



REPORT of CHIEF EXECUTIVE

**to
PLANNING AND LICENSING COMMITTEE
13 JUNE 2017**

CONFIRMATION OF WOODHAM WALTER CONSERVATION AREA ARTICLE 4(1) DIRECTION

1. PURPOSE OF THE REPORT

- 1.1 This report seeks approval for the confirmation of the Woodham Walter Conservation Area Article 4(1) Direction.

2. RECOMMENDATION

That the Article 4(1) Direction in respect of the Woodham Walter Conservation Area is confirmed without modification.

3. SUMMARY OF KEY ISSUES

- 3.1.1 On 2 March 2017, the Planning and Licensing Committee authorised the designation of the Woodham Walter Conservation Area and the making of an Article 4(1) Direction relating to selected historic houses within the Area. The Conservation Area came into immediate effect on that date.
- 3.1.2 On 28 March 2017, a letter including information on the conservation area, a copy of the Character Statement, and notice of the Article 4(1) Direction was hand delivered to all residents of the conservation area. This is the date from which the Article 4(1) Direction provisionally came into effect.
- 3.1.3 The Direction affects the following properties within the conservation area: Church Cottage, Church Hill, CM9 6RJ; Ash Cottage, The Maples, and 1&2 Almshouses all on Rectory Road, CM9 6RE; Lynton House, Severn House, Redbrick Cottage, Wendover Cottage, Ferndale and Fort Cottage all on The Street, CM9 6RF.
- 3.1.4 The effect of the Article 4(1) Direction is the withdrawal from these properties of certain permitted development rights granted under article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The following works now require planning permission:

Class A of Part 1 of Schedule 2 –

- *The alteration of the front elevation of a dwellinghouse affecting windows, doors or other openings including the formation of new openings;*

Class A of Part 1 of Schedule 2 –

- *The application of paint to unpainted brick or stonework of any part of a dwellinghouse fronting the highway.*

Class C of Part 1 of Schedule 2 -

- *Works involving the roof that would consist of or include an alteration to any part of the front roof slope, including the insertion of dormer or other windows in the roofs and the change of roof material or the installation of a microgeneration unit;*

Class G of Part 1 of Schedule 2 -

- *The alteration or removal of a chimney on a dwellinghouse.*

3.1.5 In order for the Article 4(1) Direction to have permanent effect, the Council must confirm it, having taken into account any representation received.

3.1.6 The only representation received in response to the Article 4(1) Direction following its service was from Woodham Walter Parish Council. An email from the Parish Clerk stated that the Parish Council support the Article 4(1) Direction. Taking into account this representation, and considering the unanimous support for the measure received during the consultation process prior to the designation of the conservation area, it is recommended that the Direction is confirmed.

3.1.7 In order to give effect to confirmation of the Direction a further notice will be published and distributed in the same manner as the original notice.

4. CONCLUSION

4.1 Maldon District Council has a commitment to protect and enhance the natural and built heritage of the district now and for the enjoyment of future generations. By confirming the Article 4(1) Direction – which will help preserve and enhance the special character of the Woodham Walter Conservation Area – the Council is conveying its commitment to this.

5. IMPACT ON CORPORATE GOALS

5.1 The recommendations of this report will support Corporate Goals by protecting and shaping the District through the protection and enhancement of the District's distinctive character, natural environment and heritage assets, achieving high quality design in development.

6. IMPLICATIONS

- (i) **Impact on Customers** – Residents included within the new conservation area will be required to obtain planning permission to make certain alterations which are currently permitted development. This burden is, however, necessary in order for the conservation area designation to be meaningful. The duty to preserve or enhance the conservation area's special character and

appearance will protect one of the District's most attractive villages for current and future customers to enjoy.

- (ii) **Impact on Risk** –The withdrawal of permitted development rights by an Article 4(1) Direction may give rise to a claim for compensation if a planning application is refused or granted subject to conditions. Compensation may be claimed for abortive expenditure or for other loss or damage directly attributable to the withdrawal of the permitted development rights (Section 108 of the Town and Country Planning Act 1990). This is considered to be a low risk. Maldon District Council has never received any successful claims for compensation in relation to any of its existing Article 4 Directions. A survey of 72 local authorities carried out in 2008 on behalf of the English Historic Towns Forum revealed no successful cases of compensation claims in relation to Article 4(1) Directions. All of the residents that would be affected by the Article 4(1) direction were consulted on the proposal and no objections to it were made.
- (iii) **Impact on Resources (financial)** – Cost of the publication of notices and printing will be met from the relevant budget.
- (iv) **Impact on Resources (human)** – Preparation and service of notices and letters by the Conservation Officer.
- (v) **Impact on the Environment** – Positive, due to the enhancement and safeguarding of both the natural and built heritage which will ensure its existence for the District now and generations to come.

Background Papers: Article 4 Direction and associated documents and response from Woodham Walter Parish Council.

Enquiries to: Tim Howson, Conservation Officer (Tel: 01621 875725).