

Brixham Town Council

Report No:	13/2018		
Report Type:	Public		
Title:	Article 4 Directive		
To:	Full Council	Date:	09.08.18
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Purpose of Report

To consider partnership working with Torbay Council (TC) to implement Article 4 Direction in Brixham Town conservation area.

To carry out evidence-based research to identify if there is justification in heritage terms to extend the Conservation areas and identify a proposed boundary.

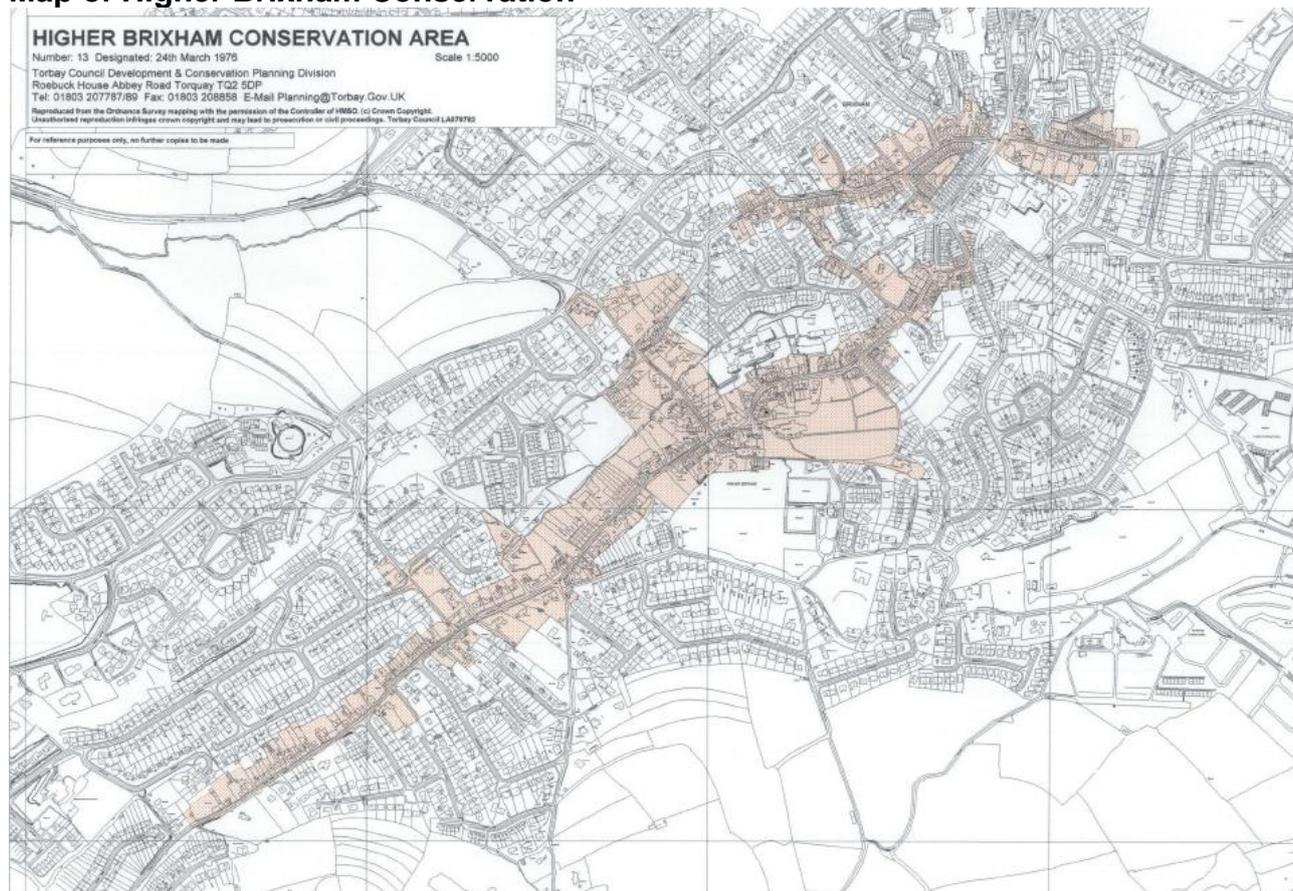
To consider a recommendation from the Town Council Planning & Regeneration Committee to appoint a Heritage consultant.

Background

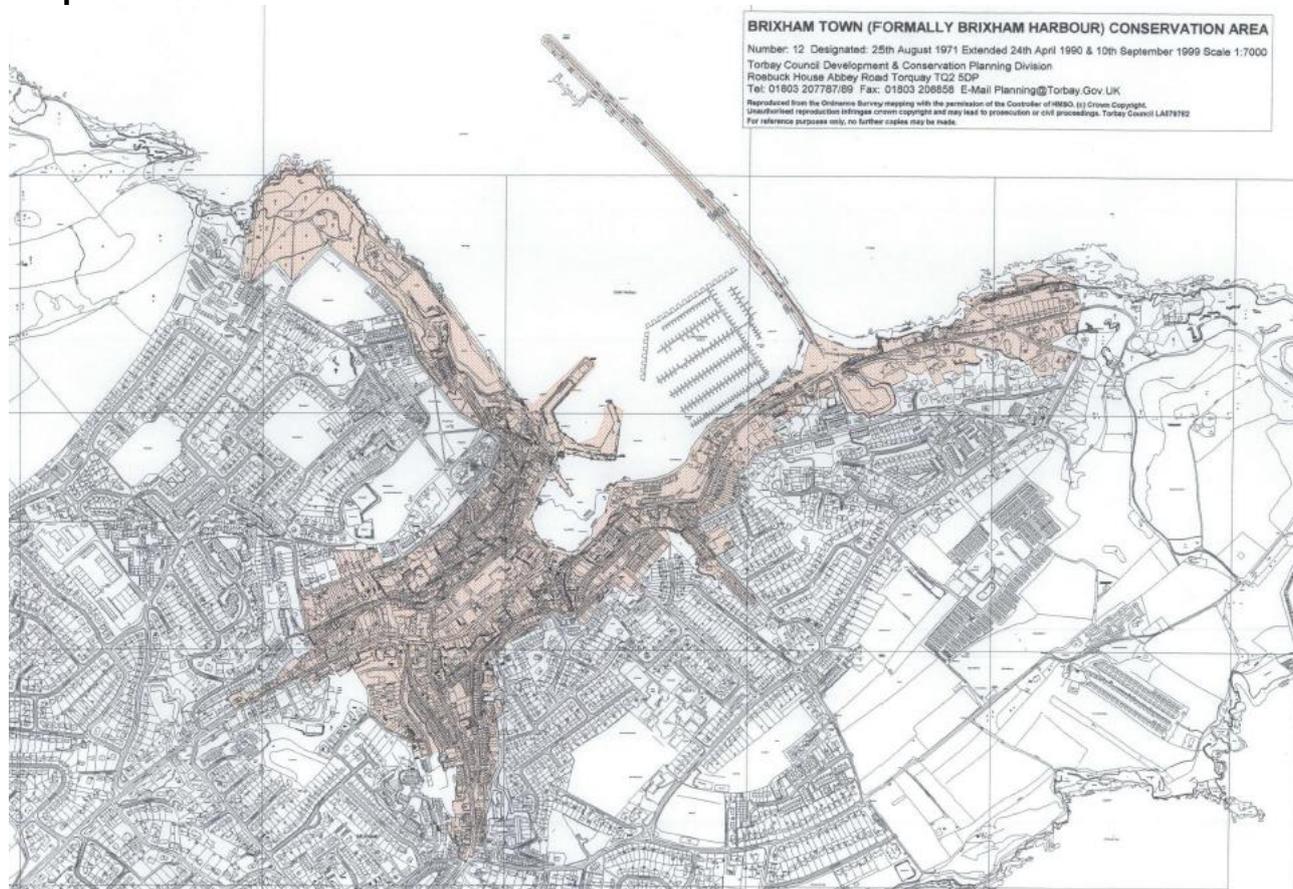
The Town Council initiated negotiations with Torbay Council senior planning officers in November 2017 to discuss the possibility of the implementation an Article 4 Directive in the Brixham Town Conservation area. Senior Torbay Planning Officers were supportive of the proposal but due to a lack of resources the Town Council were asked to carry out the initial background work.

An opportunity has also been identified to look at the possibility of extending the Conservation areas in the Town as part of the investigations for Article 4 Directive. A separate application to Torbay Council would be required, however the Article 4 work provides a valuable opportunity to investigate the possibility
The Planning & Regeneration (P&R) Committee agreed due to the volume and nature of the work required quotes should be obtained from Heritage Consultants.

Map of Higher Brixham Conservation



Map of Brixham Town Conservation Area



What is Article 4 Directive

An Article 4 direction is made by a local planning authority. It serves to restrict permitted development rights, which means that a lot of the things people do to their land or houses without planning permission and often take for granted as permitted development, are brought into the realms of planning consent. It does not in itself prohibit any action but means that a landowner is required to seek planning consent whereas without the direction this would not be necessary.

An Article 4 direction is not a conservation designation as such. It is a statement made under the Town and Country Planning Acts, specifically the Town and Country Planning (General Permitted Development) Order 1995. The direction removes all or some of the permitted development rights on a site. For example, it could stop a landowner from holding car boot sales on his land for 14 days per year — a right which he would otherwise have - or could restrict a householder from converting a property into multiple flats.

There are certain permitted development rights that cannot be withdrawn by an Article 4 direction. These exemptions are to ensure permitted development rights related to national concerns, safety, or maintenance work for existing facilities cannot be withdrawn.

Article 4 directions were in the past a rarely used instrument which was not particularly effective and was difficult to apply as it always required the approval of the Secretary of State. The 1995 Town and Country Planning (General Permitted Development) Order made significant improvements to the process, and since that time the use of Article 4 directions has increased

Types of Article 4 direction

Since 1995 there have been three types of direction:

Brixham Town Council (BTC) are working towards the implementation of direction one as listed below:

1. directions under article 4(2) affecting conservation areas. The aim of an Article 4(2) Direction is to encourage the retention of high-quality architectural features and to preserve and enhance the character and appearance of the built heritage. The designation of a Conservation Area only goes some way towards protecting the integrity of buildings and their character. Under the Town and Country Planning Act (General Permitted Development) Order 1995, permitted development rights enable property owners within a conservation area to undertake small-scale extensions and/or alterations without the need for planning permission. Where these rights are unchecked, they can erode the special interest of the conservation area.
2. directions under article 4(1) affecting only listed buildings; and
3. directions under article 4(1) affecting other land.

Power to make a direction

A direction under either article 4(1) or 4(2) of the 1995 order may be made by the district or county planning authority in relation to a conservation area, but only by the district/borough council in other cases. The Secretary of State may also make a direction.

Quotes Received from Heritage Consultants

The quotes in the table below were discussed and considered by the P&R committee who agreed on their preferred consultant.

Work requested:

1. Provide a list of addresses on a road by road basis which corresponds with the buildings which have been highlighted in yellow 'other key buildings groups of architectural importance or which make a significant contribution to the townscape' on the Brixham Town Conservation Area Maps 1A and 1B designations.
2. Examine buildings outside the conservation areas to identify key buildings of architectural importance or those which make a significant contribution to the townscape – and to provide an evidence base for including them in an Article 4 Direction. (For instance: Furzeham Green and the area located between New Road, Bolton Street, Monksbridge, Horsepool Street, and other such areas bordering the existing conservation areas.)

Following the evidence-based research mentioned in point 2 above, identify if there is justification in heritage terms to extend the conservation areas using the evidence gathered, and identify a proposed boundary.

Consultant	Timescale	Cost
Josephine Brown Heritage Consulting	6 weeks. Further cost could be incurred if timescale is revised.	Fee based on a daily rate plus expenses. In this instance a lump sum fee for expenses of £100 will cover travel and charges such as document reproduction, historic mapping etc. The fee is based on the assumption that the client will provide the base mapping. Total fee for the project, including expenses, will be <u>£1,950</u> . Not subject to VAT.
Avalon Planning & Heritage	6-7 weeks over a period of 3-4 months.	<u>£15,450.00 +VAT</u> Plus, expenses, charged at: Director = £120 +VAT Planner (MRTPI) = £95 +VAT

Since the project was discussed with Torbay Council two of the Senior Planning and Conservation Officers have left Torbay Council. At the time of writing this report neither position has been filled. The Town Council P&R committee is keen to progress with the project and is seeking reassurance from Torbay Council of their commitment.

Recommendation

The following recommendation is made on the basis that a satisfactory response outlining Torbay Councils commitment to the project is received.

- To appoint Josephine Brown Heritage Consulting and accept the quote received dated 2nd July 2018.
- To request Torbay Council begin the process of implementing an Article 4 Direction.