

REPORT FOR DECISION

MEETING: PLANNING CONTROL COMMITTEE

DATE: 15 SEPTEMBER 2009

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

REPORT FROM: CHIEF PLANNING OFFICER

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 Mary's Conservation Area of Prestwich.

OPTIONS & RECOMMENDED OPTION

The options are as follows:

- (a) To resolve to confirm 'The Metropolitan Borough of Bury St Mary's 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 sign the Direction accordingly.
- (b) To confirm the Article 4 Direction with amendments (such amendments to be suggested by Committee).
- (c) To resolve not to confirm the Article 4 Direction.

Option (a) is recommended for the following reasons:

- (1) The Article 4 Direction is an integral part of the management plan proposals approved by the

- Planning Committee on 24 March 2009.
 (2) The Committee resolved to make the Direction on 18 June 2009.

The final community consultation following the making of the Direction has not led to a significant objection to the proposal.

IMPLICATIONS:

Corporate Aims/Policy Framework:

Do the proposals accord with the Policy Framework? Yes

Financial Implications and Risk Considerations:

Director of Finance and E-Government to advise regarding risk management

Statement by Director of Finance and E-Government:

The report in March 09 outlined the resources available for conservation area work. The work to develop and consult on the proposals has been funded from these budgets and the actions outlined in para2.0 will also be met from this source. However, no additional resources have been made available for extra enforcement activities which may arise from the confirmation of the direction.

Members should note that any works to council owned land in the conservation area will be dependant on the availability of funding in the relevant service budgets, and/or external funding, for both the works and subsequent maintenance.

Equality/Diversity implications:

No

Considered by Monitoring Officer:

Yes Comments

Are there any legal implications?

No
 The Council's solicitors have been party to the writing of the report.

Staffing/ICT/Property:

See paragraph 2.2

Wards Affected:

St Mary's

Scrutiny Interest:

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

TRACKING/PROCESS

EXECUTIVE DIRECTOR: EDS

Chief Executive/	Executive	Ward Members	Partners
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Management Board	Member/Chair		
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 report in March 2007 and 2009, June 2009 and this report.	

1.0 BACKGROUND

- 1.1 The Planning 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.
- 1.1 To bring an Article 4 Direction into effect involves a three stage process – namely (1) making the Direction, (2) consulting upon the Direction and (3) confirming the Direction.
- 1.2 In June 2009 the Committee resolved to make the Direction and commence the consultation process (the first two stages in the process) and is now asked to confirm the Direction (as the third stage) in light of the consultation.
- 1.3 The consultation took place during June and July and involved a further advert in the local press and letters to the individual properties affected. Attached to the letter was a copy of the sealed document together with extracts from the management plan, explaining the proposals in plain English. The sealed document and a plan of the affected properties were also available for inspection at Craig House.
- 1.4 Of the 106 letters sent out 2 responses have been received. There was also a petition from 11 addresses expressing some concern over the difficulty in understanding the content of the consultation – particularly the sealed document. A further letter of clarification was sent to the signatories in response to this.
- 1.5 One respondent was concerned about the consistency of planning decisions, citing the poor quality of the development at 3 Prestwich Park Road against the wish to impose unnecessary additional controls elsewhere. The respondent was also concerned over the lack of action on empty properties or those in poor condition. There was also some scepticism over the reality of the grant support, and it was suggested that the proposals overall would dissuade house purchasers in the future.
- 1.6 The other respondent raised the issue of increased cost in connection with the additional controls, and particularly the cost of repainting timber. He also

questioned the general advice to be included in the management plan, which was issued in draft as part of the consultation. Overall, he considered the proposals to be too instructive and an imposition.

- 1.7 Most of the concerns raised by this and previous consultations will be addressed through the implementation of the management plan. Actions are currently underway in an attempt to deal with empty properties, and those in poor condition. It is recommended that no changes be made to the Article 4 Direction and that it be confirmed in the present form.

2.0 ARTICLE 4 DIRECTION. PROPOSED ACTION

- 2.1 Subject to Committee confirming the direction, all affected properties will be notified, together with all parts of the Council with a direct interest in the action, and additions will be made to the Council's website. All affected properties will be photographed to provide a base record from the date the controls come into operation.
- 2.2 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. The level of grant applied for, approved, and claimed should also be part of the assessment. The monitoring system will be established to run for an initial period of 18 months.

3.0 CONCLUSION

- 3.1 The Article 4 Direction withdraws rights of permitted development for the St Mary's Conservation Area. This report outlines the results of the consultation authorised in June 2009. Committee is invited to confirm the Direction.

List of Background Papers:-

1. Reports to Planning Control Committee in March 2007, March 2009 and June 2009.
2. Consultation documents issued in June/July 2009.
3. Copy of responses to consultation, with names and addresses removed.

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