

## EXETER CITY COUNCIL

EXECUTIVE  
18 SEPTEMBER 2012

### PROPOSED ARTICLE 4 DIRECTION TO CONTROL DEMOLITION OF THE CRAWFORD HOTEL, ALPHINGTON ROAD

#### **1 PURPOSE OF REPORT**

- 1.1 To propose an Article 4 Direction (under the Town and Country Planning (General Permitted Development) Order 1995, as amended), to remove the permitted development right for demolition, with immediate effect, for The Crawford Hotel, Alphington Road, Exeter.

#### **2 BACKGROUND**

- 2.1 The Crawford Hotel is an early to mid nineteenth century neo-classical villa over two storeys, set back from road. It is on the Exeter list of Buildings of Local Importance. The description, including a photograph and plan, can be found at Appendix 1.
- 2.2 The public house operation ceased trading approximately a year ago and since then, there have been advertising hoardings up that suggested a new hotel/pub use, however the property is being actively marketed and, given its location and the amount of land available, it is likely that developers will be interested in it.
- 2.3 The building does not fall within a conservation area and as such, demolition would not require consent.
- 2.4 It is considered appropriate to protect the building from any threat of speculative demolition or other alterations prior to any planning application. It should be noted however that redevelopment plans that proposed limited demolition of more recent elements of the building are likely to be acceptable and there is potential for extension/new development to the rear.
- 2.5 Under the National Planning Policy Framework (NPPF), Buildings of Local Importance identified by a Local Authority are included in the description of Non-Designated Heritage Assets and as such, policies within this document apply. The NPPF further endorses the use of an Article 4 Direction to remove permitted development rights where this is considered necessary to protect local amenity or the wellbeing of the area. (Paragraph 200).

#### **3 PROCEDURE FOR MAKING THE DIRECTION**

- 3.1 Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, as amended by Statutory Instrument 2010 No. 654 allows for local authorities to remove certain types of permitted development to bring those specific items under planning control.
- 3.2 The proposed Direction must be advertised in a local paper, advertised on a site notice and the owner be sent copies of the formal notice and plan. The Secretary of State must also be informed. A period of not less than 21 days must be allowed for any representations to be submitted and the Direction may be confirmed by the local authority, subject to any representations being taken into account, followed by notification to the owners and Secretary of State and by local advertisement.

3.3 The Direction may have immediate effect where it relates only to development permitted by Part 31 of Schedule 2 to the Order (Demolition of Buildings), and the local planning authority consider that would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.

3.4 A draft Direction is attached at Appendix 2.

#### **4 CONSIDERATIONS**

4.1 In proposing an Article 4 Direction, the local authority must take into account the possibility of a claim for compensation for losses directly attributable to the Direction, i.e. if planning permission is subsequently refused for what was, prior to the Direction being made, permitted development.

4.2 Compensation can be claimed under two headings: abortive expenditure (which would not appear to be relevant in this case) and other loss or damage, including depreciation in the value of the land.

4.3 It will not necessarily be the case that the Direction will affect the value of the land, it would however prevent the site owner from demolishing the building without planning permission.

4.4 The most recent use as a hotel/public house has come to an end, possibly due in part to financial viability problems, but even if that use is still potentially profitable, the site might have a higher value as a cleared site with the benefit of planning permission for residential development. That difference in site value could be the subject of a compensation claim, but that is assuming planning permission would be forthcoming for a scheme involving demolition, which may not be the case given the protection for locally listed buildings afforded by Local Plan Policy C3. Furthermore, such a scheme might not be significantly more profitable than a residential scheme involving retention of the existing building.

4.5 It is impossible to put an accurate figure on potential compensation liability because the possible permutations (e.g. in terms of redevelopment options) are infinitely variable. In practice, the problems of showing a causal link to the Article 4 Direction (as opposed to other planning issues) and of valuation mean that making a compensation claim can be a complex and expensive business, and it may be for this reason that a report on research into the use of Article 4 Directions on behalf of English Historic Towns Forum (*RPS Planning, October 2008*) found no evidence for any compensation payments actually being made. Clearly, however, the possibility of a successful claim in this case cannot be ruled out.

#### **5 CONCLUSIONS**

5.1 The Crawford Hotel has been identified as a Building of Local Importance and as such it is a Heritage Asset that warrants protection from uncontrolled demolition. The most appropriate protection the local authority can impose is an Article 4 Direction that will remove permitted development rights to demolish the property without the need for a planning application to be made.

- 5.2 By applying this Direction, demolition will be brought under planning control. The owners may still submit a planning application for the demolition and rebuilding of the property and they will have to submit their reasoning and justification for wanting to do this. Members will then have the opportunity to comment on the proposals and justification and determine the application accordingly.
- 5.3 Members will remember that an Article 4 Direction was successfully applied at 60 – 66 Union Road, a group of 4 properties owned and managed by the Licensed Trades Association (formerly the Licensed Victuallers Association), and following this, the building was statutorily Listed by English Heritage.

## **6 RECOMMENDATION**

- 6.1 Executive is recommended to resolve:
- (i) That it considers that the demolition of The Crawford Hotel without the benefit of planning permission would be prejudicial to the proper planning of the Council's area or constitute a threat to the amenities of the Council's area and that it is expedient that such demolition should not be carried out unless permission is granted for it on an application to the Council;
  - (ii) To delegate to the Assistant Director City Development in consultation with the Portfolio Holder for Sustainable Development and Transport the responsibility to make an Article 4 Direction relating to The Crawford Hotel, Alphington Road in the form (or substantially in the form) of the draft Direction in Appendix 2, to consider any representations and to decide whether to confirm the Direction with or without amendments.

### **RICHARD SHORT ASSISTANT DIRECTOR CITY DEVELOPMENT**

#### **Local Government (Access to Information) Act 1985 (as amended) Background papers used in compiling this report:**

Town and Country Planning (General Permitted Development) Order 1995, as amended by Statutory Instrument 2010 No. 654  
Research into the Use of Article 4 Directions (*RPS Planning, on behalf of English Historic Towns Forum, October 2008*)

**BUILDING OF LOCAL IMPORTANCE DESCRIPTION****ALPHINGTON  
ROAD**

Crawford Hotel

<b>Group value:</b>	N/A
<b>Grid ref:</b>	SX 9154 9121
<b>Date:</b>	31 March 2005
<b>Conservation Area:</b>	No

**Description**

Large detached building over two storeys, set back from road. Rendered central block in classical style, with pediments and columns, and original wooden sash windows. Building (named Lion House) shown on the footprint of the central block on 1840 and 1890 maps, but without the single storey side wings; the eastern rear part of the northern side wing was added by 1905, the front part and the whole of the western wing were added after 1938. The rear wing (shown in photo with pitched roof) is on the same footprint as buildings and yards shown to the rear in 1840 and 1890, and may still incorporate the former. These were probably a service range and outbuildings; a detached building adjoining the southern boundary is also shown on both maps, fronting a yard, and may have been a coach house and/or stables.

Rear buildings and elevations, or interior, not viewed.

**Summary of significance**

Has historic interest as an example of a neo-classical villa, probably built by a wealthy local merchant, businessman and/or landowner, in a convenient yet salubrious location alongside one of the main routes into the city. Research may identify the original and subsequent owners and occupiers, and whether they were people of particular importance and significance.

Has a strong architectural and aesthetic interest, notwithstanding the later side extensions and the tarmac car park in front of it. Both are reversible, in that both could be removed or replaced at some point in the future.

May have internal evidence of original room function and appearance, though in places this is likely to be hidden or removed by more recent alterations and finishes. In this respect it retains some potential archaeological interest.

**Relevant selection criteria*****Local plan***

- A – as a (early to mid) 19<sup>th</sup> century neo classical villa probably built by a prominent member of the local community it has clear architectural and historic interest.
- B – although set back from the road (originally with gardens in front and a drive up to the front entrance) it is both prominent and a local landmark, and a very distinctive element of the local scene and townscape.

- C – research is required to identify whether the building is associated with locally significant or distinctive activities/industries and/or personages.
- D – it is a locally rare exemplar of a villa built in a very bold and distinctive neo-classical style.

***English Heritage amended***

1. Qualifies, as an early to mid 19<sup>th</sup> century villa predating the major periods of suburban growth.
2. Is a prominent and locally rare example of a very bold neo classical villa.
3. Its bold, prominent, neo classical style gives it a strong architectural and aesthetic value and interest. Although currently compromised to some extent by the poor setting (tarmac car park and modern side extensions), these are all reversible (without detracting from the main building) and capable of improvement.
4. Likely to have evidential value in form of associated historical documentation about the building and its function and occupants, and in the form of physical evidence for the development of the building and for how it functioned.
5. May have historical value in terms of potential association with significant personages and/or activities, but would require research to demonstrate this.
6. Would have had a designed landscape approach/setting at the front, but this has been destroyed.
7. Has strong visual prominence and high aesthetic value, and is a landmark within the local scene, albeit set back from the road and compromised by the present poor immediate setting. Is nevertheless a strong element of the identity of the locality.
8. Will need to be assessed as part of a future public consultation, but likely to have at least some communal value and role due to its present function.



Front Elevation 08/08/2005



Scale 1:1250  
100025458 2006

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**EXETER CITY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT)  
ORDER 1995 AS AMENDED**

**DIRECTION MADE UNDER ARTICLE 4(1) TO WHICH ARTICLE 6 APPLIES**

WHEREAS: Exeter City Council (“the Authority”) being the appropriate local planning authority within the meaning of article 4 (4) of the Town and Country Planning (General Permitted Development) Order 1995 as amended (“the 1995 Order”), is satisfied that it is expedient that development of the description set out in the First Schedule below should not be carried out on the land described in the Second Schedule below, unless planning permission is granted on an application made under Part III of the Town and Country Planning Act 1990 as amended,

NOW THEREFORE the Authority in pursuance of the power conferred on it by Article 4 (1) of the 1995 Order HEREBY DIRECTS that the permission granted by Article 3 of the 1995 Order shall not apply to development of the description set out in the First Schedule below, on the land described in the Second Schedule below.

THIS DIRECTION is made under Article 4(1) of the 1995 Order and, in accordance with Article 6(7), shall remain in force until..... (being six months from the date of this Direction) and shall then expire unless it has been confirmed by the appropriate local planning authority in accordance with paragraphs (9) and (10) of Article 5 before the end of the six month period.

**FIRST SCHEDULE**

1. Any building operation consisting of the demolition of a building, or the demolition of the whole or any part of any gate, fence, wall or other means of enclosure, being development comprised within Class A and Class B of Part 31 of Schedule 2 to the 1995 Order and not being development comprised within any other Class.

**SECOND SCHEDULE**

The land situated at and known as The Crawford Hotel, Alphington Road, Exeter, EX2 8JD, comprising the building and its curtilage, shown edged red on the attached plan.

Made under the Common Seal of Exeter City Council this            day  
of September 2012

THE COMMON SEAL of )  
EXETER CITY COUNCIL )  
was affixed hereto in the )  
presence of:-                    )

Corporate Manager Legal Services/Chief Legal Officer

Confirmed under the Common Seal of Exeter City Council this            day of  
September 2012

THE COMMON SEAL of )  
EXETER CITY COUNCIL )  
was affixed hereto in the )  
presence of:-                    )

\_\_\_\_\_ Corporate Manager Legal Services/Chief Legal Officer