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HAVANT BOROUGH COUNCIL

CABINET

29 November 2017

Conservation Area Appraisal, Mill Lane, Langstone

Report by: Jessica Hill

FOR DECISION

Cabinet Lead: Cabinet Lead for Planning and Place-Making

Key Decision: No

1.0 Purpose of Report

- 1.1 The draft character appraisal and management plan for the Mill Lane Conservation Area was considered by the Portfolio holder for Planning in January 2016 and approval was granted for the draft documents to be published for public consultation. The Cabinet also agreed that officers should report back on the outcome of the consultation and any proposed amendments to the draft as a result of this, as well as any potential financial implications arising from this.

2.0 Recommendation

- 2.1 Cabinet are recommended to:

1. Note the responses to the recent consultation (Appendix 3).
2. Approve the proposed changes to the Mill Lane Conservation Area Character Appraisal (as set out in appendix 1).
3. Approve the proposed changes to the Mill Lane Conservation Area boundary (as shown in appendix 2)
4. Recommend to Council that adoption of the Mill Lane Conservation Area Character Appraisal (Appendix 1) becomes a material consideration alongside the local plan.
5. The Cabinet approves the recommendation to implement an Article 4 (1) Direction and delegate authority to the Head of Planning, in consultation with the Cabinet Lead for Economy, Planning, Development and Prosperity Havant, to determine the draft form and content of the direction prior to this being publicised. (See sections 4.6-4.10 and 6.1-6.6 of the report).

Officers to report back to Cabinet at a later date with the draft form and content.

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6. Delegate authority to the Head of Planning, in consultation with the Cabinet Lead for Planning and Place-Making, to make any necessary amendments to the documents listed above. These shall be limited to grammatical, typographical, formatting and graphic design changes and shall not change the meaning of the material.

3.0 Summary

- 3.1 The appraisal is an important part of the Council's statutory duty to prepare and publish proposals to preserve and enhance the Borough's Conservation Area. It does so by defining the unique characteristics which make the area so special and by identifying positive or negative aspects, threats and opportunities to its preservation and enhancement. This provides the foundation for developing practical policies and proposals for the management of the conservation area which will enable it to play a positive role in shaping an economically and socially successful Borough.
- 3.2 This conservation area character appraisal has been prepared as part of a review of the Mill Lane Conservation Area first designated in 1985.
- 3.3 An initial draft was produced for public consultation in January 2016. A letter was sent to all properties within the conservation area, as well as to local amenity groups including the Langstone Residents Association, the Langstone Village Association and other external consultees. An advert was placed in the local press, and a link provided on the main page of the Council's website. The consultation period ran for 6 weeks in and closed on 11 March 2016.
- 3.4 A number of individual responses were received together with detailed representations from The Langstone Village Association and residents of Langstone Residents Association. A final representation of no objection has also been received from the Eastern Solent Coastal Partnership. A final draft taking into account representations is contained in the appendices to this report for consideration by the Cabinet.

Outcome of public consultation

- 3.6 The draft character appraisal and management plan underwent an eight week consultation period between 27 January 2016 and 11 March 2016. A letter was sent to all properties within the conservation area, as well as to local amenity groups including the Langstone Residents Association, the Langstone Village Association and other external consultees. An advert was placed in the local press, and a link provided on the main page of the Council's website.
- 3.7 From the 45 letters sent out to residents, amenity groups and consultees, 10 responses were received, resulting in a total response rate of 22.2%. These

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included responses on behalf of the Langstone Village Association and residents of Langstone Residents Association, as well as individual residents.

- 3.8 Of the responses received only one objected to the Conservation Area Appraisal, strongly objecting to the recommendation for the introduction of the use of Article 4 controls.

4.0 Further consideration of comments raised in the consultation

- 4.1 There were a number of comments about a photograph of the stream used on cover the draft version of the Conservation appraisal, that it did not reflect the character of the area. This has been changed to emphasise the quite leafy lane.
- 4.2 A number of requests for the inclusion of former railway land; the 'railway triangle' to the north and the route of the Billy line links into the Conservation Area on the basis of historic built environment and links to the industrial history of the area. This has been considered appropriate to include into the Conservation Area and is reflected in the new boundary (shown in appendix 2).
- 4.3 Consideration was given to the request to include Southmere the open field to the north of the Conservation Area. However this has not been included for the following reasons:
- The NPPF (para127) requires authorities to justify conservation status because of its special architectural or historic interest, and that the concept is not devalued through the designation of areas that lack special interest.
 - Southmere's use and aspect is disconnected from that of the designated Conservation Area through its agricultural openness;
 - The view across Southmere is restricted to the edge of the area and not into the Conservation Area where the overwhelming feel is of leafy lane rather than open pasture.
- 4.4 There were a number of corrections to the map that were brought to Officers attention through the last consultation and the map has been amended accordingly. Those corrections are:
- a) The removal of two significant trees; the tulip tree at tulip Tree House and the Walnut tree at Claremont.
 - b) The removal of the tree belt in front of Fern House
 - c) The addition of a tree belt along the lane boundary of Flint house
 - d) Green tint of the field adjacent to Gulls Way has been extended to cover the whole of the grazing land
 - e) Amendments to how the boundary walls are depicted at Sweetwaters and Lindis Cottage
 - f) The addition of the old yew tree hedge as a feature
 - g) An additional arrow indicating the view across the meadow towards Mill Lane

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- 4.5 There have been requests for the Conservation Area to include additional land; 'the railway triangle' Site of the former Langstone Halt); Southmere (the open field to the north); the former railway land that borders nos 32 to 46 Langstone road; the sailing club and the peninsula leading to the demolished railway bridge.

Article 4 (1) Direction

- 4.6 Section 2.2 of the draft management plan addresses the need for Article 4 Directions in the Mill Lane Conservation Area. It advises that such a direction can bring within planning control; small scale, incremental changes which could normally be carried out without the need for planning permission. Without further control, certain types of small incremental change could, in themselves, have a detrimental effect on the character of the conservation area by eroding its special qualities as identified in the character appraisal. These would include:

- Insertion of roof light windows
- Erection of boundary treatments up to 1m in height
- Removal of chimneys
- Off street parking and / or hard standing on existing garden frontages
- Painting of external facades on buildings / walls
- Alterations to roof coverings
- Insertion of solar panels
- Removal of existing boundary walls

- 4.7 Base on this, section 2.2 of the draft management plan proposed that an Article 4 (1) Direction should be implemented to cover all unlisted buildings in the conservation area. One objection was raised to this recommendation. However in general, it would appear from the responses received that there is generally support for an Article 4 (1) direction in the Mill Lane Conservation Area. The next section will describe the procedure of making a formal direction.

Procedure for making an Article 4 (1) Direction

There are two types of Article 4 Directions. Immediate Directions which, as the name implies come into effect as soon as they are made, and non-immediate Directions that usually take effect 12 months after being made. Compensation is payable in the case of immediate Directions where subsequent planning applications are refused or permitted with conditions.

Setting aside the immediate effect direction, on the grounds that the type of development that would be restricted would of an incremental nature and therefore not warrant an Article 4 with immediate effect. The procedure would be as follows:

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4.8 The implementation of a direction firstly involves the drafting of a notice which would include the following information:

- A description of the development, the area to which the direction relates and a statement of the effect of the direction.
 - Statement of which permitted development rights are to be restricted.
 - A description of the land subject to the direction, including a map
- Specify that the direction is made under article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended 2017.
- Name the place where a copy of the direction, a copy of a map defining the area to which it relates, may be seen at all reasonable hours.
- Specify a period of at least 21 days, stating the date on which that period begins, within which any representations concerning the direction may be made to the Local Planning Authority.
- Specify the date, on which it is proposed that the direction will come into force, which must be at least 28 days but no longer than two years after the start of the consultation period.
- A copy of the direction and the notice must be sent to the Secretary of State on the same day that the notice of the direction is first published or displayed

4.9 The draft notice must then be publicised. This should include:

- A notice of the direction must be placed in a local newspaper.
- At least 2 site notices (within the area that the direction relates) should be displayed for a period of no less than 6 weeks.
- Notify by letter, the owners and occupiers of the affected properties and land.
- Display a notice of the direction on the Council's website (not a statutory requirement).

4.10 Once the publicity period has taken place, the responses are reported back to the Cabinet, along with a recommendation as to whether or not to confirm the direction and if so, when this should take effect from (i.e. when permitted development rights should be withdrawn). If confirmed, the following actions should be carried out:

- The direction cannot be confirmed until 28 days following the latest date the notice was served.
- If confirmed, a copy of the direction must be sent to the Secretary of State.
- If confirmed, the LPA must give notice of the confirmation and the date the Article 4 (1) Direction comes into force to affected owners and occupiers in the same way as required for the notification of making the direction (see section 6.1. of this report for risk of compensation claims).

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Summary

- 4.11 As per the fifth recommendation of this report, if Cabinet agrees to the recommendation to implement an Article 4 (1) Direction, a draft notice will be drawn up which outlines which permitted development rights should be withdrawn and on which properties prior to publicity being carried out. Based on the outcome of the public notification, the contents of which will be reported back to Cabinet, will be a recommendation of whether or not to grant approval for confirmation of the Article 4(1) Direction, (including a date when this should take effect if granted approval).

5.0 Further Information

- 5.1 No further information.

6.0 Implications

Financial

Risk of compensation claim for Article 4 (1) Direction

- 6.1 The implementation of Article 4 (1) Direction, could pose a financial risk to the Council in terms of potential claims for compensation resulting from the withdrawal of permitted development rights. A claim for compensation could be made to the LPA if planning permission is refused or granted subject to conditions other than those imposed by the General Permitted Development Order for development which, but for Article 4 (1) Direction, would have constituted permitted development.
- 6.2 The claim for compensation could include abortive expenditure and other loss or damage directly attributed to the withdrawal of permitted development right. This can include the difference in the value of the land if the development has been carried out and its value in its current state, as well as the cost of preparing plans for the work.
- 6.3 However, on 6 April 2010, Section 108(2A) of the Town and Country Planning Act came into force and provides that compensation is only payable if an application for planning permission for certain development formerly permitted by the General Permitted Development Order 1995, is made within 12 months of the Article 4 (1) Direction taking effect.
- 6.4 However, no compensation for the withdrawal of permitted development rights is payable if the LPA gives between 12 and 24 months notice in advance of the withdrawal. When deciding to confirm the Article 4 (1) Direction (following the

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notification period), it would be up to Cabinet to decide when the Article 4 (1) Direction would come into effect.

Legal

- 6.5 The Council has powers to make and review conservation areas and management plans by virtue of Part II, section 69 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.6 Any potential legal implications of adopting a management plan for the Mill Lane Conservation Area and the implementation of Article 4 Directions will be subject to a further report to the Cabinet.

Strategy (Community and Corporate)

- 6.7 The completion of the Conservation Area Character Appraisal and Management Plans for the 14 conservation areas in the Borough will help to achieve the Council's aspirations within the Corporate and Community Strategies, in terms of 'improving the design and quality of the built environment and the better maintenance / presentation of public spaces and places'; and within the Regeneration Strategy through 'the improvement of the public realm; the provision of environmental improvements and developing a sense of pride in place; and ensuring quality urban design and distinctiveness' and within the Cultural Strategy through the 'promotion of the local distinctiveness of the Borough'.

Equalities/Customers

- 6.8 None resulting from this report.

Risk

- 6.9 None resulting from this report.

Communications/Public Relations

- 6.10 None resulting from this report.

Appendices

Appendix 1: Amended Mill Lane Conservation Area Character Appraisal

Appendix 2: Amended Conservation Area Charter Appraisal Map

Appendix 3: Mill Lane Conservation Area Character Appraisal Consultation Responses

Background Papers:

None

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Agreed and signed off by:

Head of Legal Services: 31 October 2017

Head of Finance: 3 November 2017

Head of Planning: 21 November 2017

Cabinet Lead for Planning and Place-Making: 8 November 2017

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