

TELFORD & WREKIN COUNCIL

CABINET – 25 JUNE 2015

PROPOSED ARTICLE 4(1) DIRECTION FOR HAYBRIDGE HALL

REPORT OF THE ASSISTANT DIRECTOR: PLANNING SPECIALIST

LEAD CABINET MEMBER – COUNCILLOR RICHARD OVERTON

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 Planning application TWC/2014/0228 for the erection of 4no. bungalows following the demolition of Haybridge Hall flats was refused by the Council's Planning Control Committee on 14 January 2015 for the following reason:
- 1.2 *The proposal would result in the loss of architecturally distinguished building. The replacement bungalow development fails to respond positively to its context and fails to influence positively the appearance and use of the local environment. As such it falls short of policy expectations set out in national planning policy as well as Core Strategy Policy CS15 and Local Plan Policy UD2.*
- 1.3 Following that decision of the Planning Committee the building was also put on the local list of buildings of significance. It is therefore considered to be a Heritage Asset as defined in the National Planning Policy Framework (NPPF) and should be afforded appropriate protection.
- 1.4 However the local listing status of the building does not afford it any further protection from demolition which can be carried out as permitted development under the provisions of The Town and Country Planning (general permitted Development) (England) Order 2015.
- 1.5 Any proposed demolition would require the applicant to submit an application to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. This provides a degree of control in that the Council can demand that prior approval is sought regarding the method of demolition and proposed restoration of the site. However, it does not protect the building from demolition.
- 1.6 An Article 4 Direction may be made by the Local Planning Authority to restrict the scope of permitted development rights either in relation to a particular area or site. Where an Article 4 Direction is in effect, a planning application would be required for development that would otherwise have been permitted development. In this case the permitted development would be the demolition of the building.

- 1.7 Government guidance on when and how to make an Article 4 Direction states that Local Authorities should consider making Directions only in those exceptional circumstances where the exercise of permitted development rights would harm local amenity, the historic environment or the proper planning of the area.
- 1.8 The Local Planning Authority has been notified by the owner's agent that a prior approval application for the demolition of the building is being prepared and it is considered that the building is at significant risk of imminent demolition.

2. RECOMMENDATIONS

- 2.1 That Cabinet delegate authority to Director: Neighbourhood, Customer and Cultural Services, in consultation with the Lead Cabinet Member Housing, Public Health and Protection, to determine whether a Direction (with or without immediate effect) should be made under Article 4 (1) of the Town and Country Planning (General Permitted Development Order) 2015 to remove permitted development rights under Schedule 2, Part 11, Class B (Demolition of buildings) from the site at Haybridge Hall Flats, Haybridge Road, Hadley.
- 2.2 That Cabinet delegate authority to Director: Neighbourhood, Customer and Cultural Services, in consultation with the Lead Cabinet Member Housing, Public Health and Protection, to make the Direction referred to in paragraph 2.1 above
- 2.3 That Cabinet delegate authority to Director: Neighbourhood, Customer and Cultural Services to exercise all the powers conferred on the Council regarding the making, processing and confirmation of the Direction referred to in paragraph 2.1 above.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	Housing, Regeneration and Prosperity (outcome No.3).
	Will the proposals impact on specific groups of people?	
	Yes	People living within the Hadley and Leegomery Ward in particular and people living in the rest of the Borough.
TARGET COMPLETION/DELIVERY DATE	Immediate.	
FINANCIAL/VALUE FOR MONEY IMPACT	Yes/No	There are no direct financial implications to the Council of approving the recommendations as set out in this report. If the owners of the property challenge the making of the Direction through judicial review, the Council may incur associated costs, estimated at £10,000, which will be met from within existing budgets. Should the challenge be successful, the owners may be able to claim compensation costs from the Council. JAC 030615
LEGAL ISSUES	Yes	Cabinet has power to authorise the making of the Article 4

		<p>Direction as mentioned in this report. The Direction can be made with or without immediate effect. However, in these circumstances, it is likely that, if it proves necessary to make the Direction, it will need to be made with immediate effect.</p> <p>If the Council makes the Direction as proposed to remove the ability of the owner to implement the permitted development to demolish and if an application is then made for planning permission to demolish and that application is refused or granted subject to conditions, compensation may be payable if it can be proved that expenditure has been incurred in carrying out abortive work or loss or damage has otherwise been sustained as a result of the removal of the permitted development right.</p>
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	The proposal will prevent the uncontrolled demolition of a locally important historic building and has the opportunity to secure its long term future.
IMPACT ON SPECIFIC WARDS	Yes	Hadley and Leegomery. Councillors Leon Murray, Robert Sloan and Malcolm Smith

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 Haybridge Hall is on the Council's Local List and is considered to be a Heritage Asset as defined in the National Planning Policy Framework (NPPF).
- 4.2 Core Strategy Policy CS14 (Cultural, Historic and Built Environment) states that the Borough's cultural, historic and built environment assets create the Borough's local character and distinctiveness and help to deliver our wider economic, social and environmental objectives. The policy seeks to protect and enhance the Borough's existing, unique built and cultural assets and to deliver new development to support a rich cultural fabric by (amongst other things) protecting and enhancing the historic environment, cultural and built heritage.
- 4.3 Saved Wrekin Local Plan Policy HE25 (Buildings of Local Interest) states that the Council will seek to ensure that buildings of local interest are preserved and enhanced and will encourage their full and appropriate use. The supporting text to the Policy states that it is important that buildings of significant local value should be retained and taken forward positively for future generations.
- 4.4 In January 2015 the Council's Planning Committee refused a planning application for the erection of 4no. bungalows following the demolition of Haybridge Hall flats (application reference TWC/2014/0228).
- 4.5 It is understood that the building dates back to the 1800s and the Council's Built Heritage Conservation Officer considers that the building is of sufficient surviving architectural quality and local history and that it represents one of the few surviving structures that represent the origins of the settlements of Hadley and Haybridge prior to the over-whelming post war development of the area post 1947 (see photographs at Appendix 1)

- 4.6 The reason for refusal of the planning application stated that “*The proposal would result in the loss of architecturally distinguished building. The replacement bungalow development fails to respond positively to its context and fails to influence positively the appearance and use of the local environment.*”
- 4.7 The applicant’s agent has stated that it is the intention of the owner (The Wrekin Housing Trust) to pursue the demolition of the building as permitted development through the submission of a prior approval application.
- 4.8 It is considered that the uncontrolled demolition of the locally listed building would result in the loss of a local landmark and building of local historic importance. Whilst the applicant submitted plans for a replacement development of 4 bungalows it was considered that they were not of sufficient quality to act as a suitable replacement.
- 4.9 The demolition of the building through a demolition notice could be prejudicial to the proper planning of the area and constitute a threat to the amenities of that area. It is considered that there are exceptional circumstances to apply an Article 4(1) Direction with immediate effect to remove permitted development rights for demolition granted by the Government Order. This Direction would prohibit the demolition of the building otherwise permitted under the Order and would require full planning permission on an application to the Local Planning Authority (LPA) for the demolition. This would allow the LPA to properly assess the significance of the building and consider the proposed demolition on its full planning merits.
- 4.10 It should be noted that ensuring that the demolition of the building requires planning permission does not prevent the future redevelopment of the site (including the demolition of the building) but it will allow the LPA to fully consider the wider implications of the works, and ensure that the views of others, with an interest in this matter, are able to be fully taken into account before a decision is taken.
- 4.11 In conclusion, it is considered that the likely imminent submission of a demolition notice under the Building Act, as confirmed by the applicant’s agent constitutes reliable evidence that the demolition of Haybridge Hall is intended and imminent. It is considered that this would result in the loss of a building considered to be a heritage asset of local (if not national) significance and that it is in the public interest for it to be brought within full planning control as a matter of urgency.

5 IMPACT ASSESSMENT – ADDITIONAL INFORMATION

6 PREVIOUS MINUTES

7 BACKGROUND PAPERS

- The Town & Country Planning (General Permitted Development) Order 2015 (SI 596/2015);
- National Planning Policy Framework;
- Core Strategy Development Plan Document 2007;

- Wrekin Local Plan 2000;
- Good Practice Guide for Local Listing: Identifying and Managing Significant Local Heritage Assets produced by English Heritage 2012.
- Research into the use of Article 4 Directions on behalf of the English Historic Towns Forum (RPS Planning 2008).

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APPENDIX 1

