

<b>DECISION-MAKER:</b>	<b>CABINET</b>		
<b>SUBJECT:</b>	<b>ETHELBURT AVENUE CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN</b>		
<b>DATE OF DECISION:</b>	<b>20 OCTOBER 2015</b>		
<b>REPORT OF:</b>	<b>LEADER OF THE COUNCIL</b>		
<b><u>CONTACT DETAILS</u></b>			
<b>AUTHOR:</b>	<b>Name:</b>	<b>Kevin White</b>	<b>Tel: 023 8083 3192</b>
	<b>E-mail:</b>	<b>Kevin.white@southampton.gov.uk</b>	
<b>Director</b>	<b>Name:</b>	<b>Mark Heath</b>	<b>Tel: 023 8083 2371</b>
	<b>E-mail:</b>	<b>mark.heath@southampton.gov.uk</b>	

<b>STATEMENT OF CONFIDENTIALITY</b>	
N/A	
<b>BRIEF SUMMARY</b>	
<p>The Ethelburt Avenue (Bassett Green Estate) Conservation Area Appraisal and Management Plan replaces the Design Guide, (published in 1993). The guidance and management policies have been made clearer, and the opportunity has been taken to update and amend the Article 4 Direction for the area.</p>	
<p>As part of the extensive consultation undertaken with local residents changes to the existing boundaries were considered. These changes have been rejected and the boundaries will remain as originally set out.</p>	
<b>RECOMMENDATIONS:</b>	
	(i) to approve the attached Conservation Area Appraisal and Management Plan; and
	(ii) to approve the revised Article 4 Direction, and instruct the Head of Legal and Democratic Services to make the Article 4 Direction by the Non-Immediate Direction procedure.
<b>REASONS FOR REPORT RECOMMENDATIONS</b>	
1.	To ensure that the Ethelburt Avenue (Bassett Green Estate) Conservation Area is covered by an up-to-date appraisal, and that residents have a clear set of guidelines and policies that will enable them to plan future changes in a manner consistent with the significance of the area.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
2.	Not to revise the existing guidance. This would have resulted in guidance that was over 20 years old being used for planning decisions within the conservation area.
<b>DETAIL (Including consultation carried out)</b>	
3.	The Ethelburt Avenue (Bassett Green Estate) Conservation Area was designed and built by Herbert Collins, one of the leading Garden City Movement architects. Construction started in the early 1920's and it was

	largely completed by the outbreak of WWII.
4.	Design Guidance for residents was produced in 1993. This needed to be updated to both reflect the changes in legislation and to provide clearer information regarding works that will require planning permission and works that are Permitted Development.
5.	An initial draft was produced by the Historic Environment Group Leader for consultation with the Resident's Association in early 2014. As a result of this initial consultation significant alterations were made to the first draft, and a series of meetings was held with the management committee of the association which led to further refinements.
6.	Formal consultation on a final draft was held between 5 March and 17 April 2015. As a result of this consultation further changes to the draft were made, resulting in the production of the document attached to this report (Appendix 1).
7.	The final document (Appendix 1) is in two main parts. The first section is an appraisal of the significance of the area and an analysis of the strengths, weaknesses, opportunities and threats. The second part is a series of policies that will guide development proposals, and provide clearer information to residents, planners and appeal inspectors about what sorts of changes would be supported. Appendices setting out the planning policy framework, the revised Article 4 Direction, and non-statutory guidance for owners are also included.
8.	The key concern expressed by residents during the consultation centred around changes to windows on front and side elevations. Many residents felt that the existing restrictions were too onerous, and they sought a relaxation in the policy to allow greater flexibility in allowing the replacement of windows with double glazed units to reduce heating costs and make homes more energy efficient. Note that while replacement of windows with double-glazing requires planning permission, the use of secondary glazing units does not.
9.	Windows have a major impact on the character and appearance of the conservation area. Herbert Collins used a variety of styles and materials, ranging from steel units to wood. Replacement of steel units can be expensive, and replacement of windows in similar materials on an ad hoc basis would be harmful to the appearance of the area. Therefore Policy 12 of the Management Plan has been amended to allow for joint applications from owners of adjacent properties to replace windows as part of a single contract. This will ensure that a constancy of style is maintained as well as reducing costs for owners, who will be able to make savings through bulk-buying.
10.	Proposals for extending the boundaries of the conservation area were examined as part of the consultation. These comprised the inclusion of Summerfield Gardens (built in the 1960s) and separately, to include the Market Buildings, designed by Collins, located between Stoneham Lane and Stoneham Way.
11.	The proposal to include Summerfield Gardens was rejected on the basis that significant changes to the houses had already taken place (such as the replacement of virtually all windows and doors with uPVC). It is felt that existing planning controls are sufficient to control development in the area, and that inclusion in the conservation area would achieve little of value.

12.	<p>Market Buildings is a Locally Listed Building, and is a prominent feature of the area, and the land adjacent contains the memorial gardens and plaque to Herbert Collins. While some changes have taken place, there is still enough of character and value to consider measures to protect its appearance. However, rather than include the building in the conservation area it has been considered more appropriate to serve a separate Article 4 Direction on the building to control development.</p>
13.	<p>The existing Article 4 Direction for the conservation area was approved in 1992, and does not reflect the changes in either legislation or guidance for the protection of conservation areas. It has therefore been re-drafted and updated (Appendix 2) and, subject to Cabinet approval the Head of Legal and Democratic Services will start the formal consultation to adopt the revised Direction by the Non-Immediate procedure (see paragraph 14 for details). The existing Article 4 Direction will remain in place until the revised Direction is approved.</p>
14.	<p><u>Article 4 Direction Procedures</u></p> <ol style="list-style-type: none"> <li>1. Article 4 Directions can be served by an immediate or non-immediate procedure. Use of the non-immediate procedure is proposed. Using this procedure, the article 4 comes into force on a future date specified by the local planning authority after a period of public consultation has been undertaken and representations received and considered. Use of an immediate procedure is not recommended as this gives only 6 months to consult on the removal of permitted development rights, and is therefore subject to legal and financial risks of compensation to property owners and is normally only used in emergency situations.</li> <li>2. Public consultation includes a letter to every owner and occupier affected by the direction, site notices, a local press notice and notification of Hampshire County Council and Secretary of State for a period of 6 weeks. It must include details of the area to which the direction relates, a description of the development affected and name a place where the direction can be inspected. The consultation period is 21 days (date must be stated when to receive representations by).</li> <li>3. <b><i>It is necessary to specify the date on which it is proposed that the directions will come into force, which must be at least 28 days but no longer than 2 years.</i></b></li> <li>4. There is no fee for the planning application that is required resulting from an article 4 direction.</li> <li>5. Any representations received will be reported back to Cabinet to be taken into account in deciding if the article 4 directions should come into force. When confirmed a further local notification procedure is required.</li> </ol> <p><b><i>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 direction being made. However, Historic England guidance advises that compensation claims have been extremely rare.</i></b></p>

<b>RESOURCE IMPLICATIONS</b>	
<b><u>Capital/Revenue</u></b>	
15.	There are no Capital or Revenue implications.
<b><u>Property/Other</u></b>	
16.	There are no property or other implications.
<b>LEGAL IMPLICATIONS</b>	
<b><u>Statutory power to undertake proposals in the report:</u></b>	
17.	Planning (Listed Buildings and Conservation Areas) Act 1990
<b><u>Other Legal Implications:</u></b>	
18.	Restrictions imposed on property ownership through listed building and conservation area legislation is a restriction on the right to use property in accordance with the European Convention on Human Rights / the Human Rights Act 1998, as amended. The protection of property rights enshrined in the Article 1 of the first protocol the Act is a limited right and may be subject to reasonable and proportionate restrictions imposed by the state which are deemed necessary to protect the wider public interest. These restrictions placed on property development and improvement included within an Article 4 Direction and listed building / conservation area legislation have been well tested by the courts and found to be necessary and proportionate in the context of the wider public need to prevent inappropriate development and preserve the historic character of certain areas. The proposals set out in this report are, accordingly, compliant with the Human Rights Act 1998, as amended, and permitted restrictions in that context.
<b>POLICY FRAMEWORK IMPLICATIONS</b>	
19.	The proposals are consistent with the policies contained in the adopted Local Plan.

<b>KEY DECISION?</b>	Yes
<b>WARDS/COMMUNITIES AFFECTED:</b>	Swaythling

SUPPORTING DOCUMENTATION

**Appendices**

1.	Ethelburt Avenue Conservation Area Appraisal and Management Plan
2.	Direction for Ethelburt Avenue Conservation Area

**Documents In Members' Rooms**

1.	None
----	------

**Equality Impact Assessment**

<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>	No
---	----

**Other Background Documents**

**Other Background documents available for inspection at:**

<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>
1. None	