

**NORTH LINCOLNSHIRE COUNCIL**

**PLANNING COMMITTEE**

**LISTED BUILDINGS AND CONSERVATION AREAS ACT 1990 (THE ACT).  
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
ORDER 1995 (THE ORDER)**

**ARTICLE 4 DIRECTIONS –  
THE CONTROL OF MATERIALS AND DESIGNS.**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To highlight the need for a robust, open and consistent approach to decision-making on applications submitted for planning permission within conservation areas based upon the findings of recent reviews that have identified which buildings are important in conservation areas and which are not.

**2. BACKGROUND INFORMATION**

- 2.1 Of the council's 17 conservation areas 9 benefit from Article 4 Directions. In information published to explain conservation areas to the Directions are referred to as forming Areas of Special Control (ASC). Within these areas the effect of a Direction is to bring certain minor development works on family dwellings (new windows and doors etc.), under planning control.
- 2.2 Most conservation areas were last increased in extent following the review of conservation areas commenced in 2001. The review also identified that inappropriate minor works was eroding the character of conservation areas in North Lincolnshire. In particular the use of non-traditional materials and architectural design features was identified as significant, large amongst which was the installation of plastic (PVCu), windows and doors.
- 2.3 Outcomes from that review were adopted as Supplementary Planning Guidance (SPG) during 2004 and 2005. One important feature of the review was the identification of which buildings contributed in a positive way to the character of the conservation areas and, which buildings did not (See the example at Appendix 1. – this shows buildings of townscape merit, buildings of neutral and of negative impact upon character).

- 2.4 New directions requiring planning permission for certain general classes of works can be made under Article 4(2) of The Order. When it adopted the conservation area SPGs the council also authorised the making of new directions covering the full extent of all 17 conservation areas.
- 2.5 Implementing council resolutions on the making of directions is proving to be a lengthy process. It is anticipated however, that the first new directions covering the full extent of conservation areas will be issued prior to the end of this year. Old directions (aside from New Frodingham where for technical reasons the existing direction would be retained), would be revoked as the new ones come into place.
- 2.6 In the mean time due to recent amendments in the provisions of The Order existing 9 directions are proving increasingly difficult to administer. These old directions however, keep generating planning applications.
- 2.7 These are assessed against policy provision the application of which is informed by the guidance in the adopted SPGs. These documents identify three classes of buildings within conservation areas by reason of their contribution that they make to the character of conservation areas – positive (largely traditional buildings of townscape merit), neutral (altered traditional buildings), and; negative (substantially altered buildings of traditional form and/or, buildings not of the idiom contributing toward character).
- 2.8 SPG guidance states that traditional materials and designs should be used across all building categories – positive, neutral and negative. However, a judgement has always to be made concerning the impact of the proposed changes upon the character and appearance of the conservation area as a whole. This is creating difficulties in assessment by officers and members.
- 2.9 It is increasingly evident however, that were windows and doors are concerned, the prevalence of plastic throughout conservation areas means that the application of the current policy within the context established by the guidance offered is often at odds with practical assessments in terms of character and appearance.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Maintain the current policy/guidance position for now and into the future when the new Article 4(2) Directions come into being.
- 3.2 Seek to address conflicts between policy/guidance and the practical assessment of character impacts in terms of negative and neutral buildings by changing the form of the guidance in the SPGs. Applications generated by the presence of Directions (be these old or

new ones), would then be assessed on merit. i.e. taking into account the policy/guidance requirements but not being bound by it.

#### 4. ANALYSIS OF OPTIONS

- 4.1 Whilst in general terms the value of Directions to the preservation and enhancement of character and appearance is evident, the advance of platicisation and the subsequent loss of traditional joinery features has proven difficult to control. A four-year rule relating to residential property means that if changes are not picked up within that period, the works become immune from enforcement proceedings.
- 4.2 Elsewhere, beyond the extent of Directions, inappropriate windows and doors have come to dominate some parts of conservation areas in North Lincolnshire.
- 4.3 Prior to the commencement of survey work in 2001 it was thought possible to closely control “platicisation”. However, now it is evident that things have moved on and the control approach enshrined in the SPGs no longer seems tenable.
- 4.4 With respect to applications within conservation areas the number of circumstances where this policy approach is clear-cut and where therefore, decisions can be made strictly in accordance with policy is declining. Recently several applications for “minor works” have come before the committee and have proved controversial particularly where the buildings are defined as neutral or negative. .
- 4.5 There is evidence to suggest therefore, that existing controls over minor works in such areas have not been wholly effective. Given this and that the new Article 4(2) Directions will include numerous residential properties identified as not contributing toward character; it seems evident that the administration of planning control in such areas needs to be reassessed. Without this the decision process itself will be undermined and held up to ridicule. The option to maintain the current position is therefore, not considered a sound one. Things have moved on and a new line needs to be drawn. .
- 4.6 As stated above current arrangements are causing difficulties in the assessments made by planning officers. On the one hand, there is policy interpreted through available guidance that requires the use of traditional materials and designs. On the other are buildings of little architectural or historic merit that contribute little or nothing toward the character of conservation areas. The SPG therefore, effectively attempts to apply the same standards to buildings of neutral and negative character impact as it does to those that do contribute toward character.

- 4.7 As a result of this on neutral and negative buildings or, in parts of conservation areas where plastic has become established by default, there will be an increasing disparity between what policy/guidance requires and what appears practical.
- 4.8 The making of new Article 4 (2) directions is subject to procedure and therefore, it will take some time to get them in place. The basis of the conservation area reviews however, is an attempt to assess objectively which buildings do contribute toward the character of conservation areas and which do not. It seems logical therefore, to frame the assessment of applications generated by directions in this way both for the new directions and for the interim in assessing new applications for planning applications generated by the old Directions..
- 4.9 Without an established protocol addressing existing policy/guidance, conflicts between policy and practical considerations will persist. It is suggested therefore, that members consider allowing the introduction of a protocol for now and into the future whereby, applications for minor works alterations to non listed buildings in conservation areas are assessed on the basis of the known contribution of that building to the character of the conservation area concerned as defined in adopted SPG.

## **5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

### **5.1 Financial**

- 5.1.1 From a development control perspective it is likely that adoption of a process based upon evidence of a positive contribution to the character of conservation areas will lead to a reduction in duplicate applications and appeals (there is no fee paid for an application made under an Article 4 direction). This is likely to result in timesavings and a more robust system may mean less likelihood of costs being awarded against the council at appeal.

### **5.2 Staffing**

- 5.2.1 From a development control perspective the introduction of a decision system based upon buildings of townscape merit is likely to clarify the decision process and thus free up time

### **5.3 Property**

- 5.3.1 May impact upon council owned properties in conservation areas.

## 5.4 IT

5.4.1 Support will be required in developing the access systems for information on buildings of townscape merit.

## 6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)

### 6.1 Statutory

6.1.1 None.

### 6.2 Environmental

6.2.1 Emphasis upon quality in area character amongst buildings of townscape merit will ensure the retention of character and local distinctiveness.

### 6.3 Diversity

6.3.1 None.

### 6.4 Section 17 – Crime and Disorder

6.4.1 None.

### 6.5 Risk

6.5.1 None.

### 6.6 Other

6.6.1 SPGs are part of the Development Framework and as such any suggested amendment would have to be approved by Full Council

## 7. OUTCOMES OF CONSULTATION

7.1 Comments of Legal Services, particularly with respect to the nature of the recommendation and the need for consideration by Full council as part of the Development framework are noted and the report amended accordingly.

7.2 Comments of the Head of Planning concerning the form of the report; the drafting of certain sections, and; the wording of certain clauses noted and incorporated into the report.

7.3 Financial Services – no objections or comment.

7.4 No other formal comments or objections received.

## **8. RECOMMENDATIONS**

8.1 That this committee recommends to Full Council that, with respect to decision making on applications for minor works on family dwellings arising from the current Article 4 Directions and, for the purpose of any new controls as may be designated under Article 4(2) of The Order, guidance relating to material use on buildings identified as having a neutral or negative impact upon character as defined in the various SPG documents, be amended such that the use of traditional materials and designs is no longer specified.

## **SERVICE DIRECTOR HIGHWAYS AND PLANNING**

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### **Background Papers used in the preparation of this report**

Article 4 Directions – Former Glanford borough Council  
Article 4 Direction – New Frodingham – Former Scunthorpe Borough Council  
Conservation Area appraisals and Supplementary Planning Guidance – North Lincolnshire Council – 2001/2005

**Figure 1.**  
**Extract from Alkbrough Conservation Area Townscape Analysis.**

Buildings of Townscape Merit shown green.  
Buildings of Neutral impact upon character shown beige.  
Buildings of Negative impact upon character shown mauve.  
Conservation area Boundary (Part) shown orange.

