



Committee and Date
Area Regulatory Committee
– Central – 25th June 2009

Item

6

Public

Paper

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Shrewsbury Town Centre Conservation Area - Proposed Article 4(2) Direction Affecting 35 - 40 New Street

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Summary

The purpose of this report is to seek confirmation of a new Article 4(2) Direction that affects 35 - 40 New Street, which is located within the Shrewsbury Town Centre Conservation Area. On December 3, 2008, The Development Control and Environmental Protection Committee of the former Shrewsbury and Atcham Borough Council considered a report recommending that a Direction be made under Article 4(2) of the General Permitted Development Order 1995, as amended, which would withdraw certain permitted development rights for these six residential dwellings. Having approved this recommendation, the Article 4(2) was issued on February 11, 2009, and a public consultation process was initiated. As this public consultation process has now been completed, the Direction needs to be confirmed by the Council prior to August 11, 2009 or it will expire. The reason for the Direction is to assist with meeting the Council's objective to preserve the character and appearance of the Conservation Area.

Recommendation

- A. That Council confirms the Direction under Article 4(2) of the General Permitted Development Order 1995, as amended, withdrawing permitted development rights for the residential dwellings at 35 – 40 New Street, located within the Shrewsbury Town Centre Conservation Area, as identified in Appendix 1.

Report

1. The Council has a duty to pay special attention to preserving or enhancing the character and appearance of its Conservation Areas. By controlling the replacement of windows, doors, boundary treatments and other features, the ability to fulfil this duty is significantly enhanced. Article 4 Directions are a means of providing a greater level of control for works that would otherwise be permitted under the General Permitted Development Order 1995.
2. An Article 4(2) Direction applies to residential properties only and allows local authorities to better control changes to public elevations, specifically those elevations that front a highway, waterway or open space. They were introduced as a means for local authorities to better preserve the appearance of houses in Conservation Areas.
3. There are currently six areas within Shrewsbury where Article 4(2) Directions have already been implemented – The Mount, Mountfields, Belle Vue, Castlefields, Cherry Orchard and St Julians Friars.
4. On December 3, 2008, a report recommending the implementation of a new Article 4(2) Direction for the residential properties at 35 – 40 New Street was before The Development Control and Environmental Protection Committee of the former Shrewsbury and Atcham Borough Council (attached as Appendix 2). This residential terrace is considered to be an excellent candidate for an Article 4(2) Direction as most of its original features are intact. The Article 4(2) Direction would help ensure that repairs to or replacement of these features are done appropriately and in keeping with the Conservation Area. The Article 4(2) Direction would also help control, in a comprehensive manner, improvements to features such as front garden boundary treatments.
5. The Committee approved the recommendations of the report, and the Article 4(2) Direction was issued on February 11, 2009. A copy of the Direction is attached to this report as Appendix 3.
6. Following the approval of the recommendations of the report and the preparation of the Direction, a Notice informing the public that an Article 4(2) Direction had been made affecting 35 – 40 New Street was published in the local newspaper on February 14, 2009. A letter was also hand delivered on February 13, 2009 to each property affected by the Article 4(2) Direction, informing owners and/or occupants about the Direction and inviting them to put forward their views on the matter as part of the public consultation process. Copies of the Notice and of the letter are attached to this report as Appendix 4 and 5.
7. The period of public consultation lasted from February 11th to March 24th, 2009, during which time **no** responses were received from the public or from the owners/occupants of 35 – 40 New Street.

8. The Council is required to confirm the new Article 4(2) Direction within six months of its preparation. Failure to do so within this time period would mean that the Direction would expire.
9. Should the Council agree with this Report's recommendation to confirm the Direction, the Direction would be signed and dated and a Notice advising the public that the Direction has been confirmed would be published in the local newspaper. A letter would also be delivered to each owner or occupier of the dwellings affected by the Direction advising that the Direction had been confirmed and would continue to be in effect.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

See Appendices attached.

Human Rights Act Appraisal

The recommendations contained in this Report are compatible with the provisions of The Human Rights Act 1988.

Environmental Appraisal

The Article 4(2) Direction would ensure the character and appearance of the properties is conserved.

Risk Management Appraisal

Not applicable.

Community / Consultations Appraisal

Public consultation period completed on March 24, 2009.

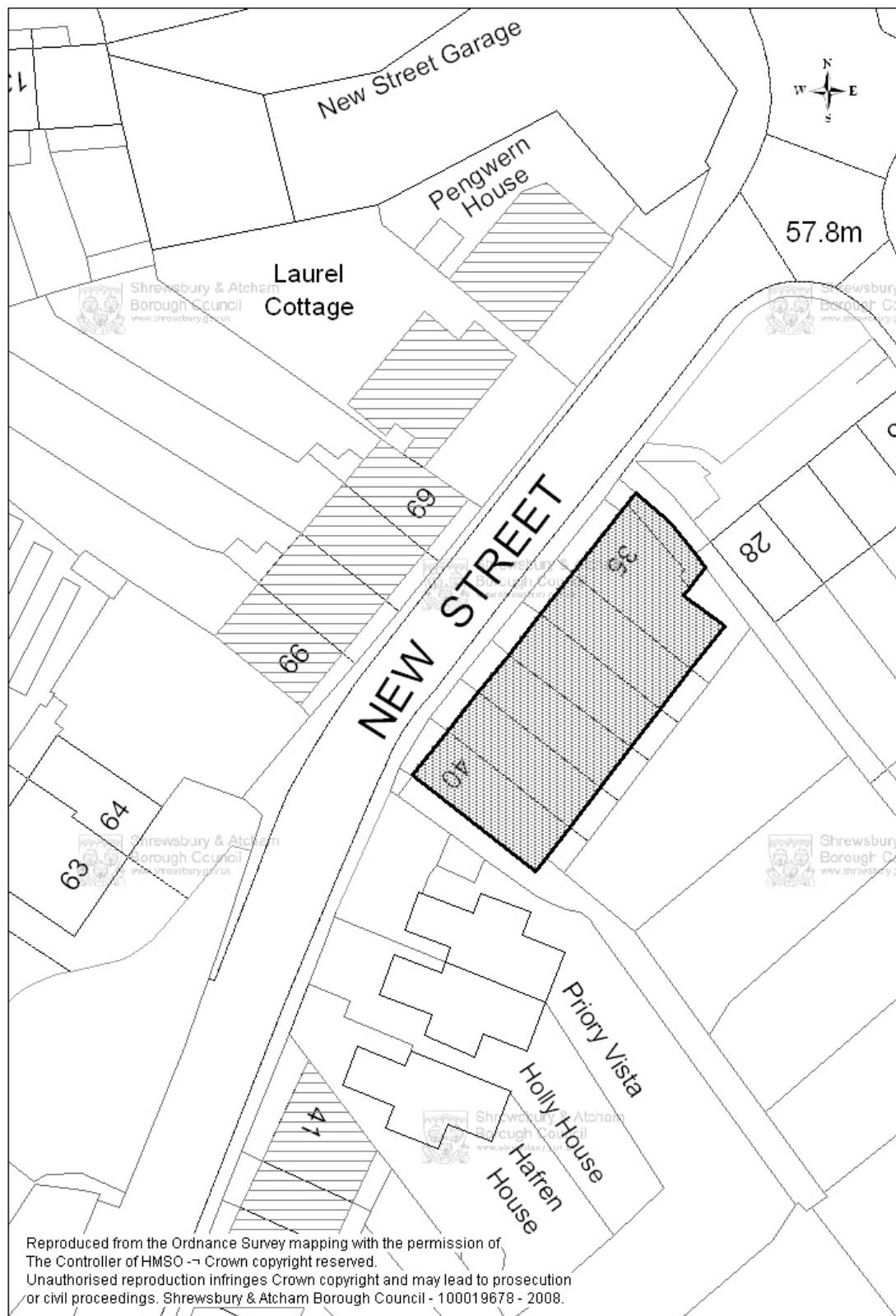
Cabinet Member

Local Member

Appendices

- 1 – Map indicating location of 35 – 40 New Street, Shrewsbury
- 2 – Report to The Development Control and Environmental Protection Committee, SABC, December 3, 2008
- 3 – Proposed Article 4(2) Direction
- 4 – Notice from local newspaper
- 5 – Letter to owners/occupiers of 35 – 40 New Street, Shrewsbury

APPENDIX 1 – Map showing proposed properties affected by the Article 4(2) Direction. Listed buildings are highlighted by lighter shading on the map.



APPENDIX 2 – December 3, 2008 Report to The Development Control and Environmental Protection Committee, Shrewsbury and Atcham Borough Council

SHREWSBURY AND ATCHAM BOROUGH COUNCIL

**Report of the Planning Services Manager to
The Development Control and Environmental Protection Committee on 3rd December 2008
Shrewsbury Town Centre Conservation Area
Proposed Article 4(2) Direction Affecting 35 - 40 New Street**

1.0 Purpose of Report

- 1.1** To consider introducing an Article 4(2) Direction to properties located at 35 - 40 New Street.

2.0 Policy; Capital and Revenue Budget - Background.

- 2.1**
- (i) The proposals involve an amendment to the policy framework for parts of the Town Centre Conservation Area.
 - (ii) There will be direct financial as well as staff time costs in notifying the owners, and in photographing the properties affected. Furthermore, planning applications made in association with Article 4(2) Direction works do not attract a fee. There are, however, wider benefits to the Borough as a whole by preserving the historic character of the area.
 - (iii) This is not a key decision.

3.0 Consultations

- 3.1** Subject to approval, Notice of the Article 4(2) Direction will be published in the press and all owners and occupiers of affected properties will be notified. There will have to be a period of public consultation before cabinet considers whether to confirm the Directions. It is intended to photograph the front elevation of all properties affected to avoid any future doubt as to their condition at the time the Directions come into force.

4.0 General Background/Information

- 4.1** The Council has a duty to pay special attention to preserving or enhancing the character or appearance of its Conservation Areas. By controlling the replacement of windows, doors, boundary treatments and other features, the ability to fulfil this duty is significantly enhanced. This is particularly true where property owners also have the opportunity to apply for grant assistance towards the cost of repairs or sympathetic replacement of missing architectural features.
- 4.2** Article 4 Directions are a means of providing a greater level of control for works that would otherwise be permitted under the General Permitted Development Order 1995, as amended.
- 4.3** There are two types of Article 4 Directions. Article 4(1) Directions can be used to withdraw any permitted development rights from any property type in any location. They require the approval of the Secretary of State. The second type of Direction is the Article 4(2) Direction. This applies only to residential properties and brings within the scope of control changes to public elevations – or more specifically those elevations fronting a highway, waterway or open space. Article 4(2) Directions were introduced as a means for local authorities to better preserve the appearance of houses in Conservation Areas and can be introduced without the approval of the Secretary of State.

- 4.4 At its meeting of April 6th, 2004, the Council's Development Control and Environmental Protection Committee resolved to replace all of its Article 4(1) Directions with Article 4(2) Directions. The Committee also resolved to increase the scope of control of the Article 4(2) Directions for the purposes of clarification, consistency, and to help fulfil the Council's duty to have special regard to the desirability of preserving and enhancing its Conservation Areas. There are presently six Article 4(2) Directions in the Borough, affecting residential properties in parts of The Mount, Mountfields, Belle Vue, Castlefields, Cherry Orchard and St Julians Friars.
- 4.5 This proposed Article 4(2) Direction would apply to the red brick mid-19th Century residential terrace known as 35 – 40 New Street, which is comprised of six dwelling units. Officers have conducted an initial survey of the terrace and have concluded that it is an excellent candidate for an Article 4(2) Direction, as most of its original features are intact. The Article 4(2) Direction would help ensure that repairs to or replacement of these features are done appropriately and in keeping with the Conservation Area. The Article 4(2) Direction would also help control, in a comprehensive manner, improvements to features such as front garden boundary treatments.
- 4.6 This report is the first of several that will include recommendations for extending the scope of Article 4(2) Directions as a result of the completion of updated Conservation Area Appraisals.
- 4.7 The proposed Direction is attached as Appendix 1. Also attached, as Appendix 2, is a draft consultation letter for property owners, with examples of development that would in future require the submission of a planning application. All properties affected by the proposed Article 4(2) Direction are identified on the plan at Appendix 3.

5.0 Options Considered

- 5.1 (a) to extend the Article 4(2) Direction.
- 5.2 (b) not to extend the Article 4(2) Direction.

6.0 Officer recommendations:

- 1. That a Direction be made under Article 4(2) of the General Permitted Development Order 1995, as amended, withdrawing permitted development rights for residential dwellings at 35 – 40 New Street, located within the Shrewsbury Town Centre Conservation Area as identified in Appendix 3.**
- 2. That consultation be undertaken with affected owners and occupiers and that the results of this consultation be reported back to the Development Control and Environmental Protection Committee for consideration in due course.**

Reasons

1. To assist in the Council's objective to preserve the character and appearance of the Conservation Area.
2. To obtain the views of those affected by the proposed changes and to report these back to the Committee for consideration before a decision is taken to confirm the Article 4(2) Directions.