

# Cabinet



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Confirmation of Article 4 Direction for Bury St Edmunds</b>	
<b>Report No:</b>	<b>CAB/SE/15/042</b> [to be completed by Democratic Services]	
<b>Report to and date:</b>	<b>Cabinet</b>	23 June 2015
<b>Portfolio holder:</b>	Alaric Pugh Portfolio Holder for Planning and Growth <b>Tel:</b> 07930 460899 <b>Email:</b> alaric.pugh@stedsbc.gov.uk	
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<b>Purpose of report:</b>	To seek the confirmation of the Article 4 Direction for Bury St Edmunds	
<b>Recommendation:</b>	<b>It is <u>RECOMMENDED</u> that the Article 4 Direction for Bury St Edmunds made on 25 March 2015, as contained in Appendix 1 to Report No: CAB/SE/15/042, be confirmed.</b>	
<b>Key Decision:</b>  (Check the appropriate box and delete all those that <b><u>do not</u></b> apply.)	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input checked="" type="checkbox"/></p> <p>No, it is not a Key Decision - <input type="checkbox"/></p>	
<p><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></p>		
<b>Consultation:</b>	<ul style="list-style-type: none"> <li>Public consultation took place between 1 April – 15 May 2015, with drop-in sessions on 15 and 29 April</li> </ul>	
<b>Alternative option(s):</b>	<ul style="list-style-type: none"> <li>The complete removal of the Article 4 Directions in Bury St Edmunds was considered. This could result in significant changes being made to properties through permitted development rights, which would cause harm to the character and appearance of the two conservation areas. It was therefore decided that this option</li> </ul>	

	<p>was not acceptable.</p> <ul style="list-style-type: none"> <li>Not withdrawing the permitted development rights relating to the provision of microgeneration was considered. It was agreed that this would undermine the impact of the Article 4 Directions which withdrew the rights to make changes to the exterior of the properties and would result in harm to the character and appearance of the conservation areas. It was therefore decided that this option was not acceptable.</li> </ul>
<b>Implications:</b>	
<p>Are there any <b>financial</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>
<p>Are there any <b>staffing</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>
<p>Are there any <b>ICT</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>
<p>Are there any <b>legal and/or policy</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>
<p>Are there any <b>equality</b> implications? If yes, please give details</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> <li></li> </ul>
<b>Ward(s) affected:</b>	Abbeygate, Eastgate, Risbygate, Minden and Moreton Hall Wards
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>	None
<b>Documents attached:</b>	<p><b>Appendix 1:</b> the Article 4 Direction for Bury St Edmunds</p> <p><b>Appendix 2:</b> Bury St Edmunds Town Centre Conservation Area</p> <p><b>Appendix 3:</b> Bury St Edmunds Victoria Street Conservation Area</p>

## **1. Key issues and reasons for recommendation(s)**

### **1.1 Amendment of the Article 4 Directions for Bury St Edmunds**

- 1.1.1 A Task and Finish Group was set up by the Overview and Scrutiny Committee tasked with improving the effectiveness and management of Article 4 Directions within Bury St Edmunds. The Task and Finish Group reviewed the existing Article 4 Directions in the two Bury St Edmunds conservation areas following a number of enforcement issues and concern that the current arrangement was leading to confusion for property owners who did not understand that restrictions did not apply uniformly in a street or area.
- 1.1.2 The Group considered the coverage of the Article 4 Directions. The existing Directions were made on a selective basis, where individual properties were identified. This approach has led to confusion because owners do not realise that the restrictions do not apply to everyone. An alternative approach is to make a Direction which applies to a whole conservation area. After considering the advantages and disadvantages of both approaches, the Group decided to proceed with the Directions on an area-wide basis.
- 1.1.3 The Group also considered using an Article 4 Direction to remove the permitted development rights relating to microgeneration equipment (solar panels and photovoltaic cells). The impact that microgeneration equipment could have on the character and appearance of the conservation area was considered and the Group decided that the relevant permitted development rights should be withdrawn.
- 1.1.4 A new Direction was therefore prepared to cover all properties within the two Bury St Edmunds Conservation Areas. Both of these conservation areas already include properties which are protected by an Article 4 Direction. The earliest Directions date back to 1985, but the majority were made in 2001. Since the various Directions were made, the legislation governing Article 4 Directions has been amended and new classes of permitted development have been introduced which did not exist when the original Directions were made.
- 1.1.5 The new Direction cancels the previous ones and makes a new one in their place. The new Article 4 Direction encompasses the whole of the two conservation areas, with the restrictions applying to all individual properties as relevant. The new Article 4 Direction comprises two schedules. The restrictions in the First Schedule had immediate effect and those in the Second Schedule would come into effect if the Direction is confirmed. If the Direction is not confirmed, those restrictions in the First Schedule would lapse after 6 months from the date of service of the Direction.
- 1.1.6 Public consultation on the proposed amendments took place between 1 April and 15 May 2015. Two drop-in sessions were held in the Apex on 15 and 29 April. Both sessions were well attended with 15 people on 15 April and 13 people on 29 April. Five written responses were received, only two of which were objections and these were based on the restriction of microgeneration equipment (solar panels and photovoltaic cells) on road-facing roof slopes. No objections were received to the restrictions in the First Schedule and overall a very positive response was received from residents.

## 1.2 **Ward Members consultation**

- 1.2.1 The Bury St Edmunds Area Working Party (BSE AWP) approved the public consultation on the proposed amendments at their meeting on 10 March 2015. Ordinarily, the results of the consultation would be taken back to the Working Party for a recommendation to be made to Cabinet.
- 1.2.2 As a review of the BSE AWP (and other Area Working Parties) is currently being undertaken, with the outcome of this review not likely to be known until September 2015, it was agreed at the meeting on 10 March that liaison with all affected Ward Members would take place following the close of the public consultation and any comments from Members would be reported to Cabinet together with a recommendation.
- 1.2.3 Councillor Wakelam raised an objection about the restriction on microgeneration equipment, and considered that the visual impact could be ameliorated by careful choice of equipment. She also noted that the Council had signed up to Creating the Greenest County and a priority of this is to reduce domestic emissions. This amendment to the Article 4 Directions will be directly contrary to that policy. She also raised a further concern about the cost of a planning application adding to the householder's costs.
- 1.2.4 In response to these comments, the effect of the Article 4 Direction is to require planning permission for development which would otherwise be permitted development ie. not requiring permission. The restriction only relates to those roof slopes facing a road or open space, so does not preclude installations on rear elevations. There may be products available which would be acceptable and, should such products be proposed in a planning application, they would be favourably considered. Without a planning application there would be no means of ensuring that suitable products were chosen, however.
- It is also worth noting that during the drop-in sessions more residents were in favour of the restriction on microgeneration than were against it as they considered it to have a detrimental impact on the conservation areas.
- 1.2.5 In terms of reducing emissions (as opposed to generating heat and electricity through microgeneration), there are many ways this can be achieved in the conservation area such as with draught-proofing, sealed unit double glazing (which can be used in the traditional style sash windows and has already been successfully installed in many properties covered by the Article 4 Direction) and external wall insulation. The Historic England website also contains advice on upgrading the energy performance of historic buildings.
- 1.2.6 Finally, there is no fee for a planning application which is only required as a consequence of the Article 4 Direction, so an application for microgeneration equipment which would otherwise be permitted development would not incur any additional cost to the householder.
- 1.2.7 Having regard to the results of the public consultation, which demonstrated overall support for the new Article 4 Direction, Cabinet is recommended to confirm the Article 4 Direction contained in Appendix 1.