

## EAST LINDSEY DISTRICT COUNCIL REPORT

<b>COMMITTEE:</b>	COUNCIL
<b>DATE:</b>	10 <sup>TH</sup> OCTOBER 2018
<b>SUBJECT:</b>	WOODHALL SPA ARTICLE 4 DIRECTIONS AND LOCAL DEVELOPMENT ORDER
<b>PORTFOLIO HOLDER</b>	COUNCILLOR ASHTON
<b>Ward(s) affected:</b>	WOODHALL SPA

### **Brief description of report content and the decision being asked for:**

#### **Summary:**

This report summaries the outcome of formal consultation on the Article 4 Directions (A4Ds) and Local Development Order (LDO) proposed for Woodhall Spa Conservation Area, authorised by Council in previous reports considered on the 10<sup>th</sup>.December 2014 and 18<sup>th</sup>. July 2018.

#### **Recommendations:**

1. That Council approves the confirmation of the Woodhall Spa Conservation Area Article 4 Direction No.1 2018 made on 19 July 2018 and authorises the Chief Executive, or his authorised officer, to seal the Woodhall Spa Conservation Area Article 4 Direction No.1 2018, it being noted that the Article 4 Direction, once confirmed, will come into effect on 17<sup>th</sup>.October 2018 which is the earliest date a newspaper advert can be published after this meeting.

REASON: In order to protect and preserve the character and appearance of the Woodhall Spa Conservation Area.

2. That Council approves the confirmation of the Woodhall Spa Conservation Area Article 4 Direction No.2 2018 made on 19 July 2018 and authorises the Chief Executive, or his authorised officer, to seal the Woodhall Spa Conservation Area Article 4 Direction No.2 2018, it being noted that the Article 4 Direction, once confirmed, will come into effect on 17<sup>th</sup>.October 2018 which is the earliest date a newspaper advert can be published after this meeting.

REASON: In order to protect and preserve the character and appearance of the Woodhall Spa Conservation Area.

3. That Council approves the making of the proposed Woodhall Spa Local Development Order 2018 and authorises the Chief Executive, or his authorised officer, seal the Woodhall Spa Conservation Area Local Development Order 2018, it being noted that it will come into effect on 17<sup>th</sup>.October 2018 which is the earliest date a newspaper advert can be published after this meeting.

REASON: In order to protect and enhance the character and appearance of the Woodhall Spa Conservation Area.

**This report has been prepared by:**

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**This report was prepared after consultation with:**

Cllr Ashton - Portfolio Holder  
Cllr Leyland – Leader and a Ward Member  
Anne Shorland – Assistant Director (Growth)

**This report is number 3 in a series of 3**

**This report has been signed off by:**

Stuart Davy – Chief Executive

**The following policy forms a context to this report:**

**East Lindsey Local Plan Core Strategy adopted July 2018  
Strategic Policy SP11- Historic Environment**

**This report is a key decision included in the Forward Plan.**

**LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW**

(Papers relied on to write the report which are published but do not contain exempt information)

1. SI 2015 No.596 Town & Country Planning (General Permitted Development)(England) Order 2015

2. SI 2015 The Town & Country Planning (Development Management Procedure) (England) Order 2015

### **OTHER HELPFUL PAPERS**

1. None

### **Local Government (Access to Information Act) 1985**

Is the report Exempt – **No**

**Please contact the person who has written this report if you want more information about this report or the background papers.**

### **1.0. INTRODUCTION**

- 1.1. Even in conservation areas certain kinds of development and alterations do not require planning permission. These works are often referred to as 'permitted development' and the rights relating to them are defined in the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
- 1.2. The Council was approached by Woodhall Spa Parish Council to consider the introduction of an Article 4 Direction to control certain permitted development which was considered to be harming the distinctive character & appearance of Woodhall Spa Conservation Area.
- 1.3. Under Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended, local planning authorities have a general duty when exercising its powers in relation to any building or land in a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 1.4. In response to the approach from the Parish Council therefore, the opportunity has been taken to try an innovative planning approach of linking the introduction of planning controls – Article 4 Directions – with positive planning measures - a Local Development Order - which will grant planning permission for development which will preserve or enhance the character or appearance of the conservation area.
- 1.5. This approach was approved by Council, in 10<sup>th</sup>.December 2014 with a subsequent procedural measure approved by Council at its meeting held on 18<sup>th</sup>.July 2018.

## **2.0. BACKGROUND**

- 2.1. To help gauge public reaction to such proposals, informal public consultation was carried out towards the end of 2015, outlining the sort of development that could be covered by an Article 4 Direction and Local Development Order. The consultation involved drop-in sessions and a manned exhibition. It was carried out alongside consultation on the Neighbourhood Development Plan and the outcome of the informal consultation was generally positive.
- 2.2. Subsequently detailed proposals for the Article 4 Directions and Local Development Order were worked up with assistance from the local Heritage Committee acting under the auspice of the Parish Council.
- 2.3. Details of the final drafts of the proposed Article 4 Directions and Local Development Order were considered and supported by the Planning Policy Committee on 15<sup>th</sup> May 2018 as a basis for formal consultation.
- 2.4. Woodhall Spa Parish Council, the local Heritage Committee and the two local Ward Members were also sent final drafts for comment prior to the formal consultation proceeding.
- 2.5. Copies of the Woodhall Spa Conservation Area Article 4 Direction No.1 - 2018, the Woodhall Spa Conservation Area Article 4 Direction No.2 - 2018 and the Woodhall Spa Conservation Area Local Development Order 2018 are appended to this report.
- 2.6. Formal consultation on the above proposals was carried out over 4 weeks in the summer. Details are contained in a report on the outcome of the consultation which is appended to this report. 19 electronic and 6 paper copy responses were received, 25 in total.

## **3.0. SUBJECT INFORMATION AND ISSUES/FACTS AND FIGURES**

- 3.1. Although Data Protection limits the amount of personal data that can be required from respondents, the majority provided addresses which showed at least 80% were from within the conservation area.
- 3.2. As the attached report confirms, in response to a direct 'yes' or 'no' question, over three quarters (76%) of respondents stated that they supported the proposed Woodhall Spa Conservation Area Article 4 Directions and Local Development Order. Significantly this included Woodhall Spa Parish Council.
- 3.3. This majority in favour of the proposals is reinforced by the response to the question which asked whether the unique and distinctive character of Woodhall Spa should be saved for future generations with 83% agreeing and nobody disagreeing.

- 3.4. This generally is the pattern throughout with responses to all other questions being positive within the region of 70 to 80% agreeing with the questions.
- 3.5. On the Article 4 Directions, 80% agreed that the A4Ds will help to preserve the conservation area's character and appearance whilst 72% agreed they will help to protect its most important features.
- 3.6. On the Local Development Order, 88% agreed positive change in the conservation area should be encouraged and permitted whilst 68% agreed the LDO would encourage works which preserved and enhanced the conservation area.
- 3.7. Open text boxes were also provided on the questionnaire:
- Q3 – Asked if you objected to the proposed A4Ds and LDO to please tell us why?
- Q7 – Asked if you disagreed With Q6 please to tell us what other important features should be included in the A4D?
- Q10 – Asked if there are any other typical and common original features that should be included in and permitted by the LDO? and,
- Q11 invited any other comments to be made about the A4Ds and LDO.
- 3.8. The Council's responses to the above are appended to this report

#### **4.0. SUPPLEMENTARY FACTS**

- 4.1. The Article 4 Directions and Local Development Order for Woodhall Spa Conservation Area are a complementary package.
- 4.2. An LDO will not be suitable for all conservation areas. However the rapid development of Woodhall Spa in the late C19 and C20, planned around architect Aldophus Came's vision, has resulted in a range of building materials, styles and form of development which are sufficiently similar and cohesive to try this innovative approach and of sufficient merit to justify the designation of a conservation area
- 4.3. It will, however, be helpful to monitor the take-up of the LDO and owners will be encouraged to notify the Council of work they undertake to help with this and inform any further use of LDOs.

**5.0. COUNCILLOR COMMENTS – If no comments are received from one or more of the Ward Members consulted state which Councillor(s) did not respond**

- 5.1. Cllr Leyland supports as a local initiative led by Woodhall Spa Parish Council.

**6.0. DISCUSSION / CONSIDERATION – ISSUES / CONCLUSION**

- 6.1. The approach and proposals being considered are a positive approach to managing change in Woodhall Spa Conservation Area and provide a proportionate, balanced, and clearer planning environment in which residential and commercial property owners can plan and invest with confidence.
- 6.2. The proposals will help maintain Woodhall Spa's attraction as a place to live and visit and thereby help preserve and enhance its character and appearance and the local economy.

**7.0. OTHER OPTIONS FOR CONSIDERATION (drawn from previous sections)**

- 7.1. It is not necessary to introduce an LDO alongside an Article 4 Direction. In fact East Lindsey is likely to be the first Council in England to undertake this approach and, if so, will add another conservation first for Lincolnshire, alongside Stamford which was the first conservation area to be designated in England.
- 7.2. However this is a unique opportunity to introduce positive measures to complement the Article 4 Direction and one where the outcome may be of interest nationally.

**8.0. PERFORMANCE MONITORING**

- 8.1 The outcome of the measures will not be immediate. Just as conservation areas should be reviewed from time to time, so the outcome of the measures being suggested will need to be monitored.
- 8.2 The monitoring form requested for work undertaken which is permitted in accordance with the LDO will help with this and any significant outcomes will be reported to Council

**9.0. RISK ASSESSMENT**

- 9.1 There is a risk to the Conservation Area should the Article 4 Direction and Local Development Order not be progressed in that the aim of these notices is to preserve and enhance the area and this may not occur in such a robust way.

**10.0. ECONOMIC IMPACT ON THE LOCAL ECONOMY. PLEASE ALSO INCLUDE NAME OF OFFICER RESPONDING**

- 10.1. The proposed measures being considered are intended to protect and strengthen the local economy of Woodhall Spa by maintaining and enhancing its appeal to visitors, residents, shoppers and investors alike. Robert Walker - Senior Conservation and Design Officer

**11.0. LEGAL CONSIDERATIONS/IMPLICATIONS. PLEASE ALSO INCLUDE NAME OF OFFICER RESPONDING**

- 11.1. All formal and legal procedures have, and will continue to be followed, in the confirming of the Article 4 Directions and making of the Local Development Order. Legal advice has been taken at all stages of the process.

**12.0. INCLUDE IF APPROPRIATE AND ONLY BRIEF EXPLANATION OF ISSUE. PLEASE ALSO INCLUDE NAME OF OFFICER RESPONDING**

- 12.1. **Environmental issues** - none
- 12.2. **Human Resources** - none
- 12.3. **Section 17** - none
- 12.4. **FOI/Human Rights/Data Protection** - none
- 12.5. **Equality and Diversity** - none

**13.0. HOW DO THE ACTIONS/RECOMMENDATIONS CONTAINED IN THIS REPORT DELIVER OUR COMMUNITY AND CORPORATE STRATEGIES?**

The measures being considered help to deliver the Corporate Strategic Objectives by;

- boosting confidence and investment in Woodhall Spa with its hotels, Golf Union and other attractions to facilitate the development of a healthy economy across the district with a skilled workforce that has access to a range of job opportunities.
- helping to encourage a variety of thriving and attractive town centres by boosting confidence and investment in the centre of Woodhall Spa – the heart of the conservation area;
- giving residents a choice of good quality homes in a district that is clean, safe and attractive by conserving our historic houses and areas;
- nurturing resilient and self-sufficient communities that respect and support each other with the Parish Council, Heritage Group (and Neighbourhood Plan Group) actively involved in their communities and the consultation process; and,
- helping to promote a destination valued by residents and visitors with

good quality leisure and cultural provision that promotes wellbeing and attracts visitors by protecting what is valued and encouraging complimentary initiatives to exploit vacant or neglected historic assets in Woodhall Spa which are important to the local economy.

## APPENDIX A: FINANCE PROFORMA

### EAST LINDSEY DISTRICT COUNCIL

PROFORMA FOR EXECUTIVE APPROVAL OF THE RELEASE OF  
RESOURCES  
(CAPITAL AND REVENUE BUDGETS)

FROM (Author's name) :

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS  
IN RESPECT OF THE ATTACHED

REPORT TITLE:

REPORT DATE:

<b>OPTION 1</b>	£ Year 1	£ Year 2	£ Year 3	£ Year 4	£ Year 5
	2013/14	2014/15	2015/16	2016/17	2017/18

**Revenue Cost  
/ Saving /  
Income**

**Total Revenue  
Cost / Saving**


**Funding  
required:**

Total capital cost      £

Revenue cost      £

**Considered by:**

**Date:**

Enter committee here

Enter committee here

**Financial Services Comments**

**Risk**

**Procurement**

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**Value for Money Efficiency**

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