

<b>Subject:</b>	<b>Update on proposed Article 4 Directions for Patcham and Rottingdean Conservation Areas</b>		
<b>Date of Meeting:</b>	<b>02 February 2012</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Sanne Roberts</b>	<b>Tel: 2261</b>
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<b>Key Decision:</b>	<b>No</b>		
<b>Ward(s) affected:</b>	<b>Patcham; Rottingdean Coastal</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report provides an update on the approved Article 4(1) Directions for Patcham Conservation Area (approved 23/12/2010) and Rottingdean Conservation Area (approved 26/05/2011), in light of the establishment of the South Downs National Park.
- 1.2 As the boundaries between the Conservation Areas and National Park overlap, it is proposed that the approved Article 4(1) Directions, which would withdraw certain permitted development rights, should be progressed for those areas that do not lie within the National Park, in order to simplify the process of making the Directions and their later management. The areas which fall within both the National Park and Conservation Areas do not contain any dwellings, nor in fact any buildings that are not protected by designation as a Listed Building. As the Article 4(1) Direction relates specifically to dwellings, the proposal does not alter the resulting levels of protection against incremental change in these areas.
- 1.3 It is proposed that the Article 4(1) Directions for Patcham and Rottingdean Conservation Areas are progressed simultaneously with the proposed Article 4(1) Direction in relation to Ovingdean (separate Agenda Item at this meeting), should each recommendation be approved.

**2. RECOMMENDATIONS:**

- 2.1 That the approved Town and Country Planning (General Permitted Development) Order 1995 Article 4(1) Directions for Patcham Conservation Area and Rottingdean Conservation Area are progressed for those parts of the Areas that lie outside the South Downs National Park, and as shown in Appendix 1.

### **3. RELEVANT BACKGROUND INFORMATION**

- 3.1 The Government's Planning Policy Statement 5 on Planning for the Historic Environment (PPS5) and policy HE6 of the Brighton & Hove Local Plan 2005 stress the need to define and record the special interest, character and appearance of conservation areas, through regularly updated character appraisals. Character appraisals were undertaken for Patcham and Rottingdean in 2010 and 2011 respectively. As part of this, a threat of incremental change through permitted development rights was identified. An Article 4(1) Direction under the Town and Country Planning (General Permitted Development) Order 1995 was therefore proposed for each Area and received public support at consultation. The proposal for an Article 4(1) Direction for Patcham Conservation Area was approved on 23 December 2010 and for Rottingdean Conservation Area on 26 May 2011. The permitted development rights proposed to be removed through each Article 4(1) Direction are contained in Appendix 2.
- 3.2 The South Downs National Park Authority became the Local Planning Authority for those areas of Brighton & Hove which lie within the National Park in April 2011. In Patcham Conservation Area, the recreation ground, Patcham Place and Patcham Place Stables lie within the National Park. In Rottingdean Conservation Area the National Park includes the former playing field to Rottingdean School (situated to the rear of The Rotyngs and Burnes Vale) and two other small pockets of open land.
- 3.3 The power to make Article 4(1) Directions in the South Downs National Park lies with the National Park Authority; it does not form part of the powers delegated to Brighton & Hove City Council. As such, and in order to simplify the process of making the Directions and their later management, it is proposed that the Article 4(1) Directions for both Patcham Conservation Area and Rottingdean Conservation Area are made for dwellings in those parts of the area that lie outside the South Downs National Park, as shown in appendix 1.
- 3.4 No dwellings are situated in those parts of the conservation areas contained within the National Park. As such, the proposed alteration is purely a matter of procedure and will not change the proposed level of control in either area.

### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 Consultation on Article 4(1) Directions for Patcham and Rottingdean was undertaken as part of the recent review of each conservation area. There was a good level of support for introducing such controls in both areas, and the proposed Directions subsequently gained approval at CMM.
- 4.2 As part of the statutory process for making an Article 4(1) Direction stakeholders would have another opportunity to provide representation on the proposal. This period of representation would last 21 days. The proposed Direction would be made available at City Direct Offices. All residents in the area would be notified of the proposal by letter, and public notices would be placed in the area, London Gazette and Brighton & Hove Leader. The results of this period of representation would then be considered ahead of any decision to confirm the Direction.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The cost of making the Article 4(1) Directions will be met from within the existing Planning revenue budgets and will largely consist of officer time and the cost of notices in the London Gazette and Brighton & Hove Leader. By making the Article 4(1) Directions for Patcham, Rottingdean and Ovingdean Conservation Areas simultaneously, the overall costs will be reduced.

*Finance Officer Consulted: Karen Brookshaw Date: 23/11/11*

### Legal Implications:

- 5.2 The Council has a duty to preserve and enhance conservation areas, under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The removal of permitted development rights through an Article 4(1) Direction controls incremental change in the area, helping to preserve and enhance its special character.
- 5.3 Article 4(1) Directions are made under the Town and Country Planning (General Permitted Development) Order 1995. Once made a Direction must be advertised and any representations taken into account by the planning authority in deciding whether to confirm the Direction.
- 5.4 As noted in paragraph 3.3, above, Brighton & Hove City Council does not have delegated powers to make Article 4(1) Directions for land within the South Downs National Park. The report therefore recommends a procedure which will simplify the process by which the Directions will be made, and managed, by restricting the Directions to land in relation to which the City Council is local planning authority. .
- 5.5 No adverse human rights implications are considered to arise from the Report

*Lawyer Consulted: Hilary Woodward Date: 24/11/11*

### Equalities Implications:

- 5.6 An Equalities Impact Assessment (EQIA) of the Conservation service was undertaken in 2010 and covers work on the designation of conservation areas, Article 4 Directions, Regulation 7 Directions and lists of buildings of local interest.

### Sustainability Implications:

- 5.7 The proposals in this report have no substantial impact upon the four priorities of the UK's Sustainable Development Strategy (2005) (sustainable consumption and production, climate change, natural resource protection and sustainable communities).

### Crime & Disorder Implications:

- 5.8 None have been identified

Risk and Opportunity Management Implications:

- 5.9 The failure to preserve and enhance the character and appearance of the area and its historic buildings, could lead to adverse publicity for the Council.

Public Health Implications:

- 5.10 Preservation and enhancement of the special interest of a conservation area can improve the well-being and sense of place of existing and/or future inhabitants of the area.

Corporate / Citywide Implications:

- 5.11 The proposals accord with the corporate priority of Creating a Sustainable City, as set out in the Corporate Plan 2011-2015. More specifically the proposed Directions are a response to the Council's priority to create a higher quality built environment and to preserve our architectural heritage.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 None considered.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The recommendation to progress Article 4(1) Directions for those parts of Patcham and Rottingdean Conservation Areas that fall outside the South Downs National Park will simplify the process of making the Directions and their later management. It will not alter the level of control proposed for dwellings in these areas.
- 7.2 The making of an Article 4(1) Direction will help preserve the character and appearance of Patcham and Rottingdean Conservation Areas, for which the Council has a duty. There is broad support for these controls and their introduction is in line with the principles set out in the Council's adopted Conservation Strategy (2003) and with national and Government guidance (English Heritage Guidance 2011, Planning Policy Statement 5: Planning for the Historic Environment).

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Plans showing proposed boundaries for Article 4(1) Direction for Patcham Conservation Area and Rottingdean Conservation Area
2. Proposed permitted development rights to be removed through the Article 4(1) Directions

## **Documents In Members' Rooms**

None

## **Background Documents**

1. Conservation Strategy (2003)
2. CMM Decision for approval of Patcham Article 4(1) Direction (23/12/10)
3. CMM Decision for approval of Rottingdean Article 4(1) Direction (26/05/11)

