

Decision Maker: DEVELOPMENT CONTROL COMMITTEE

Date: Tuesday 29 January 2013

Decision Type: Non-Urgent Non-Executive Non-Key

Title: JULIAN ROAD ARTICLE 4 DIRECTION

Contact Officer: Chief Planning Officer
Planning Division
Tel: 020 84617532

Chief Officer: Director of Renewal & Recreation

Ward: Chelsfield and Pratts Bottom

1. Reason for report

The issue for consideration is the confirmation of an article 4 Direction at Land to rear of Nos. 1-39 Julian Road and rear of Nos. 8-30 Woodlands Road, Orpington, Kent. The effect of the Direction is to require that the provision within the curtilage of a dwellinghouse of any building or enclosure, or swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such; or the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such WILL REQUIRE PLANNING PERMISSION. Previously, such works were classed as 'permitted development' under Schedule 2, Part1, Classes E and F of the Town and Country Planning (General Permitted Development) Order 1995 as amended. This report therefore seeks to confirm this non-immediate article 4 to come into effect on 8th February 2013

2. **RECOMMENDATION(S)**

Confirm Article 4 direction to remove the PD in respect of Class E and Class F development, to come into effect on 8th February 2013.

Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Quality Environment
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Financial

1. Cost of proposal: No Cost
 2. Ongoing costs: Recurring Cost
 3. Budget head/performance centre:
 4. Total current budget for this head: £
 5. Source of funding:
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Staff

1. Number of staff (current and additional): 2
 2. If from existing staff resources, number of staff hours: 4
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Legal

1. Legal Requirement: Non-Statutory - Government Guidance
 2. Call-in: Not Applicable:
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): 29 Dwellings
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

3. COMMENTARY

- 3.1 At a meeting of the Portfolio Holder for Local Economy on 5th August 2008 the Council resolved that a Direction under Article 4 (1) to which Article 5 (4) applies was made. However, the Direction was not confirmed and therefore subsequently expired.
- 3.2 Most recently, on 14th November 2012 the Portfolio Holder signed an “Emergency” procedure for making an Article 4 Direction, under the terms of Circular 9/95: General Development Consolidation Order 1995 (as amended). This resulted from concerns that part of the Land subject of this Direction could be imminently developed.
- 3.3 A statutory consultation was undertaken as part of the process with affected owners and/or occupiers receiving a letter dated 21 November advising of the Direction. A press advertisement was also published on 28 November 2012. No objections or other representations were received. The Secretary of State was also consulted with no objection being received. The Direction was made on 14th November 2012. It is therefore requested that members authorise the confirmation of the direction to come into effect on 8th February 2013.

4. POLICY IMPLICATIONS

Existing Policy.

5. FINANCIAL IMPLICATIONS

No planning fee is chargeable for applications generated by the direction. However this is not expected to generate many additional applications.

6. LEGAL IMPLICATIONS

Article 4 of the GPDO (amended 1995) allows LPAs to withdraw certain PD rights from specified areas.

7. PERSONNEL IMPLICATIONS

Due to the small area a large increase in workload is not projected.

Non-Applicable Sections:	-
Background Documents: (Access via Contact Officer)	The Chenies Supplementary Planning Guidance