

REPORT FOR DECISION

DECISION OF:	PLANNING CONTROL COMMITTEE
DATE:	30th August 2016
SUBJECT:	ARTICLE 4 DIRECTION CONFIRMATION OF ORDER – HOLCOMBE CONSERVATION AREA
REPORT FROM:	ASST. DIRECTOR OF LOCALITIES
CONTACT OFFICER:	DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT
TYPE OF DECISION:	COUNCIL (NON KEY DECISION)
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	This Report seeks CONFIRMATION of the order for an Article 4 Direction. The direction gives greater planning controls over development in the Holcombe Conservation Area. The making of the order has been publicised and this report sets out the next steps and responses received as a result of carrying out the necessary publicity.
OPTIONS & RECOMMENDED OPTION	<ol style="list-style-type: none"> 1) To authorise the Confirmation of a non-immediate direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove the permitted development rights outlined in Appendix 1 of this report in relation to the Holcombe Brook Conservation Area which is identified edged red on the plan attached at Appendix 2. 2) Not to authorise the Confirmation of the Article 4 Direction. 3) To amend the Direction. <p>Option 1 is recommended to enable the Council to comply with its statutory duty to prepare</p>

	proposals for the preservation and enhancement for any conservation areas and to follow the recommendation of the Holcombe Management Plan.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Statement by the S151 Officer: Financial Implications and Risk Considerations:	Executive Director of Resources to advise regarding risk management
Statement by Executive Director of Resources:	
Equality/Diversity implications:	No (see paragraph below)
Considered by Monitoring Officer:	Yes Comments The client has been advised.
Wards Affected:	RAMSBOTTOM
Scrutiny Interest:	N/A
MEETING:	PLANNING CONTROL COMMITTEE
DATE:	30th AUGUST 2016
SUBJECT:	HOLCOMBE CONSERVATION AREA
REPORT FROM:	ASSISTANT DIRECTOR LOCALITIES
CONTACT OFFICER:	DAVID MARNO – HEAD OF DEVELOPMENT MANAGEMENT
TYPE OF DECISION:	COUNCIL
FREEDOM OF INFORMATION/STATUS:	This paper is within the public domain
SUMMARY:	The report provides information on the consultation process related to the decision to progress towards

	an article 4 Direction within the Holcombe Conservation Area and the next steps in the process.
OPTIONS & RECOMMENDED OPTION	The Committee can either confirm the Direction or not. The recommendation is to confirm the Direction.
IMPLICATIONS:	
Corporate Aims/Policy Framework:	Do the proposals accord with the Policy Framework? Yes
Financial Implications and Risk Considerations:	There is more than a 12 month period before the Direction takes effect, so compensation would not fall to be due.
Statement by Director of Finance and E-Government:	N/A
Equality/Diversity implications:	None (see paragraph below)
Considered by Monitoring Officer:	The client has been advised.
Wards Affected:	RAMSBOTTOM (Holcombe Conservation Area)
Scrutiny Interest:	N/A

TRACKING/PROCESS

DIRECTOR:

Chief Executive/ Management Board	Executive Member/Chair	Ward Members	Partners
Scrutiny Commission	Executive	Committee	Council

1.0 BACKGROUND

- 1.1 On 16th February 2016, a report was presented to the Planning Control Committee for the making of an Article 4 Direction of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove the permitted development rights within the Holcombe Conservation Area. The

making of the order was approved by the Committee and this allowed the Local Planning Authority to proceed to the next step of publicising the proposals.

- 1.2 Letters were issued to around 150 individual properties. Publicity included both press notification in the Bury Times and site notices being erected within the Conservation Area directing interested members of the public to the Local Planning Authority for more information should they so wish, as well as inviting any representations.

2.0 ISSUES

- 2.1 The Council as Local Planning Authority must take into account any representations in deciding whether or not to confirm the Direction. As a result of the publicity, only one letter of support has been received, from a member of the public who supports additional controls to preserve the character and appearance of the Conservation Area, but no longer lives in the area.
- 2.2 In addition to this, a meeting was held between the Local Planning Authority with the Holcombe Civic Society (HCS) 13th July 2016 to discuss the Article 4 Direction amongst other matters. No written response has been received but generally the HCS was supportive of the proposals.
- 2.3 The effects of the Article 4 Direction will not come into effect until 31st July 2017, in order to to give sufficient due notice without the Council being liable to a compensation claim.
- 2.4 Should Members resolve to confirm the Direction, then following confirmation, there is a further prescribed notice and publicity requirement. The Council must also send a copy of the confirmed Direction to the Secretary of State.
- 2.5 Article 4 directions can increase the public protection of Article 4 directions can increase the public protection of designated and non-designated heritage assets and their settings. They are not necessary for works to listed buildings and scheduled monuments as listed building consent and scheduled monument consent would cover all potentially harmful works that would otherwise be permitted development under the planning regime. It is again important to note that an article 4 direction does not prevent the development to which it applies, but instead requires that planning permission is first obtained from the local planning authority for that development.

3.0 CONCLUSION

- 3.1 It is therefore recommended that the Article 4 Direction be confirmed such that the effects of the direction can apply within the period described above.
- 3.2 A plan of the extent of the Conservation Area and the restricted classes are contained within Appendix 1 for information

List of Background Papers:-

Kathryn Salter & Associates report

<http://www.bury.gov.uk/CHttpHandler.ashx?id=5991&p=0>

Town & Country Planning (General Permitted Development) Order 1995 as amended

Town & Country Planning (General Permitted Development)(England) Order 2015 as amended

Town and Country Planning (Compensation) (England) Regulations 2015 as amended

National Planning Policy Framework 2012 and accompanying National Planning Practice Guidance

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APPENDIX 1

Permitted development rights to be removed in relation to dwellinghouses

The proposed Article 4 Direction should remove the following permitted development rights:
<p>Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none">• Class A – The enlargement, improvement or other alteration of a dwellinghouse;• Class C – Any other alteration to the roof of a dwellinghouse;• Class D – The erection or construction of a porch outside any external door of a dwellinghouse;• Class E – The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure;• Class F – The provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of a dwellinghouse as such;• Class G...The Installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse
And
<p>Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none">• Class A - involving the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure
And
<p>Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none">• Class B - involving the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in the Schedule (other than by Class A of this Part).
And
<p>Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (SI 2015 No.596)</p>

<ul style="list-style-type: none"> • Class C - The painting of the exterior of any building or work.
And
<p>Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none"> • Class Q – The change of use of agricultural buildings to dwellinghouses.
And
<p>Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none"> • Class R – The change of use of agricultural buildings to a flexible commercial use.
And
<p>Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none"> • Class S – The change of use of agricultural buildings to a state funded school or registered nursery
And
<p>Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none"> • Class C – Use as a state funded school for a single academic year
And
<p>Schedule 2, Part 9 of the Town and Country Planning (General Permitted Development(England) Order 2015 (SI 2015 No.596)</p> <ul style="list-style-type: none"> • Class E – The carrying out on land within the boundaries of an unadopted street or private way of works required for the maintenance or improvement of the street or way.
And
<ul style="list-style-type: none"> • Replacement of windows and external doors to an elevation of a dwelling where the affected elevation is a principal elevation • The enlargement or creation of new exterior window or door openings as a material alteration to an elevation of a dwelling where the affected elevation is a principal elevation • The demolition or erection of boundary walls, stone walls,

APPENDIX 2

Plan of the area subject to the Article 4 Direction

