

ENVIRONMENT COMMITTEE
29 NOVEMBER 2012

Report of Director of Planning and Housing Services

REVIEW OF THE ARTICLE 4 DIRECTION - MATLOCK BRIDGE

SUMMARY

This report advises Members that a review of the Matlock Bridge Article 4 Direction has been undertaken and on the basis of the review seeks authority to retain the Direction without modification.

RECOMMENDATION

1. That existing the Matlock Bridge Article 4 Direction be retained without modification
2. That a further report be presented to a future meeting of this Committee that considers the potential for extending the Article 4 Direction to other parts of the Conservation Area.

WARDS AFFECTED

Matlock All Saints

STRATEGIC LINK

The Article 4 Direction in Matlock Bridge contributes directly contribute to the Councils aim to improve the quality of life and to protect and enhance the environment.

1. BACKGROUND

- 1.1 In 2003 the Matlock Bridge Conservation Area Character Appraisal was undertaken, and formed an integral part of the bid for funding for a Heritage Economic Regeneration Scheme from English Heritage. The funding bid was subsequently approved and as a result grant aid, for repairs and restoration of historic properties in the Conservation Area (both commercial and residential) was made available to tenants and property owners.
- 1.2 The submission to English Heritage for grant funding included a proposal to introduce an Article 4 Direction as a means of maintaining the character and appearance of the Conservation Area and of protecting the investment made through the HERS. In October 2006 an Article 4 Direction was therefore introduced (and supported by the Secretary of State) to 113 properties in the Conservation Area (Minute 407/06 refers) (see Appendix 1).
- 1.3 The Article 4 Direction currently removes permitted development rights for residential properties in respect of replacement doors & windows, construction of hard-standings, installation of satellite dishes, alteration to roofs and chimneys and boundary treatments. In respect of commercial properties it requires that planning permission is applied for in respect of painting of shopfronts and for proposed boundary treatments.

In some cases, the Direction is restricted to those elevations most visible in the streetscene.

- 1.4 Guidance issued by the Department for Communities and Local Government in Appendix D (revised) to DoE Circular 9/95: General Consolidation Order 1995 recommends that Article 4 Directions be regularly monitored and reviewed to determine whether the original rationale for the Direction remains valid.

2.0 REPORT

- 2.1 Since the Article 4 Direction was introduced in 2007, 50 applications for works to properties within the Matlock Bridge Conservation Area have been received. Of these, 37 were applications for planning permission of which only five were for works restricted under the Article 4 Direction. Of these three were made in respect of residential properties (replacement windows and door, repainting of masonry and new gates) and two in respect of commercial properties (repainting of shop front and infilling of doorway).
- 2.2 A photographic survey of the properties included in the Matlock Bath Article 4 Direction was undertaken at the beginning of November 2012. As a result of this survey it is evident that, of the 16 alterations made to properties since 2007 virtually all have resulted in a positive improvement to those premises.
- 2.3 Whilst some of the changes have been relatively minor, such as changing the colour of a door, or fascia, some others have been more significant e.g an entire shop front painted in a more traditional colour, or replacement windows/doors have improved residential properties. There have been a couple of instances where the colour of fascia signage has been altered to a negative degree, but this is not controlled via the Article 4 Direction.
- 2.4 Overall it is considered that the Matlock Bridge Article 4 Direction has been beneficial to the area and it is therefore recommended that the current Matlock Bridge Article 4 Direction remains in force without modification.
- 2.5 In July 2008 the Council approved an extension to the Matlock Bridge Conservation Area, which included a number of buildings around Crown Square and Hall Leys Park. The properties and land contained within this extension are currently not subject to an Article 4 Direction.
- 2.6 The extended Conservation Area now includes commercial buildings and land around Crown Square and Hall Leys Park. Many of these buildings have a similar character and appearance to those buildings situated on Dale Road. As such there is an argument that properties within the extended part of the Conservation Area could merit being covered by the Matlock Bridge Article 4 Direction as they are of a similar age, character and appearance. However it is considered that given the current economic climate, any restrictions could potentially lead to additional costs for the businesses which would be harmful to the local economy. As such it is recommended that the Article 4 Direction is not extended at this time, but be subject to a further review and report to a future meeting of this Committee.

3.0 RISK ASSESSMENT

- 3.1 Legal

The report proposes actions which fall within the Town and Country Planning Act 1990
The legal risk is therefore, low.

3.2 Financial

There are no financial risks arising from this report. The cost of the Conservation Area Character Appraisal Programme can be contained within existing budgets.

4.0 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

5.0 CONTACT INFORMATION

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6.0 BACKGROUND PAPERS

Description	Date
Report to Partnership and Regeneration Committee	11 th December 2006
Department for Communities and Local Government Replacement Appendix D to DoE Circular 9/95 : General Consolidation Order 1995.	November 2010
Planning (Listed Buildings and Conservation Areas) Act 1990 Town and Country Planning (General Permitted Development Order) 1995 as amended in 2008 and 2012	2008 and 2012

7. ATTACHMENTS

Appendix 1 : Matlock Bridge Conservation Area and existing Article 4 Direction