, inviting representations to be made during that period. The proposed consultation involves the advertising of the proposed Direction in the local press. Each property affected by the proposals will also receive a further letter outlining the implications of the Direction. This is in addition to a number of letters introducing the proposals over the last two years.
- 2.2 A further report will be made to this committee on completion of the consultation detailing the representations that have been returned, whereupon the committee will be asked to consider whether to confirm or modify the direction in light of the representations that have been made and to authorise the Council Solicitor to take the appropriate action.
- 2.3 The effect of the Article 4 Direction will be to withdraw rights of permitted development that usually operate for residential dwellings. Such development will only be possible in specific instances if an application is made to the committee for planning permission. Development requiring planning permission will now include the following:-
 - § Replacement of windows and doors
 - § Removal or concealment of architectural detail
 - § The enlargement or creation of new exterior openings
 - § Demolition, lowering, or building of chimney stacks
 - § Alterations to roof shapes and changes to roofing materials
 - § The rendering or cladding of external walls, and the painting of unpainted brick or stone.
 - § The demolition or erection of boundary walls, railings, fences and gates.
 - § The creation of hard standings
 - § The addition of any extensions, porches or outbuildings.
- 2.4 It is very possible that the implementation of an Article 4 Direction will lead to an additional workload for enforcement and development control staff, and for the conservation officer. Previous reports to committee have highlighted the

need for Article 4 Directions in other conservation areas. Although these have been supported in principle, none are operational due to the need to develop individual schemes for each area. As part of the St Mary's Conservation Area arrangements it will therefore be prudent to monitor the impact of the changes on both staff time and on the preservation of the area's character. If Committee confirms the Direction on completion of the consultation, a monitoring system will be established to run for an initial period of 12 months.

3.0 CONCLUSION

The Article 4 Direction withdraws rights of permitted development for the St Marys Conservation Area. This report seeks approval to make the direction in the form annexed to this report so that consultation can begin. Once this process has been concluded the committee will be invited to consider whether to confirm the direction or to modify it in light of representations received.

List of Background Papers:-

Reports to Planning Control Committee on the 27 March 2007 and the 24 March 2009.

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