

North Tyneside Council

Report to Cabinet

Date: 19 October 2020

Title: Confirmation of renewed Article 4 Directions to manage planning rights for land at Preston Park and specified streets within Spanish Battery, New Quay, and Tynemouth Village

Portfolio: Deputy Mayor	Cabinet Member: Councillor Bruce Pickard
Report from Service Area: Environment, Housing and Leisure	
Responsible Officer: Phil Scott – Head of Environment, Housing and Leisure	Tel: (0191) 643 7295
Wards affected: Preston, Riverside and Tynemouth	

PART 1

1.1 Executive Summary:

Article 4 Directions are tools available to local planning authorities to remove permitted development rights from land or dwelling houses so that certain development cannot be undertaken without first obtaining planning permission. These are effective tools in conservation areas where the cumulative effect of small-scale development can have an adverse effect upon character and appearance. The effect of the Article 4 Direction is not to prevent development but better manage it to ensure amenity is not harmed.

Cabinet has in previous years confirmed Article 4 Directions at Preston Park, Spanish Battery, New Quay and Tynemouth Village. The legislation attached to these Article 4 Directions, the Town and Country Planning (General Permitted Development) Order 1995, has now been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”).

Cabinet agreed at the 29 June 2020 meeting that draft renewed versions of the Article 4 Directions should be subject to a statutory consultation. This took place between 7 August and 21 September 2020.

This report informs Cabinet of the feedback received to the consultation and asks that the Article 4 Directions are confirmed.

1.2 Recommendations:

It is recommended that Cabinet:

- (1) note the feedback received to the public consultation on draft proposed renewed Article 4 Directions at Preston Park, New Quay, Spanish Battery and Tynemouth Village; and
- (2) agree to confirm renewed Article 4 Directions at each of the four affected areas.

1.3 Forward Plan:

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 18 September 2020.

1.4 Council Plan and Policy Framework

This report relates to the 'Our North Tyneside' Council Plan 2020-2024 priorities, including:

- Our people will be listened to so that their experience helps the Council work better for residents.
- Our places will be great places to live, provide an attractive, safe and sustainable environment and be a thriving place of choice for visitors.

Renewal of the Article 4 Directions would support the vision, objectives and policies of the North Tyneside Local Plan 2017. The key policies are:

- S6.5 Heritage Assets
- DM6.6 Protection, Preservation and Enhancement of Heritage Assets
- DM6.1 Design of Development
- DM6.2 Extending Existing Buildings
- S6.4 Improving Image

These policies commit the Authority to preserve and enhance heritage assets, take opportunities to implement tools such as Article 4 Directions, and deliver well designed development that creates successful places. This is in line with national planning policy as set out in chapter 16 (Conserving and enhancing the historic environment) and chapter 13 (Achieving well-designed places) of the National Planning Policy Framework (NPPF).

1.5 Information:

1.5.1 Introduction

- 1.5.2 This report relates to the requirement to confirm four renewed Article 4 Directions within the borough. Article 4 Directions are made under the provisions of the Town and Country Planning (General Permitted Development) Order 2015. They remove permitted development rights from land or dwelling houses so that certain development cannot be undertaken without first obtaining planning permission from the Local Planning Authority.

1.5.3 The use of Article 4 Directions is encouraged in the NPPF in those cases where the amenity of the area could be harmed. Article 4 Directions allow for the local planning authority to manage development affecting land and dwelling houses that could be harmful to the amenity of the conservation area. The effect of the Article 4 Direction is not to prevent development but better manage it.

1.5.4 Existing Article 4 Directions

1.5.5 The four Article 4 Directions previously confirmed in North Tyneside were implemented as part of the Authority's duty to help preserve and enhance the character and appearance of conservation areas.

1.5.6 The Article 4 Directions are:

- Preston Park, confirmed 1996. This Direction affects land at the centre of Preston Park.
- Spanish Battery, confirmed 2000. This Direction affects dwelling houses in:
 - Spanish Battery, Tynemouth, and
 - Old Coastguard Cottages, Tynemouth.
- New Quay, confirmed 2005. This Direction affects dwelling houses in:
 - Ferry Mews, New Quay
 - Dukes Court, New Quay, and
 - The Moorings, New Quay.
- Tynemouth, confirmed 2007. This Direction affects dwelling houses in:
 - Northumberland Terrace, Tynemouth
 - St Albans Place, Tynemouth
 - Tynemouth Terrace, Tynemouth
 - Tynemouth Place, Tynemouth
 - Front Street, Tynemouth
 - Silver Street, Tynemouth
 - Huntingdon Place, Tynemouth
 - Stephenson Street, Tynemouth
 - Middle Street, Tynemouth
 - Hotspur Street, Tynemouth
 - Felton Terrace, Tynemouth
 - Percy Street, Tynemouth
 - Manor Road, Tynemouth
 - St Oswins Place, Tynemouth
 - Lovaine Row, Tynemouth
 - Percy Villas, Tynemouth
 - Percy Park Road, Tynemouth
 - Percy Gardens, Tynemouth
 - Seafield View, Tynemouth
 - Syon Street, Tynemouth
 - Percy Park, Tynemouth
 - Stephenson Street, Tynemouth, and
 - Bath Terrace, Tynemouth.

1.5.7 As part of the Authority's ongoing refresh of its planning framework, which has included adoption of the North Tyneside Local Plan in 2017 and updated Supplementary Planning

Documents in 2018 and 2019, the work programme then progressed to consideration of the continued suitability and effectiveness of the above Article 4 Directions.

1.5.8 The existing Article 4 Directions continue to be applied, but a review has identified that there is a risk of misinterpretation of their meaning or effect upon permitted development rights by residents and stakeholders. This is because the legislation attached to the above Directions, the Town and Country Planning (General Permitted Development) Order 1995, has been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the GPDO”).

1.5.9 Renewal of the Article 4 Directions

1.5.10 To respond to the potential risk identified, Cabinet determined at the meeting of 29 June 2020 to undertake consultation on draft renewed Article 4 Directions, worded in accordance with the GPDO.

1.5.11 It was not proposed to amend the extent of the conservation areas affected by the existing Directions. The renewed Directions would, as with the previous Directions, remove permitted development rights afforded to dwelling houses in the affected areas and, in the case of Preston Park only, remove permitted development rights afforded to land. This would include the erection of extensions and porches, installation of hardstanding and alterations to roofs – all of which do not normally require planning permission.

1.5.12 The renewed Directions are proposed to be made under the GPDO and include the wording “as amended, revoked or re-enacted” to ensure the Directions would remain valid should there be any future changes to legislation. The draft Article 4 Directions are available at **Appendix 1 to 4**.

1.5.13 In accordance with the relevant legislation, once a new Direction is confirmed the existing Direction is cancelled.

1.5.14 It is recommended that the Article 4 Directions are confirmed by Cabinet. Not undertaking this work would harm the Local Planning Authority’s ability to continue to preserve and enhance the conservation areas, and therefore fail in its statutory duties, as set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

1.5.15 Consultation

1.5.16 Cabinet agreed on 29 June 2020 to undertake a statutory consultation on the draft renewed Article 4 Directions. In accordance with the GPDO, the draft Directions were consulted upon via advertisement in the local press, site notice in at least two locations affected by the Direction and by letter to owners/occupiers of the land or dwelling houses. 161 letters were sent out in total.

1.5.17 To respond to the Covid-19 pandemic, all relevant information was included within the letters and all information was available on the Council’s website. The consultation took place between 7 August 2020 and 21 September 2020.

1.5.18 Prior to the consultation, an Engagement Plan was shared with the relevant Ward Members for their input.

1.5.19 Six residents engaged in the consultation, as follows:

- Three residents/landowners made contact via telephone to seek clarification on the draft renewed Article 4 Directions. No formal written comments were made by these residents/landowners.
- One resident, whose property would not be affected, had seen the Site Notice and enquired via email to clarify if the consultation related to the introduction of a new Article 4 Direction in Tynemouth or only a renewal of the existing Direction. No formal written comments were made by this resident.
- One resident, who made contact via email, understood that the consultation related to an amendment to the number of affected properties in Tynemouth and expressed they would not wish to see less properties affected. It was explained that this was not the case. The resident made no further comment.
- One resident, who made contact via email, was concerned that an Article 4 Direction would prevent any development at their property. It was explained that Article 4 Directions do not mean that no development could take place and development that seeks to preserve or enhance character and appearance would be supported. The resident expressed their support for such an approach.

1.5.20 Next Steps

1.5.21 In accordance with the GPDO, Article 4 Directions cannot be confirmed until at least 28 days after the end of the consultation. This would be 20 October 2020. Should Cabinet agree to confirm the renewed Article 4 Directions, they will be brought into effect at the earliest opportunity following the Cabinet call-in period.

1.5.22 A letter will be sent to all affected owners/occupiers to inform them of the confirmation. A copy of the confirmed Directions must also be sent to the Secretary of State.

1.6 **Decision options:**

The following decision options are available for consideration by Cabinet:

Option 1

Agree with the recommendations as set out at paragraph 1.2 of this report.

Option 2

Do not approve the recommendations as set out at paragraph 1.2 of this report.

Option 1 is the recommended option.

1.7 **Reasons for recommended option:**

Option 1 is recommended for the following reasons:

The legislation attached to the Article 4 Directions currently in place has now been superseded by the GPDO. As a result of this change, these Directions may not be capable of effective interpretation and implementation. Renewing the Article 4 Directions will allow for the Local Planning Authority to fulfil its statutory duty of preserving and enhancing the character and appearance of conservation areas.

A statutory consultation was carried out between 7 August and 21 September 2020 with affected owners and occupiers given the opportunity to input. No objections to the renewed Article 4 Directions were received.

1.8 Appendices:

Appendix 1: Draft Article 4 Direction for land at Preston Park
Appendix 2: Draft Article 4 Direction for dwelling houses at New Quay
Appendix 3: Draft Article 4 Direction for dwelling houses at Spanish Battery
Appendix 4: Draft Article 4 Direction for dwelling houses at Tynemouth Village

1.9 Contact officers:

Laura Craddock, Principal Planner (0191 643 2310)
Jackie Palmer, Planning Manager (07711425574)
Colin MacDonald, Senior Manager, Technical & Regulatory Services (0191 643 6620)
David Dunford, Acting Senior Business Partner (0191 643 7027)

1.10 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) [North Tyneside Local Plan 2017](#)
- (2) [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015 Schedules 2 and 3](#)
- (3) [Planning \(Listed Buildings and Conservation Areas\) Act 1990](#)
- (4) [National Planning Policy Framework 2019](#)
- (5) [Preston Park Article 4\(1\) Direction 1996](#)
- (6) [Spanish Battery Article 4\(2\) 2000](#)
- (7) [New Quay Article 4\(2\) 2005](#)
- (8) [Tynemouth Article 4\(2\) 2007](#)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

The officer, printing and other costs to publish the Article 4 Directions will be met from within the existing budgets. All documents will be placed on the Authority's Web Site.

2.2 Legal

The legal implications are set out in the main body of this report.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

The matter has been subject to dialogue and engagement with the Deputy Mayor and the affected Ward Members.

2.3.2 External Consultation/Engagement

Article 4 Directions must be subject to statutory consultation. The engagement methods are outlined from paragraph 1.5.15 of this report.

2.4 Human rights

There are no human rights implications directly arising from this report.

2.5 Equalities and diversity

There are no direct implications arising from this report.

2.6 Risk management

The risks associated with the existing Article 4 Directions and their alignment with current legislation are set out in the main body of the report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

Article 4 Directions promote the use and re-use of natural, sustainable materials.

PART 3 - SIGN OFF

- Chief Executive
- Head of Service
- Mayor/Cabinet Member
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy and Customer Service