

DECISION-MAKER:	CABINET		
SUBJECT:	CONFIRMATION OF THE CAVENDISH GROVE ARTICLE 4 DIRECTION		
DATE OF DECISION:	19 JANUARY 2016		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
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STATEMENT OF CONFIDENTIALITY	
N/A	
BRIEF SUMMARY	
<p>The Cavendish Grove Article 4 Direction was made and went out to public consultation by the Council on 23rd January 2014 and came into force on 1st May 2014. The order must be confirmed within two years from 23rd January 2014. This reports asks Cabinet to confirm the Order.</p> <p>Under the constitution Cabinet are required to confirm such Orders, regardless of whether Cabinet has previously agreed to the Article 4 Direction.</p>	
RECOMMENDATIONS:	
(i)	To confirm Article 4 Direction for Cavendish Grove, removing permitted development rights for the properties set out in Appendix 1.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To enable the Council to manage change inside the Conservation Area within a clear framework.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	Not to confirm the Order, in which case the Article 4 Direction will lapse
DETAIL (Including consultation carried out)	
3.	At their meeting on 19 November 2013 Cabinet agreed to make an Article 4 Direction for Cavendish Grove, which is part of the Avenue Conservation Area.
4.	This Order has to be confirmed within two years of the serving of the Order (22 January 2014), otherwise it will lapse, and the area will no longer be subject to the article 4 Direction.
5.	There have been no objections to this proposal.
	<u>Legal Procedure</u>
6.	Once Cabinet give approval for confirming the Order. The Council must then Seal the Order and serve notice locally and notify the Secretary Of State.

RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
7.	There are no Capital implications arising from this report. There are Revenue implications, which are that there will be a confirmation process in which the Council will have to advertise the Confirmation of the Order locally, and send letters to residents. A copy of the Order will also need to be sent to the Secretary of State for Communities and Local Government. The revenue costs will be met from existing planning service budgets.
<u>Property/Other</u>	
8.	There are no property implications for the Council arising from the recommendations contained within this report.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
9.	The Town and Country Planning (General Permitted Development) (England) Order 2015.
<u>Other Legal Implications:</u>	
10.	The Town and Country Planning (General Permitted Development) (England) Order 2015.
11.	In some circumstances and subject to a time limit the Council may be liable to pay compensation when a planning application is refused or granted subject to conditions resulting from an Article 4 Direction. The claim must relate to abortive expenditure or other loss or damage directly attributable to the withdrawal of the permitted development rights. A claim must be made within 12 months of the date on which the application is determined; for certain rights a claim can only be made within 12 months of the direction being made. Historic England guidance advises that compensation claims have been extremely rare.
12.	The Council must be satisfied that any Article 4 Direction conforms to the requirements of the Human Rights Act 1998, 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.
POLICY FRAMEWORK IMPLICATIONS	
13.	The recommendations set out in the Avenue 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?	No
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WARDS/COMMUNITIES AFFECTED:	Freemantle
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Sealed Article 4 Direction
2.	http://www.southampton.gov.uk/modernGov/ieListDocuments.aspx?CId=126&MId=2478&Ver=4
Documents In Members' Rooms	
1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessments (ESIA) to be carried out?	No
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	No
Other Background Documents	
Equality Impact Assessment and Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None