

# Cabinet



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Recommendation of the Sustainable Development Working Party: 6 October 2016 - Article 4 Direction: Clare Conservation Area</b>	
<b>Report No:</b>	<b>CAB/SE/16/051</b>	
<b>Report to and date:</b>	<b>Cabinet</b>	18 October 2016
<b>Portfolio holder and Chairman of the Working Party</b>	Alaric Pugh Portfolio Holder for Planning and Growth <b>Tel:</b> 07930 460899 <b>Email:</b> <a href="mailto:alaric.pugh@stedsbc.gov.uk">alaric.pugh@stedsbc.gov.uk</a>	
<b>Lead officer:</b>	Christine Leveson Principal Conservation Officer <b>Tel:</b> 01284 757356 <b>Email:</b> <a href="mailto:christine.leveson@westsuffolk.gov.uk">christine.leveson@westsuffolk.gov.uk</a>	
<b>Purpose of report:</b>	<p>On 6 October 2016, the Sustainable Development Working Party considered the following substantive items of business:</p> <ul style="list-style-type: none"><li>(1) Confirmation of an Article 4 Direction in Clare Conservation Area</li><li>(2) St Edmundsbury 2016 Air Quality Annual Status Report and proposal to declare an Air Quality Management Area in Great Barton</li><li>(3) Annual Corporate Environmental Performance Report 2015/2016</li></ul> <p>A recommendation emanated from consideration of Item <b>(1)</b> above as follows:</p>	

<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the Article 4 Direction, as contained in Appendix B to Report No: SDW/SE/16/008, to cover the Clare Conservation Area , as delineated on the map contained in Appendix A of that report, be confirmed.</b>		
<b>Key Decision:</b> <i>(Check the appropriate box and delete all those that <b>do not</b> apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input checked="" type="checkbox"/> No, it is not a Key Decision - <input type="checkbox"/>		
<i>The decisions made as a result of this report will usually be published within <b>48 hours</b> and cannot be actioned until <b>five clear working days of the publication of the decision</b> have elapsed. This item is included on the Decisions Plan.</i>			
<b>Consultation:</b>	This was carried out between 1 August and 9 September 2016.		
<b>Alternative option(s):</b>	Not to make an Article 4 Direction.		
<b>Implications:</b>	Without the Article 4 Direction, alterations could be made under 'permitted development' which would harm the character and appearance of the conservation area and/or the setting of nearby listed buildings.		
<i>Are there any <b>financial</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<i>Are there any <b>staffing</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<i>Are there any <b>ICT</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<i>Are there any <b>legal and/or policy</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<i>Are there any <b>equality</b> implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	
<b>Risk/opportunity assessment:</b>	None		
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
<b>Ward affected:</b>	Clare Ward		
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>	Sustainable Development Working Party – 6 October 2016 Report No: <a href="#">SDW/SE/16/008</a> <a href="#">Appendix A</a> <a href="#">Appendix B</a>		
<b>Documents attached:</b>	<b>None</b>		

## **1. Key issues and reasons for recommendation**

### **Introduction of an Article 4 Direction in Clare**

- 1.1 The Working Party at its meeting on 14 July 2016, approved that public consultation be carried out on the proposed introduction of an Article 4 Direction in Clare Conservation Area.
- 1.2 The purpose of the Direction is to restrict the changes owners can make to the outside of their property without first obtaining planning permission in order to protect the special character of the conservation area. No fee is payable when a planning application is required solely as a consequence of an Article 4 Direction. Article 4 Directions only apply to elevations which front a 'relevant location' i.e. a highway, waterway or open space.
- 1.3 Clare Town Council requested that consideration be given to the introduction of an Article 4 Direction and has given the proposal its unanimous support.

## **2. Consultation**

- 2.1 Public consultation was carried out between 1 August and 9 September 2016. A drop-in session was also held in Clare Town Hall on 23 August 2016 and this was attended by 12 people with general support for the Direction being expressed.
- 2.2 Four written representations have been received. Of these, only one was an objection as the writer felt that there was nothing wrong or inadequate with the existing arrangements. Two responses were seeking clarification about specific works and the fourth was about the information provided for the consultation.
- 2.3 All representations made during the consultation period must be taken into account in deciding whether or not to confirm a Direction. The objection received refers to there being no need for the Direction. Many changes can be made to unlisted buildings under permitted development which can undermine the character and appearance of the conservation area and the setting of nearby listed buildings. Whilst Clare has survived remarkably well in resisting extensive changes to date this is not a reliable method of protecting the town in the future. The Article 4 Direction is therefore proposed to prevent inappropriate changes before any harm occurs.

## **3. The Proposed Article 4 Direction**

- 3.1 The Article 4 Direction is attached as Appendix B to Report No: SDW/SE/16/008. This shows the Classes of Development which were restricted with immediate effect when the Direction was served (Schedule 1) and those which would take effect, should the Direction be confirmed (Schedule 2). If the Direction is not confirmed the restrictions set out in Schedule 1 would lapse on 31 January 2017 (being 6 months after the date of service) and those in Schedule 2 would not take effect.