

DECISION-MAKER:	CABINET		
SUBJECT:	ROCKSTONE LANE, CONFIRMATION OF ARTICLE 4 DIRECTION		
DATE OF DECISION:	15 JULY 2014		
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY

None

BRIEF SUMMARY

On 19 November 2013 Cabinet agreed to start formal consultations with residents about the imposition of an Article 4 Direction on Rockstone Lane, part of the Cranbury Place Conservation Area. In the event that there were objections a further report was to come before Cabinet to consider those objections and determine whether or not to confirm the proposed Direction in light of any material planning concerns raised.

RECOMMENDATIONS:

- (i) Having considered the objections to the proposals, to confirm the Article 4 Direction for Rockstone Lane, removing Permitted Development Rights for the properties set out in Appendix 1.

REASONS FOR REPORT RECOMMENDATIONS

1. To enable the Council to control unsympathetic development within the Conservation Area and preserve its character and appearance.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

2. Not to confirm the Article 4 Direction. This would make it harder for the Council to control unsympathetic development in the area, leading to a gradual loss of character.

DETAIL (Including consultation carried out)

3. On 19 November 2013 Cabinet agreed to adopt the revised Conservation Area Appraisal and Management Plan for the Cranbury Place Conservation Area (CAB 13/14 11552). The report to Cabinet also contained a recommendation to include Rockstone Lane within a revised Conservation Area boundary, and to implement an Article 4 Direction for Rockstone Lane.
4. The proposed Article 4 Direction was subject to a further period of consultation. If during this time no objections were received the direction would automatically be put in place on May 1 2014.

5. Two letters of support and three letters of objection were received from local residents and a business in the area. The letters of objection require a further report to Cabinet for the points raised to be considered, and for Cabinet to either approve the Direction or reject it. The objections are set out below, along with responses from the Historic Environment Group Leader. Any further objections received prior to the date of the Cabinet meeting will be reported verbally at the meeting.

Summary of Objection Comments:

6. *Firstly, the houses were never uniform - they were built at different times so were always varied in appearance.*

Response. It is not the intention that the existing houses should be made uniform in appearance. There are many conservation areas in the City that are not uniform, and this is part of the character of the area. To impose uniformity would be contrary to the aims of the Article 4.

7. *Furthermore, work has been done on a large number of houses since they were built - the vast majority already have UPVC windows for example. Imposing a restriction which prevents the few houses that haven't got double glazing from upgrading without great expense seems fruitless and is effectively punishing a handful of owners.*

Response. It is acknowledged that there are a number of properties with existing uPVC windows. If the Article 4 Direction is approved by Cabinet it would be unlikely that further uPVC windows (or doors) would be approved. However, this does not mean that windows could not be replaced with double-glazed units in the future. There are now a number of companies who manufacture timber and metal double glazing to comply with restrictions imposed by Conservation Area status. This is a growing industry and, while the cost is currently greater than uPVC, these units are becoming more competitive in price. Additionally it would be possible (even with the Article 4 Direction in place) to install secondary glazing without the need to apply for planning permission, and as the Direction only applies to the front elevations rear windows could be replaced with uPVC without permission.

8. *It should also be noted that Rockstone Lane is not a particularly affluent street, with houses costing around £165,000. Therefore, residents don't necessarily have the disposable income to pay for upgrades such as wooden replacement windows.*

Response. Homeowners wishing to improve thermal and acoustic insulation would be able to opt for secondary glazing systems. These do not require planning permission. Research published by English Heritage on the relative performance between double glazing and secondary glazing demonstrates that there is little if any difference between the two. Secondary glazing is of a roughly equivalent cost to double glazing and has virtually no impact on the character and appearance of conservation areas.

9. *The higgledy piggledy nature of the street is part of its appeal, with different coloured front doors and styles for example. Imposing a restricted palate would do nothing to enhance the appearance of the street and would serve to make it blander and less attractive.*

Response. It is agreed that the lack of uniformity of the houses are part of the character of Rockstone Lane. It is not the intention of the article 4 Direction to impose uniformity.

10. *We feel that it would have been a more democratic approach to have arranged a local referendum of residents (there are only 60 residences on the street) to obtain support or otherwise for the application ahead of investing in this assessment work being undertaken. This could have been easily co-ordinated with the Rockstone Lane Resident's Association, who the council already have a working relationship with.*

Response. A public meeting was held on 18 June 2013. Invitation letters were mainly hand-delivered by staff of the Historic Environment Team. Six weeks were allowed for consultation responses, either at the meeting or via letter or e-mail to the Conservation Officer, and further opportunities to comment in the lead up to the Cabinet Report on 19 November. The general response to the proposals was positive, and a summary of the responses received were included as an appendix to the report. The Chair of the Rockstone Lane Residents Association was present at the public consultation meeting and expressed her support for both the inclusion within the conservation area, and the Article 4 Direction.

11. *The Article 4(1) Direction was applied for without support from the majority of residents. Could you please justify why the Article 4(1) Direction was applied for when only 11 out of 60 residents responded positively at the previous consultation stage?*

Response. At their meeting of 19 November 2013 Cabinet approved *the proposal to implement an Article 4 Direction for Rockstone Lane to remove Permitted Development (PD) rights for works to the roofs and front elevations, and to authorise the Head of Legal, HR and Democratic Services to take any action or decision necessary to make an Article 4 Direction and consult with residents.* The Article 4 Direction can only come into force after the consultation comments have been presented to Cabinet. See also the response at (10) above.

12. *Southampton City Council is facing huge cut backs over the next few years. Is the use of an Article 4 (1) Direction something which a local planning authority should be embarking on?*

Response. Part of the duties laid on Local Authorities by National Government is set out in Section 71 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states ‘*Formulation and publication of proposals for preservation and*

enhancement of conservation areas.

(1)It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.'

The proposals to add Rockstone Lane to the Cranbury Place Conservation Area, and subsequently to consult on imposing an Article 4 Direction are in compliance with that duty.

13. *Do the planning department have the resources to implement an Article 4 Direction and deal with the consequent planning applications? Will it have the resources to investigate possible breaches and enforce the new legislation if an Article 4(1) Direction is made?*

Response. Yes.

14. *As a homeowner on Rockstone Lane, the houses require considerable expenditure to renovate them and to bring them up to modern standards. Even when this renovation has already been undertaken further investment is needed to meet the need for energy efficiency. A large percentage of homeowners on the road are first time buyers with limited budgets, we are concerned that the Article 4(1) Direction will make it very expensive for homeowners to undertake renovations to their properties. As a first time buyer, we would have not purchased a property with Article 4(1) Direction restrictions.*

Response. Most of the measures needed to improve energy efficiency in homes (such as loft insulation, draught-proofing etc) would not require planning permission even if an Article 4 Direction were to come into force. The only measure that would require planning permission would be the replacement of windows with double glazing, and it would generally only be the use of uPVC double glazing that would be opposed. The requirement *not* to use uPVC is well known within the glazing industry, and there are now a number of products on the market that use traditional materials (wooden or metal frames). Metal-framed double glazing has been installed in the Civic Centre, (a Grade II* Listed Building) with approval from English Heritage. While it is recognised that traditionally-framed double glazing is a more expensive option, due to a greater understanding of the glazing industry of the requirements for working in Conservation Areas and with Listed Buildings, and due to the competitive nature of that industry, prices have fallen in recent years. Additionally, please see the response at (8) above.

15. *The appearance of the properties on Rockstone Lane is varied, with a variety of styles of windows and doors. By enforcing the Article 4(1) Direction and removing permitted development rights this is asking for the windows to adhere to a standard style, taking away the individual style of that embodies the character of the road.*

Response. It is not the intention that the existing houses should be made uniform in appearance. There are many conservation areas in the City that are not uniform, and this is part of the character of the area. To impose uniformity would be contrary to the aims of the Article 4.

16. *Rockstone Lane is a popular road to live on, this is reflected by the higher than average house prices. Homeowners on the road take pride in their properties and we do not feel that there is a strong justification for the removal of development rights because there is no threat to the loss of character on the road. There are no properties on the street which have lost their character, even where modernisations such as double glazed UPVC windows and doors have been applied.*

Response. Most respondents agree that Rockstone Lane is a pleasant road and that the area has a lot of character. Managing change within a Conservation Area is not the same as preventing change or development (although sometimes this is the case). Threats to the character of conservation areas are not always from large developments, but can often come from numerous small-scale, incremental changes. The Article 4 Direction (if approved) will help to manage these changes, to the benefit of residents and homeowners alike.

17. *Southampton City Council have been the biggest threat to the character of Rockstone Lane and their efforts should be directed towards Council repair work rather than homeowners. Examples of this include:*

- *Repair of pavement drains with new out of character drainage;*
- *Cutting back (to ground level) of the community garden (which responsibility for had been assigned to the residents by the council) at the end of the street without consulting the residents who spent their own money and effort planting up the area;*
- *The threat of replacing the existing traditional swan neck lampposts with new lighting;*
- *Paving slabs being replaced by tarmac (we understand that the ground needed to settle, but the tarmac has been here for years and despite talking on a number of occasions with the council these haven't been replaced);*
- *Numerous cobblestones have been tarmaced over and in places removed and replaced by tarmac;*
- *Numerous flagstones have been removed and replaced by tarmac;*
- *Installation of an unsympathetic flower bed railing;;*
- *No regular cleaning regime for the stone water trough at the apex of*

Rockstone Lane. The stone work has been cleaned once in 5 years.

Response. While these issues fall outside the remit of the Planning Legislation, experience (i.e. in Oakmount Triangle) has shown that Conservation Area status has enabled the planning department to more carefully manage inappropriate works that may harm the essential character of the area. This has included using more sympathetic materials to repair kerbs, pavements and gutters etc. Street Lighting have confirmed that there are no proposals to remove the existing street lights as part of the Lighting PFI, and that the only works proposed are to change the lanterns. Cleaning of the Water Trough is not a planning issue, but these comments will be passed on to the relevant Council department.

18. *We bought this site three years ago and have inherited all the uPVC windows which I personally think do not look too bad. However, many are draughty, leak and the double glazing panes have condensation between them. We need to replace them fairly urgently but as with all things in life there is a cost. We have ten windows and a number of doors that let out heat and our utilities are very high as we have to keep the pub heated all the time for the customers.*

The windows are over £500 each, so £5,000 for them alone. If we have to replace them and the doors with wood to match whatever was there in history then we need nearer £20,000. No wonder pubs are going out of business every day. It's because of your, I am sure good intentions, but not thinking the problem through.

Response. As a commercial property in a conservation area the public house already has no Permitted Development Rights. It is also a Locally Listed Building. The Council always seeks to work proactively with property owners to find solutions to problems such as those noted above, and will continue to do so. Please see the response at (14) above, which sets out the position regarding secondary glazing, which would not require planning permission.

19. *I don't know whether anyone in your department has actually looked at Rockstone Lane but an area of outstanding beauty worth conserving it is not! At one end you have the garage next to some scruffy take aways. Half way up Rockstone Lane is an industrial signage site. Next to that is scrap land that is unkempt beyond belief.*

Response. Rockstone Lane (as has been noted in all of the comments) has a character that is distinct from the surrounding areas, and one that is worth conserving. The garage site is not included in the conservation area. The industrial site was located within the original Cranbury Place Conservation area, prior to the recent boundary revisions.

20. *At the high end is a block of old flats and a lawn that my son has got the residents to replant with his money after your Council grubbed it all out!*

Response. The issues with the Community Garden are noted. These comments will be passed on to the Parks Department.

21. *Further down the road towards our pub are houses of every hue and cry, none matching and none deserving conservation. Most have a weird and wonderful selection of windows and doors and I cannot imagine any residents having the money to replace the said items with wood.*

Response. The mixed character of Rockstone Lane has already been noted. Most of the conservation areas in the City contain a mixture of house types from different ages. Uniformity is not a requirement.

22. *I accept that there may be some roads in Southampton that should be returned to their original Victorian or Georgian state however Rockstone Lane should not be one of them!*

Response. There is no implication in the proposals that the buildings need to be returned to their original state. The Article 4 Direction concerns only the front elevations of the properties (with the exception of The Rockstone public house). There is no change on householders ability to carry out works to the rear which will not affect the character and appearance of the conservation area.

23. The purpose of identifying conservation areas and applying Article 4 Directions is not to prevent change, but to set a framework within which change can be managed. The Article 4 Direction applies to the front elevations of the properties, and homeowners retain Permitted Development Rights for the rear and side elevations.
24. While it is accepted that as a result of the Article 4 Direction the use of uPVC materials will be actively discouraged, other materials are available, and double glazing is still an option for replacement windows and doors, provided that the materials are traditional.
25. The comments regarding the works to the highways and the pocket park are noted. While these are not planning matters, and therefore lie outside the control of the Article 4 Direction, there have been positive instances in other conservation areas where inappropriate modern materials have been replaced with traditional materials (for example concrete kerbs have been replaced with Purbeck kerbs).
26. On balance it is still felt that the Article 4 Direction would benefit both the city and the local residents in providing a mechanism that will allow the council to control inappropriate development and preserve or enhance the character and appearance of the conservation area. It is therefore recommended that Cabinet approve the proposal set out in the Recommendation (i) above.

RESOURCE IMPLICATIONS

Capital/Revenue

27. There is no capital implication arising from this report.
28. The cost of publication and distribution are estimated at £900. This can be met from within the existing E&T revenue budget.

Property/Other

29. There are no property implications for the Council arising from the recommendations contained within this report.

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

30. The Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Legal Implications:

31. The Council must be satisfied that any Conservation Area Appraisal and Management Plan conforms to the requirements of the Human Rights Act 1998, which incorporates the European Convention of Human Rights and Fundamental Freedoms into domestic legislation in particular Article 1 of the First Protocol in relation to the Protection of Property. Any interference with property rights (including restricting development opportunities, etc.) must be necessary and proportionate in order to control the use of property in accordance with the general public interest. The Council is satisfied that the proposals set out in this report are necessary to protect the local amenity and environment for the reasons set out in the body of the report.

POLICY FRAMEWORK IMPLICATIONS

32. The recommendations set out in the Cranbury Place Conservation Area Appraisal and Management Plan are based on and complement the existing policies set out in the Core Strategy and the saved policies of the City of Southampton Local Plan Review.

KEY DECISION? Yes

WARDS/COMMUNITIES AFFECTED:	Bevois
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SUPPORTING DOCUMENTATION

Appendices

1.	Proposed Article 4 Direction for Rockstone Lane
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Documents In Members' Rooms

1.	None
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Equality Impact Assessment

Do the implications/subject of the report require an Equality Impact Assessment (EIA) to be carried out.	No
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Other Background Documents

Equality Impact Assessment and Other Background documents available for inspection at:

1.	None	
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