

Notice of a public meeting of

Local Plan Working Group

- To:** Councillors Ayre (Chair), K Taylor (Vice-Chair), Carr, Crawshaw, Cullwick, Cuthbertson, D'Agorne, Doughty, Fisher, Hollyer, Melly (Substitute for Cllr Douglas), Norman, Orrell, Pearson, Perrett, Warters and Widdowson
- Date:** Friday, 21 August 2020
- Time:** 4.00 pm
- Venue:** Remote Meeting

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes (Pages 1 - 2)

To approve and sign the minutes of the last meeting of the Local Plan Working Group, held on 20 June 2019.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines have changed to 2 working days before the meeting, in order to facilitate the management of public participation at remote meetings. The deadline for registering at this meeting is **5:00pm on Wednesday, 19 August 2020**.

To register to speak please contact Democratic Services, on the details at the foot of the agenda. You will then be advised on the procedures for dialling into the remote meeting.

Webcasting of Remote Public Meetings

Please note that, subject to available resources, this remote public meeting will be webcast including any registered public speakers who have given their permission. The remote public meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we've made some changes to how we're running council meetings. See our coronavirus updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Proposal for an Article 4 Direction for the Heslington Conservation Area (Pages 3 - 36)

This report asks Members to consider a proposal for the preparation and service of a non-immediate Article 4 direction covering parts of the Heslington Conservation Area and to recommend that Executive approve the proposal.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democratic Services:

Contact Details:

- Telephone – (01904) 552030
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact Democratic Services:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City Of York Council

Committee Minutes

Meeting	Local Plan Working Group
Date	20 June 2019
Present	Councillors Ayre (Chair), K Taylor (Vice-Chair), Carr, Crawshaw, Cullwick, Cuthbertson, D'Agorne, Fisher, Douglas, Hollyer, Norman, Pearson, Perrett, Widdowson, Rowley (Substitute for Councillor Doughty) and Wann (Substitute for Councillor Orrell)
Apologies	Councillors Doughty, Orrell and Warters

1. **Declarations of Interest**

Members were asked to declare, at this point in the meeting, any personal interests not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they might have in respect of the business on the agenda.

Councillor Cuthbertson declared a personal interest in item 4 (minute item 4) Earswick Neighbourhood Plan Examiner's Report, in that he was a resident of Earswick.

2. **Minutes**

Resolved: That the minutes of the meeting held on 27 February 2019 be approved as a correct record and then signed by the Chair.

3. **Public Participation**

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

4. **Earswick Neighbourhood Plan**

Members considered a report which asked them to consider the results of the Earswick Neighbourhood Plan referendum. It asked Members to recommend to Executive that they formally 'make' the Neighbourhood Plan and bring it into full legal force as part of the Development Plan for York. This would allow the

Neighbourhood Plan to progress in line with the relevant Neighbourhood Planning legislation and Regulations. This would be considered by Members of Executive at a meeting to be held on 27 June 2019.

An issue was raised with a discrepancy of 2 between the 359 ballot papers issued and the total of 357 received. Officers stated this would be clarified before the meeting of Executive.

Members thanked everyone who had been involved with producing the Neighbourhood Plan for their hard work.

It was

Resolved: That Members recommend to Executive that it:

- i) formally 'make' the Neighbourhood Plan on 27 June 2019.
- ii) approve the Decision Statement attached at Annex B to be published in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Reason:

- i) To allow the Neighbourhood Plan to progress in line with the Neighbourhood Planning Regulations.
- ii) To allow the Neighbourhood Plan to progress in line with neighbourhood planning legislation.

Cllr N Ayre, Chair

[The meeting started at 5.45 pm and finished at 5.55 pm].



Local Plan Working Group**21 August 2020**

Report of the Corporate Director of Economy and Place
Portfolio of the Executive Member for Economy and Strategic Planning

Proposal for an Article 4 Direction for the Heslington Conservation Area**Summary**

1. CoYC has a number of adopted conservation area appraisals that include recommendations for article 4 directions that have not been taken forward. Heslington Parish Council has asked the Council to implement an article 4 direction within Heslington, and funding is available to pursue this project. Officers consider that an article 4 direction to protect the Heslington conservation area is justified and that this should be pursued as a discrete project. This paper will be considered by Members of Executive on 27 August 2020.

Recommendations

2. Members are asked to:

Consider the proposal for the preparation and service of a non-immediate article 4 direction covering parts of the Heslington conservation area (see map, Annexe A) and make a recommendation to Executive to approve the proposal.

Reason: Officers consider that it is expedient to proceed with this project due to the convincing justification for strengthening planning control in Heslington Conservation Area; local pressure to do so; and the availability of external funding and adequate resources.

Background

3. The Heslington Conservation Area Appraisal adopted in 2009 recommended that consideration should be given to serving an article 4 direction on the conservation area. Since 2015 Heslington Parish Council ("PC") has been asking CoYC to serve an article 4 direction to restrict certain permitted development rights in order to conserve traditional features which contribute to the architectural and historic character and appearance of the conservation area. Recently, the PC has offered a sum of £3000 (consisting of £2000 of ward funding and £500 each from the PC and Heslington Village Trust) to CoYC to fund the preparation and implementation of a direction.
4. Policy HES: 6 of Heslington Parish Neighbourhood Plan Submission Version September 2019 highlights particular characteristics that contribute to the village's distinctive character, stating that the impact on these characteristics will need careful consideration to ensure that development is sustainable and appropriate to the local context. The characteristics include vernacular forms, the variety of historic styles and construction methods including use of materials that respect and are sympathetic to the context and building traditions and supports reinstating original features where inappropriate modern materials or other external features have been introduced to listed buildings or elsewhere.
5. At CMT the proposal for an article 4 direction for Heslington was discussed and Officers were asked to consider a strategic approach to the matter of article 4 directions within City of York conservation areas rather than responding only to individual requests.
6. A conservation area is a designated heritage asset identified by the local planning authority as an area of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. The City of York has 34 designated conservation areas, which divide approximately into 10 urban or suburban contiguous with the city and 24 discrete village areas. 10 conservation areas have appraisal documents carried out between 2006 and 2011. The majority of these documents recommended the

consideration of article 4 directions to assist in managing development to ensure that the character and appearance of the areas is preserved and enhanced (see Annexe B). Currently, East Mount Road is the only part of a conservation within the City of York that has an article 4 direction. It is understood that this was made in around 2000 in response to local pressure.

7. Article 4 directions may be served by local planning authorities to restrict particular types of development to private dwelling houses within conservation areas by requiring owners to apply for planning permission for works that would otherwise be permitted development. Paragraph 53 of the NPPF advises that "*The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the well-being of the area*". Within conservation areas, article 4 directions are typically served to protect historic and traditional features such as windows, doors, building materials and boundary treatments and discourage their replacement with inappropriate alternatives; and to control the installation of external equipment such as aerials and solar panels that may affect the character of the area. They may cover a whole conservation area or particular properties within them. For example, the Central Historic Core Conservation Appraisal relating to the city centre adopted in 2011 includes specific recommendations for a limited number of principally residential streets around the city rather than a blanket direction on the city centre.
8. The Explanation to Policy D4 (Conservation Areas) of the CoYC Local Plan Publication Draft Feb 2018 supports the use of Article 4 Directions in the following terms: "*Whilst it is the quality and interest of an area as a whole which is recognised through designation, it is often the cumulative impacts of small changes over time which erode the special qualities and significance of a place. Where necessary, and with public support, Article 4 Directions will be introduced to help to control potentially damaging alterations.*"
9. The procedure for serving and confirming a direction is set out in Schedule 3 of the General Permitted Development Order 2015 and

would involve: making the direction; giving notice, via local advertisement, site display and by post to affected owners and the Secretary of State, following which a 6-week consultation period would apply (Historic England and the Parish Council would also be consulted); considering any responses; producing a report to Executive/Executive Member to confirm the direction within 2 years; if confirmed, notifying those referred to above. If not confirmed, the direction would lapse. Explanatory leaflets would be provided to residents via postal correspondence. It is recommended that a direction comes into force 12 months from the date it was made.

10. Considering the Government's proposed reforms to the planning system, in relation to the historic built environment, para 2.8 of the white paper "Planning for the Future" (MHCLG, August 2020) states that conservation areas would be categorised as a "protected" zone *as a result of their particular environmental and/or cultural characteristics, would justify more stringent development controls to ensure sustainability.* Para. 329 states that *The planning system has played a critical role ensuring the historic buildings and areas we cherish are conserved and, where appropriate, enhanced by development. The additional statutory protections of listed building consent and conservation area status have worked well, and the National Planning Policy Framework already sets out strong protections for heritage assets where planning permission or listed building consent is needed.* Para. 330 states that *We also want to ensure our historic buildings play a central part in the renewal of our cities, towns and villages. Many will need to be adapted to changing uses and to respond to new challenges, such as mitigating and adapting to climate change. We particularly want to see more historical buildings have the right energy efficiency measures to support our zero carbon objectives.* Para 331 states that *We will, therefore, review and update the planning framework for listed buildings and conservation areas, to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change.* The white paper is currently the subject of public consultation (to 29/10/20). There is no specific reference within the document to the use of article 4 directions and it is likely that the principal influence of the

reforms in this regard would be with respect to the weighting accorded to any harms and benefits in the determination of planning applications.

11. Recent changes to permitted development under The Town and County Planning (General Permitted Development) (England) (Amendment) (No. 2 & No.3) Order 2020 do not apply within conservation areas and therefore they would not prejudice the effectiveness of the proposed article 4 direction.

12. The proposed article 4 direction would affect works which are currently 'permitted' under the General Permitted Development Order that help to improve the energy efficiency of private houses, namely the installation of double glazing and the erection of solar panels and other micro generation equipment. The Climate Change Act 2008 is the basis for the UK's approach to tackling and responding to climate change. It requires that emissions of carbon dioxide and other greenhouse gases are reduced and that climate change risks are prepared for. The Act also establishes the framework to deliver on these requirements. The UK's long-term emissions target is to reduce the emissions of carbon dioxide and/or greenhouse gases by at least 100% of 1990 levels (net zero) by 2050. Mitigating and adapting to the effects of climate change is a priority for the Council (CoYC declared a 'Climate Emergency' in March 2019 and agreed to set a target to become carbon neutral by 2030) as well as the Government. The effects of the proposed article 4 direction in these regards are considered under the Analysis section of this report.

Consultation

13. So far, consultation has taken place with Heslington Parish Council and Heslington Village Trust via their nominated representative. When individual article 4 directions are served statutory consultation would entail consultation with all interested parties including affected householders before Councillors decide whether the direction should be confirmed.

Options

14. Councillors may wish to consider:
- a) Proceeding with the preparation and service of an article 4 direction for Heslington conservation area. **(Recommended)**
 - b) The nature of the article 4 direction for Heslington in terms of its geographical coverage and types of permitted development affected.
 - c) Not proceeding with an article 4 direction for Heslington.

Analysis

15. Heslington conservation area was considered to merit an article 4 direction when assessed in 2009. Recent re-inspection by officers confirms that the area still retains a high degree of preservation of traditional features on dwellings. A small number of harmful alterations, for example PVC windows and insertion of rooflights on front elevations, indicate that there is a tangible threat to the character of the area. Officers consider that an article 4 direction would be justified to bring under planning control the alteration or installation of roofing materials, rooflights, micro generation equipment/solar panels, chimney stacks, porches or small extensions, boundary treatments, windows, doors and satellite dishes, on the basis that all of these features can affect the special qualities of the conservation area identified in the Heslington Conservation Area Appraisal and the Heslington Neighbourhood Plan (a draft article 4 direction is appended at Annexe C, which may be subject to minor amendment in accordance with Legal advice). The direction should apply to development on relevant elevations only –

those facing or clearly visible from the public sphere. The area proposed for an article 4 direction is illustrated on the map at Annexe A, being edged in red (this may be subject to minor amendment during the process of developing the scheme in discussion with the Parish Council). This area excludes listed and the majority of non-conforming modern buildings to avoid imposing unnecessary regulation.

16. Councillors may wish to give further consideration to the types of development covered by the direction, for example with regards to development that contributes to energy efficiency. It should be noted that works of maintenance or 'like for like' replacement would not require permission; that the replacement of single glazed windows with double glazed windows would not normally require permission where all other elements of the construction (material, dimensions, mouldings) can be replicated; that a direction does not constitute a ban on any particular development, rather it brings the cited works under planning control so that they may be considered in accordance with local and national planning policy and guidance; and that permitted development rights remain on elevations not affected by the direction (usually on rear elevations).
17. The protection and enhancement of the built and historic environment is one of the core tenets of sustainable development within the NPPF, along with mitigating and adapting to climate change. The Government is clear in its current white paper that it wishes to see built heritage assets have "the right energy efficiency measures" to ensure their significance is conserved while allowing, where appropriate, sympathetic changes to support their continued use and address climate change. With respect to double glazing, the character of traditional windows can be preserved through the replication of appropriate joinery details whilst incorporating double glazing. With reference to solar panels, there is often potential to install equipment in locations that avoids or reduces harm to visual amenity, for example on secondary elevations, outbuildings or ground mounted.
18. Officers consider that it is important that within conservation areas

these matters can be managed in order to ensure that works that are harmful to the significance of heritage assets are avoided and that desirable development is implemented optimally. This would most effectively be achieved through a combination of appropriate planning controls and the production of 'good practice' guidance, covering such matters as the significance of historic and traditional fixtures, methodologies for achieving energy efficiency, what may be undertaken through permitted development and the most appropriate locations, design and methodology for installations. Omitting these types of development from the direction would reduce its effectiveness in controlling harmful alterations such as the installation of poorly designed PVC windows or solar panels on the prominent roofslopes of significant buildings.

19. Historic England and the Sustainable Traditional Buildings Alliance have produced extensive guidance on enhancing the energy efficiency of historic buildings through upgrading fabric and appropriate retrofitting which is available at <https://historicengland.org.uk/advice/technical-advice/energy-efficiency-and-historic-buildings/>. It is very often the case that thermal enhancements to historic buildings can be achieved without harming the significance of the asset that are broadly comparable in their effectiveness to more harmful measures, and much national guidance on appropriate measures is available.
20. The DCSD team is currently working on the production of a local guidance document covering double glazing, but will extend the scope of guidance to include solar panels subject to resource and priorities. In producing guidance attention will be paid to documents produced by other historic cities, and a process of benchmarking our building conservation approach with other local authorities with respect to mitigating and adapting to climate change has commenced with the city of Bath. Guidance on double glazing will be prepared before any article 4 direction took effect, but in the meantime sources of national guidance on appropriate energy efficiency measures for historic buildings will be included in correspondence with residents in connection with the statutory notifications and consultation.
21. Officers consider that the implementation of the proposed article 4

direction would be unlikely to prevent energy efficiency measures being pursued but rather that bringing these matters into the planning sphere would allow the principles of sustainable development embedded within planning guidance to be applied in order to ensure that the significance of heritage assets is conserved while allowing sympathetic changes to support their continued use and address climate change.

22. Due to the principle of restricting permitted development rights there is potential for negative reaction from those affected. In Heslington, this is mitigated by the fact that the proposal was consulted on via the conservation area appraisal in 2008; the non-immediate nature of the direction which means that if confirmed no restrictions would come into force for 12 months; and that the initiative for the direction came from the PC and the Village Trust, and therefore enjoys an important level of local support. In all cases, Councillors would determine whether to confirm a direction following the statutory consultation period, and the proposed 12 month delay following the making of a direction before it became effective would avoid the risk of compensation and give householders a period of notice of the additional planning controls they would face.
23. Officers consider that the service of an article 4 direction in Heslington should proceed. Delay could jeopardise the local funding available for this project; and/or cause reputational harm from the failure to support long-standing local aspirations to strengthen planning controls to protect the conservation area in accordance with Policy D4 (Conservation Areas) of the CoYC Local Plan Publication Draft Feb 2018.
24. Officers consider that the production of a broader strategy for implementing article 4 directions in the city's conservation areas is a desirable aspiration because adopted CoYC conservation area appraisal documents recommend broader consideration of article 4 directions, in particular within the central historic core conservation area for which detailed proposals exist; there is tangible threat to the character of many of the City's conservation areas from unsympathetic alterations; York has an outstanding and internationally significant historic environment in which conservation

areas have less protection than many other local authority areas. However, in contrast to the Heslington proposal, it is unlikely that most of the costs of pursuing article 4 directions could be secured from external parties, especially if directions were implemented on a priority rather than reactive basis, therefore, for any strategy to be effected, additional funding would be required in the future to implement the proposals. The costs in relation to staffing and financial resources required to pursue a strategic approach and serve multiple directions are significant and this is not considered to be a current priority for the Council. Instead, it is considered most appropriate to consider the use of article 4 directions in response to local concerns on a case-by-case basis and as resources permit.

Council Plan

25. The targeted making of 4 directions would support the CoYC Plan 2015-19, in particular key priority one, with respect to protecting the unique character of the city, environmental sustainability and enjoyment of heritage; and three, with respect to listening to residents to deliver the services they want and working in partnership with local communities.

Implications

26.
 - **Financial** The administrative costs of preparing and serving a direction are estimated to be covered by the contribution from Heslington Parish Council. Any additional costs can be accommodated within the DCSD section budget. The service of a non-immediate article 4 direction precludes any risk of CoYC being liable for payment of compensation to any owners affected by giving 12 months' notice of the planning restrictions. In 2018 the Government introduced standard planning fees for applications made under article 4 directions, which were formerly free for applicants. Consequently, planning applications resulting from a direction would not impose any additional costs on the LPA beyond any other planning application, and they are likely to be relatively straightforward to process due to the small scale of the works subject to control.

- **Human Resources (HR)** The preparation and service of an article 4 direction can be prioritised above less urgent work within existing DCSD staffing. It is likely that the number of additional planning applications generated as a result of the article 4 direction would be low due to the tendency of residents to undertake works on a 'like for like' basis to avoid the formalities of applying for planning permission. Some internal legal advice will be required in preparing the documentation. It is not anticipated that any additional staffing provision would be required for the implementation of the recommendations of this report.
- **Equalities** The Better Decision Making tool has been completed and no impacts on Equalities or Human Rights have been identified.

- **Legal**

The Council has powers to make and review conservation areas and management plans by virtue of Part II. Section 69(1(a)) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

The Council's powers to make Article 4 Directions are contained in Articles 4, 5 and 6 of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

Section 108 of the Town and Country Planning Act 1990 provides for the payment by the Council, in limited circumstances, of a statutory compensation to persons who have incurred abortive expenditure or otherwise suffered loss or damage as a direct result of the withdrawal of permitted development rights by an Article 4 Direction.

The making of a Direction under Article 4 renders the Council liable to pay compensation to people who have applied and been refused permission or been granted permission with conditions. Under the planning system there is a general principle that once permission has been granted, either by a specific grant of planning permission or by means of a Development Order, the right to develop is guaranteed and can only be withdrawn upon payment of compensation. However, the provisions of The Town and Country Planning

(Compensation) (No.3) (England) Regulations 2010 will protect a Council from compensation claims provided the Direction takes effect not earlier than 12 months from the date of making.

- **Crime and Disorder** There are no known Crime and Disorder implications.
- **Information Technology (IT)** There are no known IT implications.
- **Property** There are no known Property implications.
- **Other** There are no known Other implications.

Risk Management

27. There are no known risks.

Contact Details

Author:

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Conservation Officer,
DCSD, tel. 554630

Chief Officer Responsible for the report:

Mike Slater
Assistant Director for Planning and
Public Protection, tel. 551300

**Report
Approved**



Date 13/08/20

Specialist Implications Officer(s) *List information for all*

Implication ie Financial

Janie Berry

Director of Governance

Tel No. 5385

Implication ie Legal

Heidi Lehane

Senior Solicitor

Tel No. 5859

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers:

[Heslington Conservation Area Appraisal](#) 2009

[Heslington Neighbourhood Plan Submission Version](#) 2019

Annexes

Annex A: Draft map showing proposed boundary of article 4(1) direction

Annex B: Review of conservation area appraisals: article 4(1) direction recommendations

Annex C: Draft article 4(1) direction for Heslington

Annex D: Better Decision Making Tool for Article 4 Directions report

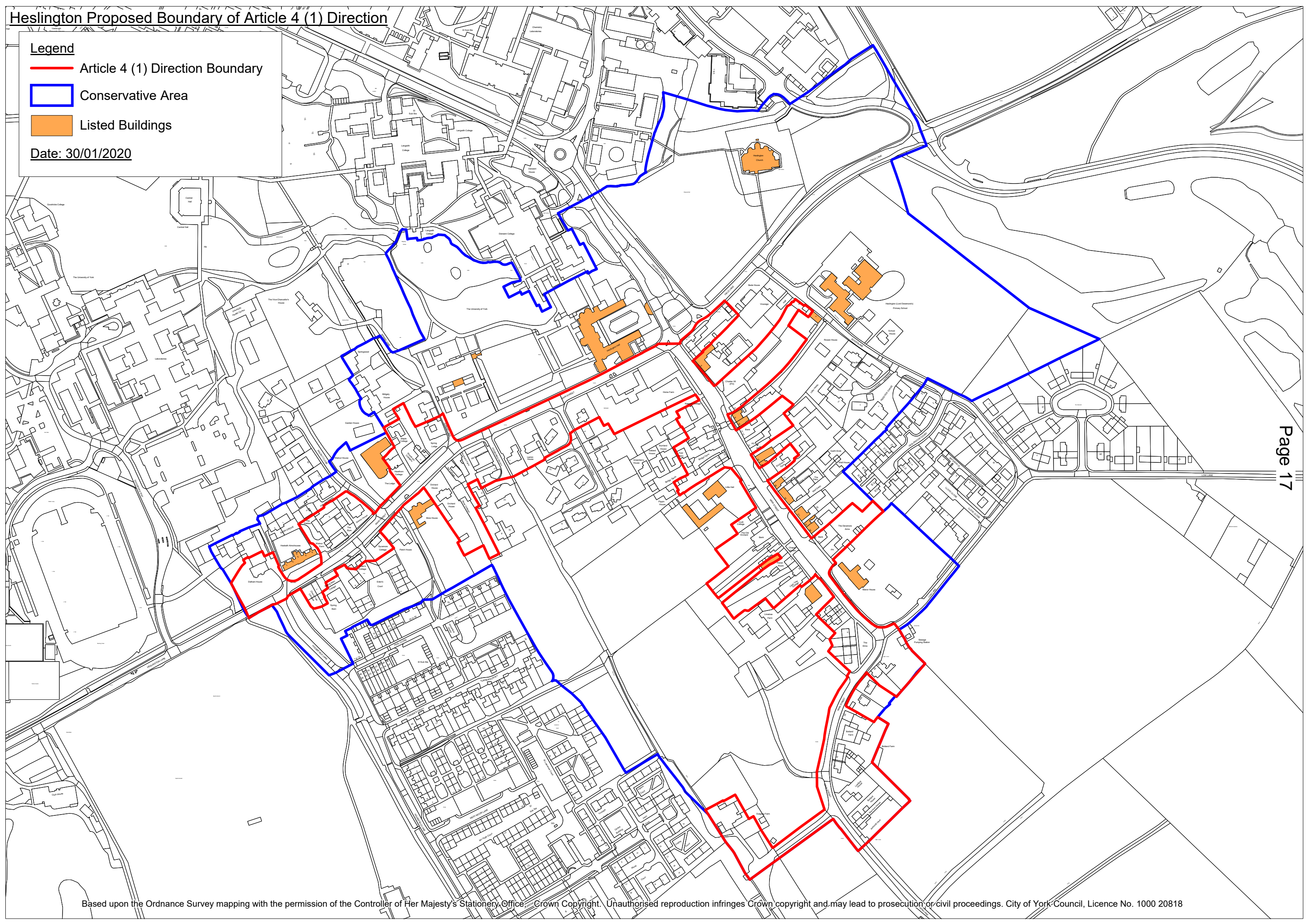
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Heslington Proposed Boundary of Article 4 (1) Direction

Legend

- Article 4 (1) Direction Boundary
- Conservative Area
- Listed Buildings

Date: 30/01/2020



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Review of Conservation Area Appraisals: Article 4 Direction Recommendations

34 conservation areas:

- 10 urban or suburbs contiguous with the city within the city
- 24 discrete village areas

10 conservation area appraisals including Central Historic Core, 2006-2011:

Central Historic Core

5.5.6 Residential streets and the Bar and City Wall approaches: Article 4 Directions

There are two categories of pre-1914 buildings within the Conservation Area to which there is already a specific threat:

a) residential streets – these are good terraces where original windows and doors have been altered, poor quality roof extensions inserted and in one case, solar panels added to the roof slope. There is also some loss of iron railings and front gardens. Together, these changes threaten the character of the area, which comes partly from historic details and partly from consistency and uniformity.

b) other types of properties on the bar/wall approaches – these properties are either purpose built shops or conversions from houses and suffer from alterations to windows and doors, poor quality fascias and advertising signage. The properties are particularly important because they line the entry routes to the city and currently create a poor first impression.

In order to control alterations to unlisted buildings an ‘Article 4 Direction’ can be used. This is a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995. Applying the direction to specific properties restricts ‘permitted development’. If the direction is in place, it does not mean that no changes can take place but rather that a property owner would need to apply for permission for certain types of changes.

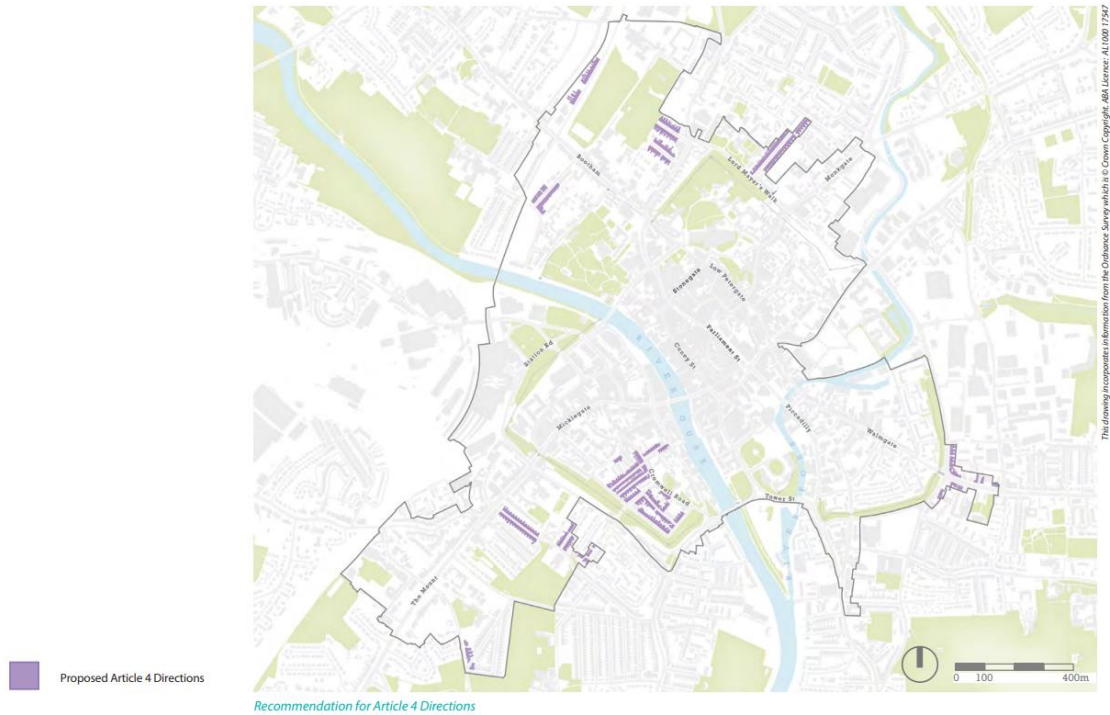
Article 4 (2) Directions apply to unlisted dwelling houses within the Conservation Area where ‘enlargement, improvement or other alteration’ would ‘front a relevant location’ i.e. the street, waterway or open space. Only one exists within the Conservation Area at the moment, on East Mount Road. This was requested by the residents rather than the local authority. English Heritage guidance on the use of Article 4 Directions points out that the impact on council resources is likely to be minimal since there is no evidence of a significant increase in planning applications. This conclusion was reached after a research project conducted in 2008 on behalf of the English Towns Forum. It found that clear concise controls backed by appropriate guidance tended to encourage like-for-like repair or replacement in matching materials which does not require planning permission.

Other cities such as Portsmouth have successfully used Article 4 directions in half of the city’s conservation areas. Over the 10 years when they have been in use, it is estimated that only 10-15 additional planning applications were received.

Recommendations

In light of the minimal cost of preparing guidance and the low likelihood of additional pressure on resources, it is recommended that the following Article 4 (2) directions are applied to those properties in the table below. The application of the directions should be communicated to residents and subject to review.

Part Two: Management Strategy > Management Recommendations > 5.5 Conserving & Enhancing Special Interest



Alterations which should be controlled under Article 4 (2)

Character area	Building/ Street	Doors & windows	Chimney	Roof slope	Hard surface	Front boundary	Painting façade	Satellite dish	Solar panel
2. Bootham	Grosvenor Terrace	*	*	*	*	*	*	*	*
	St Mary's	*	*	*	*	*	*	*	*
5. Gillygate	Portland Street	*	*	*	*	*	*	*	*
	Claremont Terrace	*	*	*	*	*	*	*	*
6. Lord Mayor's Walk	St John's Crescent	*	*	*	*	*	*	*	*
	St John Street	*	*	*	*	*	*	*	*
	18 Lord Mayor's Walk	*	*	*	*	*	*	*	*
17. Walmgate Bar	Foss Islands Road (x)	*	*	*	*	*	*	*	*
	Lawrence Street (x)	*	*	*	No front garden	*	*	*	*
	Barbican (x)	*	*	*		*	*	*	*
18. Fishergate	Fishergate (x)	*	*	*		*	*	*	*
20. Bishophill	Kyrne Street	*	*	*	No front garden	*	*	*	*
	Fairfax Street	*	*	*		*	*	*	*
	Hampden Street	*	*	*		*	*	*	*
	Buckingham Street	*	*	*		*	*	*	*
	Falkand Street	*	*	*		*	*	*	*
	Balle Hill Terrace	*	*	*		*	*	*	*
	Newton Terrace	*	*	*		*	*	*	*
Victor Street	*	*	*	*	*	*	*		
12-18 Bishophill Jnr	12-18 Bishophill Jnr	*	*	*	No front garden	*	*	*	
	16 Prospect Terrace	*	*	*		*	*	*	
	19 Smales Street	*	*	*		*	*	*	
23. Blossom Street	Moss Street	*	*	*	*	*	*	*	
24. The Mount	Cygnat Street	*	*	*	*	*	*	*	
	Dove Street	*	*	*	*	*	*	*	
	Dale Street	*	*	*	*	*	*	*	
	Albemarle Road (x)	*	*	*	*	*	*	*	

(x) indicates where parts of a street fall outside the boundary of the Conservation Area. It is only those properties which fall within the boundary that the direction applies to.

5.5.8 For Sale, To Let and other advertising

Under the Town and Country Planning (Control of Advertisements) Regulations 1992, estate agents are free to erect advertising boards without planning permission so long as they are removed within 14 days of sale or letting. They are supposed to be limited to one board per property. However, in reality the rules are rarely enforced and boards are often left for months; there is also evidence that up to three boards are being attached to buildings within the Conservation Area. This is of particular concern when it is an historic building since the boards are detrimental to its character and, cumulatively, high numbers of them detract from the appearance of important streets in the Conservation Area. It is especially problematic in the historic commercial streets of Micklegate, Church Street, Shambles, Colliergate and Goodramgate. Moreover, the number of signs sends out the wrong message about the economic vitality of the centre.

Other historic cities and towns such as Bath, Chester and Ludlow have all banned estate agent boards. York's historic environment is equally sensitive and needs to be protected.

There are two ways in which this might be achieved: the use of Article 4 (1) Directions (for non-residential property), that would remove some permitted development rights; or, applying to the Secretary of State, under Regulation 7 of Town and Country Planning (Control of Advertisements) Regulations 1992, for deemed consent for estate agency advertising boards to no longer apply within the Conservation Area for an indefinite period.

Regulation 7 requires the proposal and subsequent direction (if made) to be advertised. This will raise awareness of the impending change and reduce the likelihood of the direction being flouted.

Advertising regulations could also be used to control the use of 'A-boards' and other moveable advertising. Whilst in moderation these cause little harm to the character and appearance of the Area, competing groups can clutter streets and impede pedestrian movement.

Recommendations

The City of York Council should ensure that for sale and to let advertising boards are removed from the Conservation Area for an indefinite period either through Article 4 (1) Directions or Regulation 7 of Town and Country Planning (Control of Advertisements) Regulations

5.6 A Sustainable Conservation Area

5.6.1 The Issues

This section considers how the impact of climate change on individual historic buildings and the Conservation Area can be managed.

Principal Issues

- *City of York Council has a Climate Change Action Plan for the city*

- *Buildings and their occupiers in the Conservation Area will need to contribute to the Action Plan's ambitious targets*
- *Clear and informative guidance will be required to help owners adapt their buildings without harming the special interest of the Conservation Area*

5.6.2 City of York carbon reduction targets

City of York Council has published a Climate Change Framework and a Climate Change Action Plan. The headline targets are a reduction in carbon dioxide emissions of 40 per cent by 2020 and 80 per cent by 2050. Transport policy has a large part to play in this. That topic is addressed in section 5.9. Here, the principal management consideration is how to undertake adaptations to historic buildings to improve their energy performance whilst limiting the harm to their significance and the character and appearance of the Conservation Area.

5.5.3 What measures are acceptable in the Conservation Area?

As a general principle, in the first instance all residents and businesses should be encouraged to adopt low intervention measures to reduce energy consumption, such as roof insulation, thick curtains, low energy light bulbs, energy efficient boilers and other appliances, and secondary glazing. Such changes should be made before implementing more interventionist measures such as replacement windows and external wall insulation, and installing energy generation technology, like photovoltaic panels (PV) and solar water heating systems.

Because these interventions will have at least some impact on the character and appearance of the Conservation Area, York needs to decide carefully which measures are appropriate in what circumstances. For example:

- *should PV cells be permitted on roofs in the Conservation Area, and if so should they be restricted to roofs that are not visible from public areas (and should 'public areas' include some or all of the City Walls and roofscape visible in Key Views)?*
- *would external insulation be appropriate on the rear elevations of unlisted buildings in the Conservation Area (which might be visible from elevated public areas, such as the City Walls above Bishophill)?*
- *are uPVC windows appropriate for unlisted buildings in the Conservation Area?*

These are difficult considerations. However, a balance must be struck between conserving the appearance of the Area and allowing owners to improve the carbon performance of their buildings: the City is after all urging them to do so in response to national policy. To a degree, technological advances and a growing body of experience (see next page) may reduce the potential conflict between these objectives. For example, PV cells are now available which do a passable impression of slates, and there are some very slim doubleglazed timber sashes on the market. The relative scale of restrictions on buildings in the Conservation Area should also be kept in mind: applying Article 4 Directions to unlisted buildings in the Area as advocated in section 5.5.6 would only affect a tiny proportion of the total housing stock of the city. Once Council policy is agreed, the tools for its implementation will need to include both advice and guidance to owners on the one hand, and listed building consent and Article 4 Directions on the other. The latter will be required to manage carbon reduction retrofit works to unlisted buildings in the Conservation

Area, such as replacement windows and most solar panel technologies, because these works are currently classed as Permitted Development. Therefore, City of York Council must develop policy and issue informative guidance as a matter of priority.

Fulford Road (2010)

8.4 Article 4 Directions might be worth considering where the buildings have remained relatively unaltered by for example modern, dormer windows, windows and wall finishes eg in Fishergate, Wenlock Terrace and St Oswalds Road.

8.5 Passive solar equipment should not be added to roofs where it would detract from the appearance of the building or the amenity of the area.

Fulford Village (2008)

10.7 Article 4 Directions might be worth considering where the buildings and area as a whole are a sensitive composition eg the Sir John J Hunt Almshouses.

Heslington (2009)

10.10 Consideration should be given to introducing Article 4 (2) directions to the Conservation Area. This would bring about additional protection to unlisted buildings within the area and could be used for example to resist the replacement of timber doors and windows in unsuitable materials/styles, or the loss of typical features such as gates, fences, walls or other means of enclosure.

Nestlé Rowntree Factory (2008) N/a

Racecourse & Terry's (2006) N/a

Strensall (2011)

11.02 Consideration should be given to introducing Article 4 (2) directions to the Conservation Area. This would provide additional protection to unlisted buildings within the area and could be used, for example, to resist the replacement of timber doors and windows in unsuitable materials/styles, or the loss of typical features such as gates, fences, walls or other means of enclosure.

Strensall railway buildings (2011)

7.02 Consideration should be given to introducing Article 4 (2) directions to the Conservation Area. This would provide additional protection to unlisted buildings within the area and could be used, for example, to resist the replacement of timber doors and windows in unsuitable materials/styles, or the loss of typical features such as gates, fences, walls or other means of enclosure.

Towthorpe (2011)

7.04 Article 4 (2) directions should be introduced to cover roofs, doors, windows, porches, boundary walls and gates. This would provide additional protection to the essentially agricultural character of many unlisted buildings within the designated area. It would also prevent the use of unsympathetic materials/styles and allow control over design and materials used against the highway.

Remaining CAs without CAAs

Clifton
Acomb

St Paul's Sq/Holgate Rd
Heworth/Heworth Green/East Parade/Huntington Rd
New Walk/Terry Avenue
The Retreat/Heslington Rd
Tadcaster Road
Middlethorpe
Bishopthorpe
Copmanthorpe
Askham Bryan
Askham Richard
Upper Poppleton
Nether Poppleton
Skelton
Clifton (Malton Way/Shipton Rd)
New Earswick
Huntington
Haxby
Osbalwick
Elvington
Wheldrake
Escrick
Stockton on Forest
Dunnington
Murton

THE COUNCIL OF THE CITY OF YORK
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)
(ENGLAND) ORDER 2015 (as amended)
DIRECTION MADE UNDER ARTICLE 4(1) RELATING TO HESLINGTON
CONSERVATION AREA

WHEREAS the Council of the City of York (“the Council”) being the appropriate local planning authority within the meaning of Article 4(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“2015 Order”) is satisfied that it is expedient that development of the description set out in the Schedule below should not be carried out on the land shown edged red on the attached plan (comprising parts of Main Streets, Holburns Croft, Hall Park and School Lane) unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 (as amended).

NOW THEREFORE the Council in pursuance of the power conferred on it by Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 hereby directs that the permission granted by Article 3 of the said Order shall not apply to development of the description set out in the Schedule below on the said land.

SCHEDULE

The Article 4 Direction removes the following permitted development rights:

Article 3 Schedule 2 Part 1

Class A	the enlargement, improvement or other alteration of a dwelling house to front or side elevations adjacent to a highway.
Class C	Any other alteration to the roof (i.e roofing materials and roof-lights) of a dwelling house to front or side elevations adjacent to a highway.
Class D	The erection or construction or demolition of a porch outside any external door of a dwelling house to front or side elevations adjacent to a highway.
Class G	The installation, alteration or replacement of a chimney or flue which projects proud of the roof slope on a dwelling house.
Class H	The installation, alteration or replacement of a microwave antenna on a dwelling house to front or side elevations adjacent to a highway.

Article 3, Schedule 2 Part 14

Class A	The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on the front or side facing roof slopes of a dwelling house or a block of flats; or a building situated within the curtilage of a dwelling house or a block of flats.
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Article 3 Schedule 3 Part 2 (Note this applies to dwellings only)

Class A	The erection, construction, improvement or alteration of a gate, fence, wall or other means of enclosure adjacent to a highway.
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MADE under the **COMMON SEAL**

of the **Council of the City of York** thisday of2020

in the presence of:

.....

Authorised signatory

CONFIRMED under the **COMMON SEAL** of

of the **COUNCIL OF THE CITY OF YORK** thisday of2020

in the presence of:

.....

Authorised signatory



'Better Decision Making' Tool
Informing our approach to sustainability, resilience and fairness

The 'Better Decision Making' tool should be completed when proposing new projects, services, policies or strategies.

This integrated impact assessment tool was designed to help you to consider the impact of your proposal on social, economic and environmental sustainability, and equalities and human rights. The tool draws upon the priorities set out in our Council Plan and will help us to provide inclusive and discrimination-free services. The purpose of this new tool is to ensure that the impacts of every proposal are carefully considered and balanced and that decisions are based on evidence.

Part 1 of this form should be completed as soon as you have identified a potential area for change and when you are just beginning to develop a proposal. If you are following the All About Projects Framework it should be completed before going through Gateway 3.

Part 2 of this form should be filled in once you have completed your proposal and prior to being submitted for consideration by the Executive. If you are following the All About Projects Framework it should be completed before going through Gateway 4. Your answer to questions 1.4 in the improvements section must be reported in any papers going to the Executive and the full 'Better Decision Making' tool should be attached as an annex.

Guidance to help you complete the assessment can be obtained by hovering over the relevant text or by following this link to the 'Better Decision Making' tool on Colin.

Guidance on completing this assessment is available by hovering over the text boxes.

Please complete all fields (and expand if necessary).

Introduction

Service submitting the proposal:	Design, Conservation & Sustainable Development
Name of person completing the assessment:	Edward Freedman
Job title:	Conservation Officer
Directorate:	Economy and Place
Date Completed:	22/06/20
Date Approved: form to be checked by service manager	

Part 1

Section 1: What is the proposal?

1.1	Name of the service, project, programme, policy or strategy being assessed? Proposal for an Article 4 Direction for the Heslington Conservation Area and Production of a strategy for Article 4 Directions for City of York Conservation Areas
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1.2	What are the main aims of the proposal? CoYC has a number of adopted conservation area appraisals that include recommendations for article 4 directions that have not been taken forward. Heslington Parish Council has asked the Council to implement an article 4 direction within Heslington, and funding is available to pursue this project. The main aims of the proposal are to serve an article 4 direction to protect the Heslington conservation area; and to produce a strategy for implementing article 4 directions in the city's conservation areas more broadly, based on the survey and prioritisation of the city's conservation areas for this purpose.
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1.3	What are the key outcomes? The main effects of the proposal will be the more effective protection and management of the special qualities of the City's conservation areas.
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Section 2: Evidence

	What data / evidence is available to understand the likely impacts of the proposal? (e.g. hate crime figures, obesity levels, recycling statistics)
2.1	Nationally, data suggests that the use of article 4 directions has increased since 1995: The Use of Article 4 Directions c.2008 http://www.ihbc.org.uk/recent_papers/docs/Andrew.pdf Data for the impact of article 4 directions is not believed to be collected as they are a form of discretionary local designation.

	What public / stakeholder consultation has been used to support this proposal?
2.2	Consultation has taken place with a nominated representative of Heslington Parish Council and Heslington Village Trust. Consultation with all stakeholders would take place in accordance with statutory provisions and the CoYC Statement of Community Involvement on the proposed Strategy and before any article 4 direction came into effect.

	Are there any other initiatives that may produce a combined impact with this proposal? (e.g. will the same individuals / communities of identity also be impacted by a different project or policy?)
2.3	Not anticipated.

Part 1

Section 3: Impact on One Planet principles

This section relates to the impact of your proposal on the One Planet principles.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'.

Equity and Local Economy

Does your proposal?	Impact	What are the impacts and how do you know?
3.1 Impact positively on the business community in York?	Neutral	The article 4 directions would affect single residential properties so would have no impact on business premises.
3.2 Provide additional employment or training opportunities in the city?	Neutral	No impact anticipated
3.3 Help individuals from disadvantaged backgrounds or underrepresented groups to improve their skills?	Neutral	No impact anticipated

Health & Happiness

Does your proposal?	Impact	What are the impacts and how do you know?
3.4 Improve the physical health or emotional wellbeing of staff or residents?	Neutral	No impact anticipated although there is evidence for stewardship of the historic environment and participation with heritage promoting wellbeing https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/
3.5 Help reduce health inequalities?	Neutral	No impact anticipated
3.6 Encourage residents to be more responsible for their own health?	Neutral	No impact anticipated
3.7 Reduce crime or fear of crime?	Neutral	No impact anticipated
3.8 Help to give children and young people a good start in life?	Neutral	No impact anticipated

Culture & Community

Does your proposal?	Impact	What are the impacts and how do you know?
3.9 Help improve community cohesion?	Neutral	No impact anticipated
3.10 Improve access to services for residents, especially those most in need?	Neutral	No impact anticipated
3.11 Improve the cultural offerings of York?	Positive	The proposals seek to develop the use of article 4 directions in the City's conservation areas which is necessary to effectively manage change in these areas of special architectural and historic character, and to better protect the architectural and historic character of Heslington.
3.12 Encourage residents to be more socially responsible?	Positive	The use of article 4 directions allows residents to have more influence on changes to their neighbourhoods through the planning process and allows historic areas to be managed to preserve their special characters.

Zero Carbon and Sustainable Water

Does your proposal?	Impact	What are the impacts and how do you know?
3.13 Minimise the amount of energy we use, or reduce the amount of energy we will use/pay for in the future?	Neutral	No impact anticipated

3.14	Minimise the amount of water we use or reduce the amount of water we will use/pay for in the future?	Neutral	No impact anticipated
3.15	Provide opportunities to generate energy from renewable/low carbon technologies?	Mixed	The use of article 4 directions may include extending planning control over domestic micro-generation/solar panel equipment mounted on houses. It is also envisaged that guidance will be produced on 'best practice' installation of such fixtures. Therefore whilst some such proposals may be discouraged by the additional planning controls others may be encouraged by greater clarity on their acceptability.

Zero Waste

Does your proposal?		Impact	What are the impacts and how do you know?
3.16	Reduce waste and the amount of money we pay to dispose of waste by maximising reuse and/or recycling of materials?	Positive	Article 4 directions are likely to encourage the maintenance of architectural features and materials rather than their unnecessary replacement, reducing wastage of historic building materials.

Sustainable Transport

Does your proposal?		Impact	What are the impacts and how do you know?
3.17	Encourage the use of sustainable transport, such as walking, cycling, ultra low emission vehicles and public transport?	Neutral	No impact anticipated
3.18	Help improve the quality of the air we breathe?	Neutral	No impact anticipated

Sustainable Materials

Does your proposal?		Impact	What are the impacts and how do you know?
3.19	Minimise the environmental impact of the goods and services used?	Positive	The objective of using article 4 directions in conservation areas is to preserve and perpetuate the use of historic and traditional materials, avoiding unnecessary or inappropriate replacement of sustainable materials. The use of unsustainable materials such as PVC and concrete would be likely to be discouraged through the

Local and Sustainable Food

Does your proposal?		Impact	What are the impacts and how do you know?
3.20	Maximise opportunities to support local and sustainable food initiatives?	Neutral	No impact anticipated

Land Use and Wildlife

Does your proposal?		Impact	What are the impacts and how do you know?
3.21	Maximise opportunities to conserve or enhance the natural environment?	Neutral	No impact anticipated
3.22	Improve the quality of the built environment?	Positive	The use of article 4 directions in conservation areas is intended to preserve and enhance the architectural and historic quality and character of the building environment.
3.23	Preserve the character and setting of the historic city of York?	Positive	The use of article 4 directions in conservation areas is intended to preserve and enhance the architectural and historic quality and character of the building environment.
3.24	Enable residents to enjoy public spaces?	Neutral	No impact anticipated

3.25	Additional space to comment on the impacts		

Part 1

Section 4: Impact on Equalities and Human Rights

Please summarise any potential positive and negative impacts that may arise from your proposal on staff or residents. This section relates to the impact of your proposal on **advancing equalities and human rights** and should build on the impacts you identified in the previous section.

For 'Impact', please select from the options in the drop-down menu.
If you wish to enter multiple paragraphs in any of the boxes, hold down 'Alt' before hitting 'Enter'

Equalities

Will the proposal **adversely impact** upon 'communities of identity'?
Will it **help advance equality** or **foster good relations** between people in 'communities of identity'?

	Impact	What are the impacts and how do you know?	Relevant quality of life indicators	
4.1	Age	Neutral	None deemed likely	N/A
4.2	Disability	Neutral	None deemed likely	N/A
4.3	Gender	Neutral	None deemed likely	N/A
4.4	Gender Reassignment	Neutral	None deemed likely	N/A
4.5	Marriage and civil partnership	Neutral	None deemed likely	N/A
4.6	Pregnancy and maternity	Neutral	None deemed likely	N/A
4.7	Race	Neutral	None deemed likely	N/A
4.8	Religion or belief	Neutral	None deemed likely	N/A
4.9	Sexual orientation	Neutral	None deemed likely	N/A
4.10	Carer	Neutral	None deemed likely	N/A
4.11	Lowest income groups	Neutral	None deemed likely	N/A
4.12	Veterans, Armed forces community	Neutral	None deemed likely	N/A

Human Rights

Consider how a human rights approach is evident in the proposal

	neutral	What are the impacts and how do you know?	
4.13	Right to education	neutral	None deemed likely
4.14	Right not to be subjected to torture, degrading treatment or punishment	neutral	None deemed likely
4.15	Right to a fair and public hearing	neutral	None deemed likely
4.16	Right to respect for private and family life, home and correspondence	neutral	None deemed likely

4.17	Freedom of expression	neutral	None deemed likely
4.18	Right not to be subject to discrimination	neutral	None deemed likely
4.19	Other Rights	neutral	None deemed likely

4.20	Additional space to comment on the impacts		



Part 1

Section 5: Developing Understanding

Based on the information you have just identified, please consider how the impacts of your proposal could be improved upon, in order to balance social, environmental, economic, and equalities concerns, and minimise any negative implications.

It is not expected that you will have all of the answers at this point, but the responses you give here should form the basis of further investigation and encourage you to make changes to your proposal. Such changes are to be reported in the final section.

Taking into consideration your responses about <u>all of the impacts</u> of the project in its <u>current form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?	
5.1	The proposed making of an article 4 direction for Heslington is considered likely to have a positive impact on the historic environment of Heslington and would be supportive of the aspirations of the local community. Article 4 directions are an important management tool for preserving and enhancing the historic environment which is a prerequisite of sustainable development.

What could be changed to improve the impact of the proposal on the <u>One Planet principles</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.2	No improvements considered necessary.

What could be changed to improve the impact of the proposal on <u>equalities and human rights</u>? (please consider the questions you marked either mixed or negative, as well as any additional positive impacts that may be achievable)	
5.3	No mixed or negative impacts on equality and human rights are considered likely.

Section 6: Planning for Improvement

What further evidence or consultation is needed to fully understand its impact? (e.g. consultation with specific communities of identity, additional data)	
6.1	The proposal is to proceed with actions which will involve statutory consultation before any article 4 directions are confirmed. Consultation will inform any recommendations.

6.2	What are the outstanding actions needed to maximise benefits or minimise negative impacts in relation to this proposal? Please include the action, the person(s) responsible and the date it will be completed (expand / insert more rows if needed)
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Action	Person(s)	Due date

	Additional space to comment on the impacts
6.3	

Part 2

Section 1: Improvements

Part 2 builds on the impacts you identified in Part 1. Please detail how you have used this information to make improvements to your final proposal.

Please note that your response to question 1.4 in this section must be reported in the One Planet Council implications section of reports going to the Executive.

1.1	<p>For the areas in the 'One Planet' and 'Equalities' sections, where you were unsure of the potential impact, what have you done to clarify your understanding?</p>
	<p>No uncertain impacts were anticipated.</p>

1.2	<p>What changes have you made to your proposal to increase positive impacts?</p>
	<p>No changes considered necessary.</p>

1.3	<p>What changes have you made to your proposal to reduce negative impacts?</p>
	<p>No negative impacts anticipated.</p>

1.4	<p>Taking into consideration everything you know about the proposal <u>in its revised form</u>, what would you consider the overall impact to be on creating a fair, healthy, sustainable and resilient city?</p> <p>Your response to this question must be input under the One Planet Council implications section of the Executive report. Please feel free to supplement this with any additional information gathered in the tool.</p>
	<p>It is considered that the recommended actions will have a positive impact overall on creating a sustainable neighbourhood, and neutral impacts on fairness, healthiness and resilience.</p>

	<p>Any further comments?</p>
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1.5