



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	PLANNING COMMITTEE
DATE:	11 FEBRUARY 2014
REPORT OF THE:	HEAD OF PLANNING AND HOUSING GARY HOUSDEN
TITLE OF REPORT:	REVISIONS TO HELMSLEY CONSERVATION AREA AND ARTICLE 4 DIRECTION AREA
WARDS AFFECTED:	HELMSLEY WARD

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To seek approval for revision of the Helmsley Conservation Area which has arisen as a consequence of the preparation of the Helmsley Plan.
- 1.2 To agree consequential changes to the Article 4 Direction in Helmsley.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Members:
 - (i) Note the response to the consultation on proposed amendments to the Conservation Area in Helmsley.
 - (ii) Approve the revision of the Helmsley Conservation Area in line with the plan contained in Annex 1
 - (iii) Approve the revision to the area covered by the Helmsley Article 4 direction to match the revised Helmsley Conservation area.
 - (iv) Approve a 12 month delay in bringing the amended Article 4 direction into effect

3.0 REASON FOR RECOMMENDATIONS

- 3.1 To update and correct minor anomalies within the Ryedale planning jurisdiction of Helmsley in conjunction with the revisions that North York Moors National Park are also taking forward.

4.0 SIGNIFICANT RISKS

- 4.1 There are no significant risks associated with this report. However there is a potential risk of compensation with the revision of the Article 4 boundary, as it restricts the normal rights of people to make changes to their property without needing planning permission. However it is considered that the area of change is small and that the risk can be adequately mitigated by a 12 month delay in bringing the revised Article 4 Direction into effect.

5.0 POLICY CONTEXT AND CONSULTATION

- 5.1 The original designation of the Helmsley Conservation Area was made in 1973. A conservation area appraisal was last undertaken in 2005 and whilst not recommending changes to the area covered by the Conservation Area, did recommend the serving of an Article 4 direction to preserve Helmsley Conservation Area from erosion by unsympathetic features such as UPVC windows. The Article 4 direction came into effect in March 2007.
- 5.2 Members are aware that the Council together with the North York Moors National Park Authority Authorities have agreed to work together to jointly prepare the Helmsley Plan. This has now reached a formal stage and Members will be aware that the Helmsley Plan is currently out to consultation on the 'Publication Draft' until March 7 2014.
- 5.3 During preparation of the Helmsley Plan Policies Map, Officers found that there were several anomalies with the existing Conservation Area boundary, particularly in the area near Bells Court and at the new houses adjacent the Feversham Arms where the boundary ran straight through the middle of properties. Officers considered that the preparation of the Helmsley Plan represented an opportunity to make amendments. These were presented to the Helmsley Plan Joint Member Working Group in May. At the Meeting Members of the Working Group suggested a number of further areas for Officers to consider for inclusion within the Conservation Area. Principally these were Elmslac Road and The Orchard. To that end it was requested that an appraisal was carried out by Building Conservation Officers on the merits of these areas. Officers subsequently identified Helmsley Walled Garden as a potential further addition. All of these additional changes fall with the National Park boundary.
- 5.3 It is important to note that the preparation of the Helmsley Plan is a separate but related process to the identification and designation Conservation Area boundaries. This is due to the legislation concerning Conservation Areas and Article 4 Directions being separate from the plan making process and legislation. However a proposals map to a development plan must reflect the latest statutory designations including Conservation Areas.
- 5.4 The consultation on the proposed changes to the Conservation Area was carried out at the same time as the consultation on the Draft Helmsley Plan, with a letter setting out the proposed changes being sent to all those directly impacted by the proposals and all those on the Helmsley Plan database. Information about the proposed changes was also displayed at the Draft Helmsley Plan public consultation events. A copy of the appraisal is attached at Annex 1.
- 5.5 A boundary review of the Conservation Area was duly carried out by the Conservation Officers of Ryedale District Council and the North York Moors National Park Authority.

Under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 both Authorities consulted on proposed changes to the Conservation Area which affected the following areas:-

1. Pottergate/Bells Court (Ryedale District area)
 2. Elmslac Road (National Park area)
 3. The Orchard/Stone Garth (National Park area)
 4. Canons' Garth Lane/Stone Garth Triangle (National Park area)
 5. Helmsley Walled Garden (National Park area)
- 5.6 Please note the areas of the Conservation Area (2-5) that fall within the National Park have been separately considered by the National Park's Planning Committee on 12 December 2014 – see Background Papers. A total of 7 responses were received as part of the consultation which made reference to the proposed changes to the Conservation Area, 4 of which were in support of the proposals and 3 objecting. All of the comments received related to proposed changes in the National Park part of the Conservation Area, with no comments being received for the changes being proposed in the Ryedale District part of the Conservation Area. The National Park Planning Committee has considered and approved the proposed amendments to the Conservation Area with the Park boundary at its 12 December 2013 meeting. The full extent of the proposed amended Conservation Area is shown in Annex 2.

6.0 REPORT

Helmsley Conservation Area

- 6.1 As detailed in Section 5 above, the substantive changes to the Conservation Area fall within the National Park area. The changes to the area that fall within the Ryedale District jurisdiction amount to clarification of the boundary.
- 6.2 Therefore the amendments to the Conservation Area to be considered by Members in this report relate solely to the Pottergate and Bells Court area of Helmsley. These are relatively minor changes and actually result in a small reduction in the size of the Conservation Area.
- 6.5 The Conversation Area Appraisal sets out the justifications for all the proposed alterations to the Conservation Area in Helmsley (Annex 1). However due to the fact that the changes within the Ryedale District planning area are minor, it briefly describes the reasons for the amendments. The proposed changes east of Pottergate are very minor and seek to realign the boundary to follow walls and pathways instead of arbitrarily cutting through gardens to properties. Bells Court is more significant as it is a cul-de-sac development which superseded the designation of the original Conservation Area boundary. Consequently the boundary is now at odds with the form of development at Bells Court. It is therefore proposed to exclude some of the more modern development and to follow historic walls and tangible features. Where modern buildings have been built within the garths of historic buildings the Conservation line has been retained but conversely where the historic landscape has been lost through modern development, it has been excluded from the Conservation Area.

Article 4 Direction Area

- 6.7 The existing Conservation Area is covered by an Article 4(1) Direction which removes all permitted development rights. If Members resolve to revise the Conservation Area, the Council in conjunction with National Park Authority will need to revise the Article 4 Direction to follow the boundary of the revised Conservation Area. The National Park has already resolved to amend the Article 4 direction within their area to reflect the additions to the Conservation Areas (Areas 2-5 set out in 5.5 above). Similar to the proposals for the Conservation Area, the only amendments being considered within the Ryedale District jurisdiction relate to the Bells Court and Pottergate area. However the current Article 4 direction already is an "Exclusion Area" for the Bells Court area and permitted developments have not been removed in that area. Therefore the change to exclude Bells Court from the Conservation Area will have no impact on this part of the Article 4 direction area. The minor changes to the Pottergate part of the Conservation Area as described in 5.5 above will have the result of the consequential reduction in the Article 4 direction area.
- 6.8 Local Planning Authorities may be liable to pay compensation to those whose permitted development rights have been affected. Normally this is where a new or additional areas of Article 4 Directions are being proposed, which is the case in the National Park. However in this case there is a small reduction in Article 4 Direction area for the Ryedale District planning area. The Authority could still be liable for compensation in this case if limiting conditions on planning permissions or refusal to permissions had been imposed due to the presence of the Article 4 Direction. However Officers are of the opinion that because the Bells Court area was already the subject of an "Exclusion Area" where the Article 4 Direction was not imposed and the other changes at Pottergate are of a minor nature, that the risk of compensation is limited. In any event, compensation may only be claimed if an application for planning permission is submitted within 12 months following the effective date of the direction. Therefore even given the low risk of compensation, Officers still consider a prudent approach would be to bring the revised Article 4 Direction into force 12 months after the notice is served.

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
- a) Financial
The costs of making the amendments - including meeting the procedural requirements - will be shared with the North York Moors National Park and will be covered by the existing Forward Planning budget.
 - b) Legal
The proposed changes will be carried out in accordance with the provisions set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. The Article 4 Direction must follow the procedure set out in the Department for Communities and Local Government Replacement Appendix D to the Department of the Environment Circular 9/95 and General Development Consolidation Order 1995 (978 0117531024) November 2010.
 - c) Other (Equalities, Staffing, Planning, Health & Safety, Environmental, Crime & Disorder)
National Park Officers are leading on the administrative matters involved in implementing the changes to the Conservation area and Article 4 area. This will be carried in accordance with the requirements of the respective legislation.

8.0 NEXT STEPS

8.1 Officers will jointly undertake the procedural requirements involved in amending the Helmsley Conservation Area and revising the Article 4 Direction area as described in this report.

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Background Papers:

Helmsley Conservation Area Report to North York Moors NPA Planning Committee 12 December 2013:

http://www.northyorkmoors.org.uk/_data/assets/pdf_file/0011/396803/Item-6-Plan-Dec-2013.pdf

Background Papers are available for inspection at:

North York Moors NPA web-site.