

CULLOMPTON ARTICLE 4 DIRECTION REVIEW

Cabinet Member Cllr Richard Chesterton
Responsible Officer Head of Planning and Regeneration

Reason for Report: To seek approval for the confirmation of an Article 4(1) Direction with immediate effect for 6 categories of permitted development. To seek approval for confirmation of the Article 4(1) Direction covering the additional category of permitted development namely the installation of solar and photovoltaic panels.

RECOMMENDATIONS TO COUNCIL:

1. **To confirm the making of an 4(1) Direction with immediate effect in respect of the following categories of permitted development:**
 - **To control insertion of roof lights, to front roof slopes for almost the whole conservation area. (Map 1)**
 - **To protect chimneys from demolition on individual properties throughout the conservation area.(Map 2)**
 - **To control the addition of porches to 5 terraces of houses (Map 3).**
 - **To control the demolition of boundary walls within discrete areas (Map 4).**
 - **To control the replacement of doors in discrete areas (Map 5)**
 - **To control the replacement of windows in discrete areas (Map 6)**

2. **To confirm the Article 4(1) Direction in respect of installation of solar and photovoltaic panels to front roof slopes to come into force on 25th February 2016.(Map 7)**

Relationship to the Corporate Plan: To assist in improvement of market towns and caring for the environment.

Financial Implications: None as the Cullompton conservation area previously had an Article 4 Direction covering it.

Legal Implications: Article 4 Directions remove certain specific permitted development rights from residential properties within the conservation area. The replacement Article 4 Direction has reduced the number of properties affected and focuses control on the properties and areas where most benefit to the retention of the character and appearance of the conservation area can be gained. The additional Article 4 Direction control covering solar and photovoltaic affects the same properties as affected by the rooflight control since the impact is broadly similar.

Risk Assessment: The introduction of such legal controls require review/ monitoring and enforcement where warranted in order to be effective. The geographical reduction in control will reduce the resources needed to undertake future review/ monitoring and reduce the potential for a large number of breaches of the Article 4 Direction and associated enforcement. The reduction in control in certain parts of the conservation area has been carefully considered to ensure that the conservation area's character and appearance is still safeguarded from the cumulative impact of

incremental and unsympathetic changes that would otherwise be allowable under permitted development rights.

1.0 Introduction

- 1.1 In 2009 as part of the Cullompton Conservation Area Management Plan, an Article 4(2) Direction was introduced covering dwellinghouses in the whole conservation area and removed the several categories off permitted development.
- 1.2 On 8 May 2014 Cabinet received a report on issues arising from the application of the Article 4(2) Direction. It was decided to commission a review of the Article 4(2) Direction by private consultants.
- 1.3 The consultant's report recommended a more targeted approach. This was used as the basis for proposed amendments to the Article 4(2) Direction. In addition the consultant recommended that the installation of solar and photovoltaic panels should be controlled as their impact was comparable with that of rooflights on front roof slopes.
- 1.4 In proposing the discrete area approach it was acknowledged that there would be some properties covered by the Article 4 direction that have no relevant boundary walls, have existing uPVC or aluminium windows and / or doors which would still need to apply for planning permission under the requirements of the Article 4 Direction.
- 1.5 The recommended approach was approved for consultation by Cabinet on 30th October 2014.
- 1.6 Members required that design guidance be prepared to provide owners living in the conservation area advice on replacement windows and doors or on work to roofs and chimneys.
- 1.7 Public consultation on the proposed amendments and additional controls was carried out in late 2014. The results of the public consultation were then incorporated into a final report in late March 2015.
- 1.8 Shortly after this (April 2015) the Planning (General Permitted Development) Order was amended. Article 4(2) Directions were revamped and became either Article 4(1) Direction with immediate effect or Article 4(1) Direction without immediate effect.
- 1.9 The revised consultant's report and the changes to the Planning (General Permitted Development) Order were discussed at Planning Policy Advisory Group on 7 October 2015, along with the content of two design guides (windows and doors, roofs and chimneys) and their recommendations were considered by Cabinet on 22 October 2015. (Report attached at **Appendix 1**).
- 1.10 Cabinet in turn recommended to Council that:
 - An Article 4(1) direction with immediate effect be made to control the following categories of permitted development in discrete parts of Cullompton Conservation Area:- insertion of roof lights in front roof slopes

(Map1); demolition /alteration of chimneys (Map 2); addition of porches (Map 3); demolition of boundary walls (Map 4); replacement of front doors (Map 5) and replacement of front windows (Map 6)

- An Article 4(1) without immediate effect be made to control the installation of solar and photovoltaic panels on front roof slopes of the same properties affected by the controls over roof lights (Map 7)
- The existing Article 4 (2) Direction be removed subsequent to the new Article 4(1) Direction coming into force.
- That the Design Guide on windows and doors be approved for publication.
- That the Design Guide on roofs and chimneys be approved for publication.

(Maps are attached at **Appendix 2**).

2.0 **Article 4(1) Directions implementation.**

2.1 The **Article 4(1) Direction with immediate effect** came into effect on 17 December 2015. Letters were sent to around 500 affected properties, four site notices were posted around the town (on the Town Hall notice board, on a pole adjacent to the car park by the Hayridge, on a pole near the chapel in Pound Square and on a pole near Trotts Almshouses on High Street). A public notice appeared in Mid Devon Star. As set out in the legislation the County Council were notified together with the Secretary of State.

2.2 A deadline for comments on the Article 4(1) Direction of 15 January 2016 was given. Any comments received need to be considered before the Local Planning Authority decide whether to confirm the Direction. The direction must be confirmed within 6 months of the date it came into effect. If it is not confirmed within this time the Direction will expire.

2.3 The **Article 4(1) Direction without immediate effect** relating to the installation of solar and photovoltaic panels on front roof slopes was the subject of consultation in the same letters. Site notices were also posted in the same locations on the same date as those for the Article 4(1) with immediate effect.

2.4 The required notice in the case of an Article 4(1) without immediate effect allows for a period of 21 days within which representations about this Direction can be made to the Local Planning Authority. The Direction can be brought into force after a minimum of 28 days (but no longer than two years) from the time the required notice is posted. The Authority must take into account any representations received within the 21 day period before deciding whether to confirm the Direction.

3.0 **Responses on the Article 4(1) with immediate effect and the Article 4(1) without immediate effect.**

3.1 Just one response has been received from a local resident in response to the consultation on both Article 4 (1) Directions. There are comments on the need for both monitoring and enforcement if the direction is to be effective. The response also refers to the schedules and suggests a number of amendments - both additions and deletions. Some of the suggested inclusions on the schedules relate to properties that are not dwellinghouses although one

property which has consent for conversion to flats appears to still be in use as a single dwellinghouse and should be included in the relevant schedules. Three properties suggested for inclusion are already on the schedules (some confusion had arisen about the addresses); one flat had been included in the schedule which can be deleted from the confirmed schedules.

4.0 Conclusion.

4.1 In the absence of any new issues being raised in respect of the Article 4(1) Direction with immediate effect and no objections being received in respect of the proposed additional control of the Article 4(1) Direction without immediate effect (covering solar panels and photovoltaic panels to front roof slopes) it is now proposed that both the Article 4 (1) with immediate effect and the Article 4(1) without immediate effect should both be confirmed subject to schedule adjustments as noted at 3.1 above.

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Circulation of the Report: Members of Cabinet

List of Background Papers: Cabinet reports 8 May 2014, 30 October 2014, 22 October 2015