

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 (GPDO) – ARTICLE 4
ARTICLE 4 DIRECTION - CONFIRMATION PROCEDURE - CONSIDERATION OF
REPRESENTATIONS**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To bring to the attention of Members a representation by a resident of Brigg to the Direction.
- 1.2 In light of the representation, to advise whether the Direction should be confirmed or not.

2. BACKGROUND INFORMATION

- 2.1 The Brigg Conservation Area Appraisal contains a management plan referring to the need to address the erosion of historic character resulting from minor works of permitted development. The council endorsed this plan when the appraisal was adopted as Supplementary Planning Guidance in 2004.
- 2.2 At its meeting in August 2010 the planning committee was informed of a further survey of conservation area condition which identified a continued deterioration in the character of all the council's conservation areas. At that meeting members authorised a programme for making Article 4 Directions controlling minor works in conservation areas.
- 2.3 The Direction for Brigg was advertised by means of site notices placed throughout the area and by a public notice in a locally circulating newspaper. This has resulted in one letter of representation from a person resident in the Brigg conservation area (Appendix 1).
- 2.4 Provisions within the GPDO require that any representations made during the period within which the intention to make a Direction is advertised must be considered and taken into account in any decision on whether or not to confirm the Direction.

- 2.5 The representation made is that in maintaining his property the correspondent can see no reason why any further controls should be placed upon him or upon other owner/occupiers of properties in the Brigg Conservation Area.
- 2.6 The correspondent supports his opinion by reference to his past works to form a new means of vehicular access and to create a vehicle parking area. He suggests that as these works required planning permission, there is no need for the further controls as specified in the Direction. He states that his neighbours have kept their properties in good order without the need for such controls.
- 2.7 In addition, the correspondent considers that provisions requiring the submission of planning applications for the painting of properties will inhibit normal maintenance. He goes on to suggest that similar provisions concerning the removal and/or erection of walls and fences are not tenable because walls in the area of his property are affected by the action of tree roots.
- 2.8 The need for controls over the formation of hard surfaces should be judged against what the correspondent considers is the council's poor record in maintaining pavements.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 **Option 1** – decline to confirm the Direction (agree with the correspondent that there is no need for controls over minor works)
- 3.2 **Option 2** – confirm the Direction with modifications (removal of the provisions of the Direction as referred to by the correspondent).
- 3.3 **Option 3** – confirm the Direction as made.

4. **ANALYSIS OF OPTIONS**

- 4.1 The correspondent is correct to state that creating a new means of vehicular accesses to classified roads requires planning permission and that these works were properly considered by the council. That an application was required for that work however, does not bear directly upon the case for additional controls over minor works not currently requiring planning permission.
- 4.2 In practice without a provision about the demolition of walls the council is not able to consider the suitability of demolishing all walls in the conservation area. For example, on classified roads, if no new access is proposed, walls up to one meter high could be removed without planning permission.

- 4.3 Away from classified roads, even if a new access was proposed, walls up to one meter high could be removed without reference to the council. As most walls highway in the conservation appears to be less than one meter high and as many do not front a classified road, significant changes can currently be made to the character and appearance of the conservation area.
- 4.4 In addition, without the provisions in the Direction concerning the erection of new fencing, the council would not be able to consider the suitability of removing walls of less than one meter. Nor would it be able to consider the replacement of fencing or walling up to one meter high adjacent the highway or two meters elsewhere.
- 4.5 The correspondent's case is based upon an assertion that in his experience people living in the conservation area already "behave" correctly. Survey evidence however, suggests that this is not the case, an annual survey of conservation area condition undertaken by English Heritage supports this finding. This year most conservation areas in the borough were assessed to be exhibiting declines in character brought about mainly by the impact of minor works. The Crowle conservation area was formally classified as being at risk for this reason.
- 4.6 Members will be aware for example how contentious minor works such as painting the exterior of buildings can be. There have been several examples of this in a number of the council's conservation areas, Brigg included.
- 4.7 The provisions in the Direction concerning painting are aimed at allowing the council to consider whether such proposals are acceptable. Further, if this is not the case, to negotiate suitable compromises bearing in mind that such minor works can easily damage the character of conservation areas. The council would also be able to act through its enforcement powers to require planning applications for painting undertaken without permission.
- 4.8 Planning controls have been introduced nationally to control other works which some argue can have less impact than painting. For example, in conservation areas controls already exist over cladding materials. In addition, the painting of a listed building (there are many in Brigg) requires listed building consent. There is no evidence that the existence of these controls has inhibited normal maintenance of buildings as is suggested.
- 4.9 That walls in the area may be affected by the action of tree roots could be a material consideration in the determination of any application for the removal of walling or its replacement. It does not however, relate to the matter in hand which is the reason why the controls over minor works are needed. Matters raised by the correspondent in this respect are upon the premises that in his opinion any additional controls over

minor works are not needed. There is however, considerable evidence that in fact this is not the case.

- 4.10 The maintainance condition of the highway is important to the appearance of the conservation area and negotiations on maintenance regimes have resulted in the modification of some schemes. In general when considering works within conservation areas the council's highway engineers take the designation into consideration. That some consider the council's works within the highway poor however is not a reason for the council to modify its position on the need to control certain forms of minor works.
- 4.11 On balance and taking into account the representations made and the available evidence as to the condition of the Brigg conservation area, there is no evidence to support Options 1 or 2 above and therefore, members are advised to follow option 3 above – that the Direction be confirmed as made.

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

5.1 Financial

- 5.1.1 There is no direct financial consequence arising from not confirming the Direction or confirming it as modified in some way. There may however, be longer-term financial consequences for Brigg if this occurs however.
- 5.1.2 The Direction is aimed at better management of the existing character and appearance of the conservation area. The character of the area has contributed toward securing inward investment of various kinds precisely because the town is so characterful. Not to confirm the Direction or to relinquish some key controls could jeopardise aspects of the future character of the area.
- 5.1.3 The council has already noted and taken action in Crowle to address issues concerning the character of that historic area. In particular with a view to reversing a serious problem with the perception of Crowle as a place within which to live and invest, the council has engaged in various strategies aimed at changing the perception of that place. One means of achieving this has been through the making of a Direction there.

5.2 Staffing

5.2.1 There are no staffing implications that apply if the Direction is not confirmed, as it will lapse.

5.2.2 In terms of confirming the direction either as made or as modified (that is by establishing the administration of a new direction using current staffing levels), it is estimated that the impact of additional planning applications will be very limited annually and that additional staffing will not be required.

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 Emphasis upon quality in area character amongst buildings of townscape merit will ensure the retention of character and local distinctiveness. Not to confirm the Direction as made could jeopardise this

7. OUTCOMES OF CONSULTATION

7.1 Awaited

8. RECOMMENDATIONS

8.1 That the council having taken into consideration all representations confirms the Article 4 Direction as made.

DIRECTOR OF INFRASTRUCTURE SERVICES

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DN15 6NL.

Author Ian Goldthorpe .
Date: 7 April 2011

Background Papers used in the preparation of this report

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
ORDER 1995 (AS AMENDED 2010)

BRIGG CONSERVATION AREA APPRAISAL AND SUPPLEMENTARY PLANNING
GUIDANCE 22.01.2004.

Merivale
Bigby Road
Brigg
North Lincolnshire
DN20 8HN

23 February 2011

Services Director
Legal and Domestic Services
Pittwood House
Ashby Road
Scunthorpe
DN16 1AB

For the Attention of M Wood

Dear Sir/Ms,

Proposed Conservation Area Extension in Bigby Road, Brigg.

I refer to your notice tied to a post in the centre of Brigg dictating that certain houses on the east side of Bigby Road are to be made a conservation area. Since purchasing my home in 1967 I have made alterations in order to facilitate car parking to get my car off the street. Those alterations were made to be in sympathy with the surroundings and were carried out with normal planning approval. My neighbours have kept their properties in a respectable manner during my time of residence in Brigg and I see no reason to subject them or myself to more restrictions than have previously applied. Unless this is more regulation for the sake of regulation and collection of fees and taxes.

Your notice inferred restrictions on painting. I see this as having the potential to inhibit and prevent normal maintenance of property. The erection of walls and fences is mentioned. The iron railings which surmounted the front walls of our properties were removed by order during the 1939-1945 War. The walls have been in decay ever since aided by the intrusion of tree roots from roadside trees. I rebuilt the front walls of Merivale in 1976 and had to excavate to a depth of four feet to avoid the tree roots.

I see that there is also mention of the provision of a hard surface at the front of our properties. You may care to note that three years ago the paved foot path outside our houses was replaced by asphalt which so sealed and prevented rainwater draining away that parts of the footpath are now at times flooded and are a nuisance to people walking. There has also appeared evidence of roots spreading from one roadside tree so that I have had to excavate a trench in front of my bay window and set a concrete barrier to prevent further intrusion. The trees were pollarded possibly about 60 years ago and have now grown to a height considerably exceeding that of the houses. I do not believe that any council official has any idea of the damage caused to our properties. In this past year I have had to climb a ladder seven times to clear gutters of leaves. The slime left on the public footpath from the trees at other seasons when leaves are not falling is also a nuisance.

I wish to object most strongly to having a conservation order imposed upon my property.

Yours faithfully,



B K Cawkwell

