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Cabinet Member (Business, Enterprise and Employment)

11<sup>th</sup> September 2014

**Name of Cabinet Member:**

Cabinet Member (Business, Enterprise and Employment) Councillor Maton

**Executive Director Approving Submission of the report:**

Executive Director Place

**Ward(s) affected:**

Lower Stoke

**Title:** Report recommending the confirmation of the Article 4(1) Direction

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**Is this a key decision?**

No

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**Executive Summary:**

This report recommends that the Cabinet Member approves the confirmation of an Article 4 Direction that was made at Copsewood Grange and Lodge, New Century Park, Allard Way, Coventry. The buildings are Locally Listed and are owned by Morris Homes Ltd who have full planning permission to convert the Grange into apartments and the Lodge into a residential dwelling. On 2<sup>nd</sup> May 2014 Morris Homes Ltd informed Council Officers that they were intending to demolish the buildings and the Council made an immediate Article 4 Direction removing their permitted development rights to do so that same day. Planning permission is now required to demolish the buildings. The owners have been notified about the making of the Direction but have made no representations to the Council. The Council has six months to confirm the Direction or it will expire on the 2<sup>nd</sup> November 2014.

**Recommendations:**

The Cabinet Member (Business, Enterprise and Employment) is requested to:

- 1) Ratify the decision to serve the immediate Article 4 Direction on 2<sup>nd</sup> May 2014;
- 2) Approve the confirmation of the Article 4(1) Direction on Copsewood Grange and Lodge, New Century Park, Allard Way, Coventry.

**List of Appendices included:**

Appendix 1, Plan of Article 4(1) Direction Area.

Appendix 2, Press notice from Coventry Telegraph, 15<sup>th</sup> May 2014.

Appendix 3, Photos of site notices taken 2<sup>nd</sup> May 2014.

**Other useful background papers:**

Department for Communities and Local Government Replacement Appendix D to Department of the Environment Circular 9/95: *General Development Consolidation Order 1995* June 2012

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5679/2160020.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5679/2160020.pdf)

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

Report title: **Report recommending the confirmation of the Article 4(1) Direction**

**1. Context (or background)**

1.1 Copsewood Grange and Lodge are Locally Listed Buildings located at New Century Park, Allard Way, Coventry. The buildings are owned by Morris Homes Ltd who have full planning permission to convert them respectively into flats and a residential dwelling.

1.1 On 2<sup>nd</sup> May 2014 Morris Homes Ltd informed Council Officers that they were intending to demolish the buildings. Copsewood Grange and Lodge date from c1870-2 and were built as the residence of ribbon manufacturer Richard Hart. In 1879 the house was sold to Sir Richard Moon, Chairman of the London and North Western Railway. The buildings are an important example of a Victorian industrialist's country estate, formerly belonging to two of Coventry's most prominent Victorian citizens. The Grange and Lodge were added to the Coventry Local List of Buildings of Historic and Architectural Interest on the 3<sup>rd</sup> September 1993.

1.2 Therefore, the Chair of the Council's Planning Committee authorised Officers to make an immediate Article 4 Direction removing their permitted development right to do so that same day. Planning permission is now required to demolish the buildings. The Council cannot confirm the immediate Direction until a minimum period of 28 days has elapsed, but must confirm the Direction within six months of it being made or it will expire. When deciding whether to confirm the Direction, the Council must take into account any representations received.

1.3 The Council has complied with the procedural requirements for making an Article 4(1) Direction, which are referred to in more detail at paragraph 3 below.

1.4 In certain circumstances a local authority can be liable for compensation when an Article 4 is made in respect of abortive expenditure and other loss or damage directly attributable to the withdrawal of the permitted development rights. This can include the value of the land if the development had been carried out and its value in its current state as well as the cost of preparing plans for works.

1.5 However, the Article 4(1) Direction does not prevent the owners from implementing the planning permission they already have to repair and convert the buildings. Any costs in relation to preparing plans for works are likely to have already been incurred/anticipated during the planning process. The immediate Direction was served prior to any demolition works being commenced so it is unlikely that any abortive costs have been incurred. It is also unlikely that the owners would be able to claim for any abortive expenditure, or other loss or damage directly attributable to the withdrawal of permitted development rights.

**2. Options considered and recommended proposal**

2.1 Other options considered to prevent the demolition of the Grange and Lodge included serving a Building Preservation Notice and applying to English Heritage to add them to the national list of buildings of historic and architectural interest (i.e. make it a 'Listed Building'). Consideration was also given to declaring a conservation area to include Copsewood Grange, the Lodge and its grounds.

2.2 The Building Preservation Notice / English Heritage Listing request option was not pursued as EH had previously rejected the buildings for Listed status in December 2008 and it was felt unlikely that they would change their minds if they were proposed again.

2.3 The declaration of a conservation area would protect the buildings from demolition but the process of designation is a lengthy one requiring a full public consultation and the decision

would need to be taken to full Council. In the light of the immediate threat of demolition it was felt that there was not sufficient time to complete the process.

- 2.4 The making of the immediate Article 4(1) Direction was felt to be the most appropriate response to the imminent threat of demolition as it offered immediate protection by requiring the owners to apply for planning permission to demolish the buildings. The other options referred to remain unviable for the reasons given. Therefore, it is now recommended that the decision to authorise the making of the immediate Article 4 direction is ratified and the Direction is confirmed. The Article 4(1) would not prevent the owners from implementing the approved scheme for the repair and conversion of the buildings which they have planning permission for.

### **3. Results of consultation undertaken**

- 3.1 The local notification procedure for Article 4's as outlined in the General Permitted Development Order was followed. On 2<sup>nd</sup> May 2014, letters were written to Morris Homes Ltd and their agents informing them of the making of the Direction. On the same date, site notices were also displayed on the perimeter fencing of the development and the Direction was advertised in the Coventry Telegraph on the 15<sup>th</sup> May 2014. The National Planning Casework Unit was also notified.
- 3.2 The letters and notices advised that they had 30 working days to make representations about the Direction to the Council. So far we have received no representations from Morris Homes Ltd or their agents.

### **4. Timetable for implementing this decision**

- 4.1 The recommended confirmation of the Direction will be implemented as soon as possible after the decision has been made, subject to it being called in for Scrutiny.
- 4.2 Activity on the site will continue to be monitored by Planning Enforcement Officers and the Conservation Officer.

### **5. Comments from Executive Director Resources**

- 5.1 Financial implications  
Costs for the confirmation of the Direction will be covered within existing budgets. In certain circumstances local planning authorities may be liable to pay compensation having made Article 4 Directions. In the instance of Copsewood Grange and Lodge it is felt that the risk of compensation being awarded is low for the reasons set out at paragraphs 1.4 and 1.5 above.
- 5.2 Legal implications  
Article 4 Directions allow local authorities to withdraw the 'permitted development' rights that would otherwise apply by virtue of the *Town and Country Planning (General Permitted Development) Order 1995* as amended. The Direction does not prevent the development to which it applies, but instead requires that planning permission is first obtained from the local authority. Article 4 Directions should only be made in exceptional circumstances where evidence suggests that the exercising of permitted development rights would harm the amenity and proper planning of the area including damage to the historic environment. Immediate Directions should only be made where there is an imminent threat. Once made they should be confirmed within six months of that date.

### **6. Other implications**

None

**6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

The confirmation of the Article 4 Direction will contribute to the Council's core aims of making the City an attractive and enjoyable place to be by preventing the demolition of a heritage asset. It will also contribute to the Council's aim of providing a good choice of housing by supporting its conversion into attractive, high quality homes.

**6.2 How is risk being managed?**

There is a risk that the buildings will be demolished without planning permission and so Officers will continue to monitor the site. There is also a risk that the owners will seek to claim compensation for the withdrawal of their permitted development rights but it is felt that the risk is minimal as they have not suffered any financial loss.

**6.3 What is the impact on the organisation?**

There will be no additional impact on staffing as it will be carried out within existing officer workloads.

**6.4 Equalities / EIA**

No impact.

**6.5 Implications for (or impact on) the environment**

The recommendation will have a positive impact on the environment by re-using two existing buildings.

**6.6 Implications for partner organisations?**

No impact.

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## Appendices