

## BURSLEDON, HAMBLE-LE-RICE AND HOUND LOCAL AREA COMMITTEE

THURSDAY 7 JANUARY 2010

CABINET

THURSDAY 14 JANUARY 2010

### NETLEY ABBEY CONSERVATION AREA APPRAISAL SUPPLEMENTARY PLANNING DOCUMENT ADOPTION Report of the Head of Regeneration and Planning Policy

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#### RECOMMENDATIONS

That:

- (1) Bursledon, Hamble-le-Rice and Hound Local Area Committee recommend that Cabinet:
  - i. Approves the Article 4(2) Direction served on the properties identified in the Netley Abbey Conservation Area Appraisal for confirmation;
  - ii. Approves the Netley Abbey Conservation Area Appraisal SPD for adoption by the Council.
- (2) Cabinet supports the above recommendations, subject to any amendments suggested by the Bursledon, Hamble-le-Rice and Hound Local Area Committee.

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#### Summary

Following a positive response to the consultation on the draft Netley Abbey Conservation Area Appraisal and the subsequent service of the article 4(2) direction, it is recommended that the article 4(2) direction is confirmed and the Netley Abbey Conservation Area Appraisal be formally adopted.

#### Statutory Powers

Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69;

Town and Country Planning (General Permitted Development) Order 1995 (As amended).

## **Introduction**

1. A draft appraisal of the Netley Abbey Conservation Area was approved for consultation at Cabinet on 5 February 2009 and the meeting of the Bursledon, Hamble-Le-Rice, Hound Local Area Committee on 19 February 2009.
2. Following this consultation period, a report was submitted to the meeting of the BHH Local Area Committee on 2 July 2009 and Cabinet on 9 July 2009, where approval was given for the service of the suggested article 4(2) direction. The report set out the steps required to adopt and implement the proposals in the draft document.
3. The adoption of the Netley Abbey Conservation Area Appraisal SPD was postponed until the completion of the statutory consultation period following the service of the article 4(2) direction. This report sets out the representations received in response to that consultation and the subsequent changes made to the draft SPD and article 4(2) direction.

## **Article 4(2) Consultation**

4. A number of properties were identified in the draft SPD as having architectural features worthy of conservation, which can be best protected by using article 4(2) direction under the Town and Country Planning (General Permitted Development) 1995 (As amended). These remove permitted development rights thereby requiring householders to seek planning permission for certain changes as set out in the Netley Abbey Conservation Area Appraisal (see Appendix C of the final document). The use of article 4(2) direction therefore allows the Council to exercise greater control over changes to features of these particular buildings.
5. The statutory article 4(2) consultation took place between 22 October 2009 and 23 November 2009 with notice of the article 4(2) direction being formally served on the owners and occupiers of properties affected and a notice placed in the local press. 1 response was received, that was supportive of the direction. This reflects the feedback received during the consultation on the draft Netley Abbey Conservation Area Appraisal, which was reported at the meeting of the Bursledon, Hamble-Le-Rice, Hound Local Area Committee on 2 July 2009 and Cabinet on 9 July 2009, from which a total of 14 responses to the document have been received, all supportive or offering no objection to the proposals in relation to the principle of introducing Article 4(2) direction and the appraisal of the architectural and historic interest of the conservation area.
6. As a result of the consultation, no changes are proposed to the article 4(2) direction that has been served.

## **Adoption of the Netley Abbey Conservation Area Appraisal SPD**

7. The adoption of the SPD will provide the Council with greater control over changes to particular built features of architectural historic interest in the

Conservation Area and provide additional guidance supplementary to the South East Plan, and the Council's Local Development Framework. The SPD will be a tool to be used by residents and developers when considering development within the conservation area. The Borough Council, as the local planning authority, will use it, together with the article 4(2) direction, to inform planning decisions and future development.

8. As discussed above, a positive response has been received in relation to the appraisal of the conservation area and the SPD produced. As a result of the consultations, aside from a number of minor editorial changes, the content of the SPD is unchanged.

### **Financial Implications**

9. Any administrative and printing costs associated with the process will be covered by budgets held by the Head of Regeneration and Planning Policy.
10. Part Two of the appraisal consists of a management strategy which sets out proposals to enhance and improve, where appropriate, the area designated as a conservation area. There may be cost implications with a number of the proposals, however the Council is not committed to providing funding for these and funding would need to be sought prior to the proposals being implemented which would be the subject of separate reports.
11. There is no planning application fee payable for applications made necessary because of the Article 4(2) Direction.
12. There is a statutory requirement to give notice of the confirmation of the Article 4(2) Direction by local advertisement and by serving notice on the owners/occupiers of every dwelling/house to which the Article 4(2) Direction relates. If the Article 4(2) Direction is confirmed a press notice of confirmation will be advertised in the Daily Echo. It is considered that the newspaper advertisement would cost in the order of £1000 and that this will be covered by budgets held by the Head of Regeneration and Planning Policy.

### **Legal Implications**

13. The Article 4(2) Direction came into force on the date the notice was served on the relevant owners/occupiers (22 October 2009). From 22 October 2009 the owners/occupiers of the dwelling/houses affected by the Article 4(2) Direction must submit a planning application in respect of works in the second schedule of the Article 4(2) Direction which relate to their property. If the Article 4(2) Direction is confirmed then this will continue to be the case.

### **Risk Assessment**

14. An Article 4 direction removes some permitted development rights in order to preserve historical architectural details. Without these controls it is highly likely that the details will be lost, degrading the historical and architectural assets in the area. There is a slight possibility of someone trying to claim against this

loss of freedom, although it only applies to a limited range of built features which are unlikely to result in any justified claim.

## **Equality and Diversity Implications**

15. The consultation carried out has included all those who are likely to be affected by the proposals in the document together with all relevant community groups likely to have an interest in the Netley Conservation Area.

## **Conclusion**

16. The Netley Abbey Conservation Area Appraisal seeks to offer an assessment and understanding of the special interest, character and appearance of the existing conservation area. A number of proposals have been put forward to assist in the implementation of local plan policies and in development control decision making, to preserve and enhance the designated area for existing and future generations.
17. These proposals include the confirmation of an article 4(2) direction that will provide the Council with greater control over architectural details on certain properties. Support for these proposals has been received from local residents and interested parties following comprehensive consultation.

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Appendices Attached: Nil (the SPD can be viewed on the Council's website:  
[http://www.eastleigh.gov.uk/PDF/NetleyAbbeyConservAr  
ea211209.pdf](http://www.eastleigh.gov.uk/PDF/NetleyAbbeyConservAr ea211209.pdf))  
Report No PP00099

### **LOCAL GOVERNMENT ACT 1972 - SECTION 100D**

The following documents disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report:

- Background Papers:  
Report to BHH of the 19 February 2009 and Cabinet of 5 February 2009 and the accompanying Draft Netley Abbey Conservation Area Appraisal.  
Report to BHH of the 2 July 2009 and Cabinet of 9 July 2009.  
Planning (Listed Buildings and Conservation Areas) Act 1990.  
Town and Country Planning Act 1990.  
Planning Policy Guidance Note 15: Planning and the Historic Environment.  
Town and Country Planning (General Permitted Development) Order 1995.  
Eastleigh Borough Local Plan Review (2001 – 2011) (Adopted May 2006).  
English Heritage Guidance on Conservation Area Appraisals  
English Heritage Guidance on the Management of Conservation Areas