

Report to Cabinet Member for Planning and Regulation Meeting to be held on 23rd January 2018	Electoral Ward Affected College, Garrison, Cadley, Moor Park
Report submitted by: Director of Development	
Fulwood Conservation Area Character Appraisal – additional public consultation	

1. Summary

- 1.1 The purpose of this report is to seek authority from the Cabinet Member for Planning and Regulation to re-consult on the draft updated Fulwood Conservation Area Appraisal. Additional consultation is considered to be necessary following the introduction of fees for planning applications seeking approval for development where permitted development rights have been withdrawn under an Article 4 Direction. Such applications were previously exempt from planning application fees. The draft appraisal has been updated to reflect this (page 4) and a copy of the appraisal is attached as an appendix to this report.

2. Decision Required

- 2.1 That the Cabinet Member for Planning and Regulation agrees to the additional consultation relating to the Fulwood Conservation Area Character Appraisal.

3. Information

- 3.1 Legislation provided that where the Planning Authority was satisfied that a planning application for development had been submitted by reason of (and only by reason of) the withdrawal of permitted development rights by way of a Direction made under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or the imposition of a planning condition on a planning permission no planning application fee was required. However, that fee exemption provision was removed on 17th January 2018 by regulation 5(2) of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 (referred to as the Fee Regulations in the remainder of this report). This means any such planning application is now required to be accompanied by the prescribed fee.
- 3.3 Links to the guidance produced by the Planning Portal and the Fee Regulations 2017 are provided below:

[https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670593/Chief_Planner_Newsletter - December 2017.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670593/Chief_Planner_Newsletter_-_December_2017.pdf)

http://www.legislation.gov.uk/ukxi/2017/1314/pdfs/ukxi_20171314_en.pdf

- 3.4 An Article 4 Direction relating to the Fulwood Conservation Area was implemented in 2010 and removes permitted development rights relating to residential properties. The amendment to the Fee Regulations, as set out above, will therefore have a financial impact on residents and property owners.
- 3.5 The draft updated Fulwood Conservation Area Character Appraisal was consulted upon in November and December 2017, prior to the amended Fee Regulations coming into force. Given the extent of the Article 4 Direction and the financial implications for residents/property owners it is considered necessary to seek the community's views on this change. Any comments received will be taken into account in the preparation of the the final appraisal alongside the comments already received in relation to the first round of consultation. It is proposed to consult for a period of four weeks.

4. Implications

- 4.1 Financial –The costs of consultation will be met from existing budgets

Legal - Section 71 of the Act provides a duty on the Planning Authority that it will from time to time to formulate and publish proposals for the preservation and enhancement of any parts of its area which are conservation areas. Proposals must be submitted for consideration to a public meeting in the area to which they relate, and the Planning Authority shall have regard to any views concerning the proposal expressed by persons attending the meeting.

5. Impact Statement

- 5.1 i) Service Users – Consultation on the revised draft appraisal will give the community the opportunity to understand the implications of the Article 4 Direction and to raise awareness to the new fees. It is expected that there will be a minor impact on service users as a result of the new fees.

ii) Council Plans and Services – Management of the Historic Environment is a Key Work Area in the Development Directorate's Service Delivery Plan. Consultation on, and the subsequent adoption of, the revised Fulwood Conservation Area Appraisal will contribute to the following Directorate Performance Indicator:

DEV02 – % of conservation areas in the local authority area with an up-to-date character appraisal.

iii) Fair Employment – there are no implications associated with this report.

6. Reasons For Decision

- 6.1 To enable consultation on the implications of the amended Fee Regulations in relation to the Article 4 Direction covering the Fulwood Conservation Area.

7. Alternative Options Considered And Rejected

7.1 Not consulting on the implications of the amended Fee Regulations was considered but rejected as it was considered important to seek the views of the community on the change in view of the Article 4 Direction covering the Fulwood Conservation Area.

8. Reason for Inclusion in Part B

8.1 N/A

Background Documents:

Background documents open to inspection in accordance with Section 100D of the Local Government Act 1972:

Paper	Date	Contact/Directorate/Ext
Understanding Place: Conservation Area Designation, Appraisal and Management, HE Oxford Character Assessment Toolkit	March 2011	Diane Vaughton Development ext 6598
Conservation Area Designation, Appraisal and Management	February 2016	
The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012		
The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017	December 2017	

Contact for further information:

Diane Vaughton 01772 906598

Development Management,
Development Directorate

Decision Taken: Declarations

Cabinet Member for Planning and Regulation

Fulwood Conservation Area Character Appraisal – additional public consultation

Original decision required, as set out in the report, approved without amendment. Yes/No *

Original decision required amended and decision as follows: Yes/No *

Is this decision a Key Decision? Yes/No *

Conflict of Interest:- Yes/No *

for Cabinet Member – conflict of interest declared by any Executive Member consulted by the member which relates to this decision; or
for Director – conflict of interest declared by the Executive Member consulted by the Chief Officer which relates to the decision.

If an interest is declared please give details below:

If appropriate – Was any dispensation granted by the Head of Paid Service? Yes/No*

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Cabinet Member for Planning and Regulation
Date

Chief Officer

I certify that this is an appropriate and accurate record within the terms of the Access to Information Procedure Rules 22.3 of the decision taken by the Cabinet Member
(delete if Director is the Decision Maker)

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Director of Development
Date

*Delete as appropriate