

<b>PLANNING &amp; ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No. 6
<b>17 OCTOBER 2023</b>	PUBLIC REPORT

Cabinet Member(s) responsible:	<b>Cllr Cereste</b> - Cabinet Member for Growth and Regeneration	
Contact Officer(s):	<b>Daniel Worley</b> Senior Conservation Officer	Tel: 07920 160264

#### Article 4 Direction at 1073 Lincoln Road, Peterborough

RECOMMENDATIONS	
<b>FROM</b> : Daniel Worley - Planning Services	<b>Deadline date</b> : N.A.
That Committee:	
<ol style="list-style-type: none"> <li>1. Notes the outcome of the public consultation on the proposed Article 4 Direction for 1073 Lincoln Road, Peterborough</li> <li>2. Supports the adoption of the Article 4 Direction at 1073 Lincoln Road, Peterborough</li> </ol>	

#### 1. ORIGIN OF REPORT

- 1.1. A prior approval application (23/00507/PRIOR) was received to demolish No.1073 Lincoln Road and all of the associated outbuildings. No.1073 is on the Local List of Heritage Assets within Peterborough (Local List) and is considered an important heritage asset.
- 1.2. An Emergency Article 4 Direction was placed upon the dwelling on the 22<sup>nd</sup> of May which last for six months (until the 22<sup>nd</sup> of November) unless either adopted or refused by the relevant committee

#### 2. PURPOSE AND REASON FOR REPORT

- 2.1. This report is before Members for confirmation of the Emergency Article 4 Direction at 1073 Lincoln Road, Peterborough

#### 3. TIMESCALE

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	N/A
Date for relevant Council meeting	N/A	Date for submission to Government Dept	N/A

		(please specify which Government Dept)	
--	--	--	--

#### 4. BACKGROUND

- 4.1. No.1073 Lincoln Road was adopted on to the Local List as part of the original list of over 200 (Appendix 1) assets as part of the collaboration between PCC and the Civic Society. It is considered one of the most significant Locally Listed buildings and separate from designation is considered to have the equivalent significance of many Listed buildings within the district.
- 4.2. A prior approval application (23/00507/PRIOR) was received to demolish No.1073 Lincoln Road and all of the associated outbuildings. This application was refused on the 22<sup>nd</sup> of May after the serving of the Emergency Article 4, as the proposed works now require expressed permission.
- 4.3. An application was made by Officers to Historic England for their consideration to List the building. Historic England will always sieve applications when demolition is involved. In this instance after an initial consideration, it was decided to not undertake a full consideration assessment. I would suggest that the historical and architectural significance of this building is greater than a large number of Listed buildings within the district however the failure to assess the building for Listing by Historic England is due to the increasing strictness of the Listing criteria for this type of building.
- 4.4. The building is not visible on the 1805 Enclosure Map and there is a record of the building from an auction record in 1868. However, from pictures of the interior, particularly the staircase and the panelling suggest a date no later than 1820.
- 4.5. No.1073 has two main phases of development, the original stone property and a mid Victorian brick extension to north-east. In addition to this there a few other phases of development including the possible re-fronting of the south-east elevation, two phases of on the north-west elevation and the single storey extension to the north-east. The historic core still dominates and is the primary aspect of the building.
- 4.6. With regard the outbuildings to the dwelling, which are proposed to be covered by the Article 4, there are two of significance. The first is the two storey construction and the second, the coal store to its west. Both are visible on the 1890 OS Map and are likely to date from around the time of the Victorians extensions to the dwelling in the 1870's.
- 4.7. Walton has only two buildings surviving from prior to 1890 as demonstrated by the OS Map of that date. This building, 1073 Lincoln Road and the Grade II Listed 1103 Lincoln Road located 150m to the north. The only other remnants of the historic village are the road layouts and the location of the redeveloped Paul Pry.

#### Permitted Development Rights which are restricted

- 4.8. The specific development rights which are proposed to be restricted by the Article 4 Direction are Schedule 2
  - Part 1 (Development within the curtilage of a dwellinghouse)
  - Part 11 (Heritage and Demolition) Class B (demolition of buildings)

- 4.9. The purpose of the removal of permitted development within Part 1 is to require any alterations to the elevations to require consent. The reason for this is to match existing Article 4 Directions which have been placed on other Locally Listed buildings within the district
- 4.10. There are a series of existing Article 4 Directions within Peterborough which remove these restrictions on particular elevations to which generally face the highway to ensure that their contribution to the street scene is retained. The vast majority of these buildings are therefore terrace rows or rows of identical buildings.
- 4.11. In this instance the significance of the building is not considered to be limited to a specific elevation that faces the highway, especially as both the north and south elevation which do not face the highway are considered significant. It is further complicated by the shape of the building and the outbuilding.
- 4.12. The purpose of the removal of permitted development within Part 11, Class B is to stop any demolition without consent. The reason for this was to ensure that any demolition of the Locally Listed building required expressed consent and therefore all material planning considerations can be taken into account.
- 4.13. In addition as this is one of the most significant Locally Listed buildings within the district, its interest is derived from its historic and architectural interest and its contribution to its setting.

#### Planning Policy Background

- 4.14. Both paragraph 197 National Planning Policy Framework (NPPF) and the corresponding National Planning Practice Guidance (NPPG) recommends that 'local planning authorities keep a local list of non-designated heritage assets' and 'all non-designated heritage assets be identified as such'. The addition of the proposed heritage assets to the Local List contributes to the effort to create a comprehensive list of identified non-designated assets within Peterborough.
- 4.15. Further, Policy LP19 of the Peterborough Local Plan (2019) requires particular emphasis, amongst others, on the 'identification and protection of significant non-designated heritage assets and their settings' The proposal to insert additional assets on the Local List in this respect constitutes identification which would subsequently more readily ensure their long-term protection.
- 4.16. Paragraph 53 of the NPPF 'The use of Article 4 directions to remove national permitted development rights should: be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area' The heritage of and within an area are considered important aspects of the well-being of an area.
- 4.17. Historic England's Advice Note 'Local Heritage Listing: Identifying and Conserving Local Heritage' states 'Where a local planning authority is concerned that such changes may be detrimental to a heritage asset, they could consider the use of an Article 4 Direction to control them' The demolition of a Locally Listed building would result in full loss of significance and would thus be detrimental to the heritage asset.

4.18. LP19 states, 'Where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention, though regard will be had to the scale of any harm or loss and the significance of the heritage asset. Any special features which contribute to an asset's significance should be retained and reinstated, where possible' The Article 4 will ensure that these material planning considerations are taken in to account within any works to the building

4.19. It should be noted that the adoption of an Article 4 Direction on a heritage asset does not ensure that it cannot be demolished or altered, it just means that any proposals require expressed permission through a planning application in which all material planning considerations will be taken in to consideration, including any proposed redevelopment scheme.

## 5. Public consultation

5.1. As detailed above, the submission of this report follows a public consultation.

5.2. The consultation was run in different stages. The owner (and agent for the 23/00507/PRIOR application) was served with a copy of the Article 4 Direction and a letter on the 22<sup>nd</sup> informing them of their consultation would end on the 27<sup>th</sup> of June. Sine notices at No.1073 were also placed on the same day with the same consultation deadline.

5.3. A public consultation was conducted from the 16<sup>rd</sup> of June until the 14<sup>th</sup> of July with a notice put in the Peterborough Telegraph and a consultation running from 23<sup>rd</sup> of July to the 14<sup>th</sup> of July on PCC's website.

5.4. No representations have been received from either the owner of N.1073 or their agent, neighbors or interested parties.

5.5. Discussions regarding the Article 4 Direction have been had both during and after the consultation period with both the owner and their representative, for which it was suggested that no objection to the Article 4 Direction would be forthcoming.

5.6. Further information regarding the property and its previous occupiers and there personal experience of the property was provided by two different people, however neither made comments upon the Article 4 Direction.

## 6. **ANTICIPATED OUTCOMES**

6.1. The emergency Article 4 Direction for 1073 Lincoln Road will be adopted

## 7. **REASONS FOR RECOMMENDATIONS**

7.1. Adoption of the Article 4 Direction for No.1073 Lincoln Road would :

7.2. Have a positive impact upon the conservation of the heritage of Peterborough, by ensuring that development takes into consideration the impact upon the relevant non-designated heritage assets; and

7.3. The proposal would further the stated aim of Policy LP19 of the Peterborough Local Plan (2019).

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1. Do nothing – This would be contrary to Government guidance set out within the National Planning Policy Framework (2019) and Guidance on Local Heritage Listing by Historic England (2021) and could result in the irreversible loss of a non designated heritage asset.

## **9. IMPLICATIONS**

- 9.1. There are no specific financial implications for the City Council identified in this report.

## **10. BACKGROUND DOCUMENTS**

- 10.1. Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985):

- Local Heritage Listing, Historic England Advice Note 7 (2021)
- National Planning Policy Framework (2019)
- National Planning Policy Guidance (2019)
- Local List of Heritage Assets in Peterborough (2012)
- Peterborough Local Plan (2019)

Copies to Councillors – Councillor Simon Barkham

Councillor Nick Sandford

Councillor Asif Shaheed

This page is intentionally left blank