



## CABINET REPORT

<b>Report Title</b>	<b>BARRACK ROAD CONSERVATION AREA ARTICLE 4 DIRECTION 2020</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	16 <sup>th</sup> December 2020
<b>Key Decision:</b>	Yes
<b>Within Policy:</b>	Yes
<b>Policy Document:</b>	Yes
<b>Directorate:</b>	Planning services
<b>Accountable Cabinet Member:</b>	Councillor James Hill
<b>Wards</b>	Trinity & Semilong

### **1. Purpose**

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1.1 To seek approval for the confirmation of the Barrack Road Conservation Area Article 4 Direction 2020.

### **2. Recommendations**

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It is recommended that Cabinet:

2.1 Agree the confirmation of the Barrack Road Conservation Area Article 4 Direction 2020.

### **3. Issues and Choices**

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#### **3.1 Report Background**

3.1.1 On 8<sup>th</sup> April 2020, Cabinet agreed to the making of a new Article 4 Direction for Barrack Road Conservation Area. This would replace an existing Article

4(2) Direction made in 2000 which did not include all properties within the Conservation Area or all classes of permitted development.

- 3.1.2 The procedure for making an immediate Article 4 Direction requires the local planning authority to give notice of the making of the Direction via a newspaper notice and site notices. The Direction came into effect on the date the notices were published and displayed and remains in force for six months but will then expire unless confirmed by Cabinet before that date. Any objections or representations must be considered before the Direction can be confirmed. If confirmed, the new Article 4 Direction would replace the Barrack Road Article 4(2) Direction made in 2000.
- 3.1.3 The public notices were published on 25<sup>th</sup> June 2020 and the Article 4 Direction came into effect on that date. Four site notices were posted in the Conservation Area and the Direction was available for viewing on the Council's web site.
- 3.1.4 The public consultation expired on 23<sup>rd</sup> July 2020. No representations were received and it is now appropriate for the order to be confirmed.

### **3.2 Choices (Options)**

3.2.1 Cabinet could choose to:

- a) Agree the confirmation of the Barrack Road Conservation Area Article 4 Direction 2020 as set out in the report; or
- b) Not agree the confirmation of the new Article Direction and retain the existing Barrack Road Conservation Area Article 4(2) Direction 2000 with no changes.

3.3.2 Option a) is considered the most appropriate as it would provide the Conservation Area with the protection of an up-to-date Article 4 Direction that is consistent with those made in other Conservation Areas in Northampton and includes all the properties within the Barrack Road Conservation Area.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local authorities to formulate and publish proposals for the preservation and enhancement of their conservation areas. Historic England encourage the use of Article 4 Directions to control work that could threaten the character or appearance of a conservation area. The Northampton Local Plan states that the Council will continue to review the need for Article 4 Directions in conservation areas.
- 4.1.2 The requirement for a new Article 4 Direction for Barrack Road Conservation Area was identified in the management proposals included in the Barrack

Road Conservation Area Appraisal and Management Plan, approved at Cabinet in April 2019.

## **4.2 Resources and Risk**

- 4.2.1 An up-to-date Article 4 Direction will assist the Council in safeguarding the special character and appearance of Barrack Road Conservation Area and will be consistent with other Article 4 Directions that have been made in other conservation areas. Without it, there is a danger that the special interest and character that justified designation as a conservation area could be eroded.
- 4.2.2 The Council may be liable to pay compensation to those whose permitted development rights have been withdrawn if it then subsequently refuses planning permission for development which would otherwise have been permitted development; or grants planning permission subject to more limiting conditions than the General Permitted Development Order would normally allow. The grounds on which compensation can be claimed are limited to abortive expenditure or other loss or damage directly attributable to the withdrawal of the permitted development rights.

## **4.3 Legal**

- 4.3.1 The proposal requires the making, publicising and confirmation of a new Article 4 Direction in accordance with the legal process and procedures prescribed by Schedule 3 of the General Permitted Development Order 2015 (as amended). There is no right of appeal against the making or the confirmation of an Article 4 Direction, however the decision of the Council to make or confirm an Article 4 Direction can be subject to judicial review proceedings. If the proceedings were successful, the Article 4 Direction could be quashed. The Secretary of State requires to be notified if the direction is confirmed.

## **4.4 Equality and Health**

- 4.4.1 No significant adverse impacts on those with protected characteristics have been identified. An Equality Impact Assessment Screening has been undertaken and approved.

## **4.5 Consultees (Internal and External)**

- 4.5.1 No representations were received as a result of the public consultation.

## **4.6 How the Proposals deliver Priority Outcomes**

- 4.6.1 The Article 4 Direction relates to strategies in the Corporate Plan to protect the historic environment.

## **4.7 Environmental Implications (including climate change issues)**

4.7.1 The Article 4 Direction will help to protect the historic environment. There are no implications for climate change.

## **4.8 Other implications**

4.7.1 None

## **5. Background Papers**

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- 5.1 Planning (Listed Buildings and Conservation Areas) Act, 1990 Section 69;
  - 5.2 Historic England Advice Note 1 – Conservation Area Designation, Appraisal & Management (Historic England, February 2016).
  - 5.3 Barrack Road Conservation Area Appraisal & Management Plan, April 2019
  - 5.4 Cabinet report 8<sup>th</sup> April 2020 - Barrack Road Conservation Area Article 4 Direction 2020
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