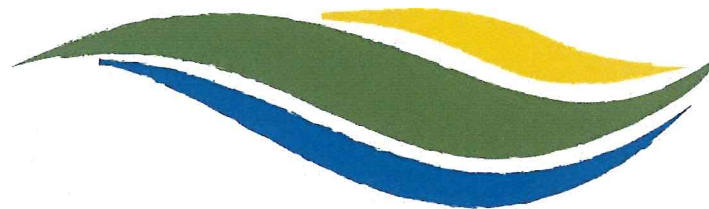




**EAST LINDSEY DISTRICT COUNCIL
(WOODHALL SPA CONSERVATION AREA)
UPDATED LOCAL DEVELOPMENT ORDER 2018
STATEMENT OF REASONS**



East Lindsey
DISTRICT COUNCIL

EAST LINDSEY DISTRICT COUNCIL (WOODHALL SPA CONSERVATION AREA) LOCAL DEVELOPMENT ORDER 2018

STATEMENT OF REASONS

1. Purpose/Objective

- 1.1. On 10th.October 2018 East Lindsey District Council (“the Council”) adopted the Woodhall Spa Conservation Area Local Development Order 2018 (“the Order”) and confirmed two Article 4 Directions affecting Woodhall Spa Conservation Area.
- 1.2. The Order must be read in conjunction with the two Article 4 (of the Town and Country Planning (General Permitted Development) (England) Order 2015 – “the GPDO”) Directions which the Council has confirmed following a period of formal consultation. The Article 4 directions remove the GPDO permitted development rights which generally apply to householders to allow new doors/windows, boundary fences etc. to be installed but without design constraints. The cumulative impact of these changes is felt to be having a significant effect on the character and appearance of Woodhall Spa Conservation Area. Consequently Woodhall Spa Parish Council has requested an Article 4 Direction to control some of the detrimental permitted development which has begun to take place within the Conservation Area.
- 1.3. An Article 4 direction can only take away – it cannot give, or even selectively take away rights.
- 1.4. Local Development Orders (“LDO’s”) were introduced in the Planning and Compulsory Purchase Act 2004 and allow local planning authorities to extend permitted development rights for certain specified forms of development.
- 1.5. The Order, in this case, re-grants a number of the permitted development rights which are taken away in the Article 4 Directions to preserve or enhance the appearance or character of Woodhall Spa Conservation Area. Using an LDO in this way is an innovative measure.
- 1.6. The Planning Act 2008 removes the requirements that LDO’s should implement policies set out in adopted local development documents. The Growth and Infrastructure Act 2013 simplified the LDO process; it replaced the requirement for the local planning authority to submit the order to the Secretary of State before adoption. Instead it is now a requirement to notify the Secretary of State as soon as practicable after adoption, but allows the Secretary of State to intervene at any stage. The Act also removed the requirement for Local Development Orders to be reported on as part of the Authorities’ Monitoring Reports.
- 1.7. Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order (DMPO) 2015 paragraph 1 requires that if a local planning authority proposes to make a LDO they must first prepare:
 - (a) A draft of the Order; and
 - (b) A statement of their reasons for making the order.
- 1.8. The LDO document is provided in Appendix 1 of this document.
- 1.9. Article 38 paragraph (2) of the DMPO states that the statement of reasons must contain:
 - (a) A description of the development which the order would permit; and
 - (b) A plan or statement identifying the land to which the order would relate.
- 1.10. This document contains the statement of reasons for making the LDO. The LDO relates to the entirety of the Conservation Area in Woodhall Spa and a map identifying the area of land to which the Order relates is

included in Appendix 2. The LDO will be implemented without an end date to run alongside the Article 4 direction. It will be continually reviewed to determine its impact and effectiveness to consider whether it requires amendment.

2. Reasons/Principles

- 2.1. The Order complements two proposed Article 4 Directions in Woodhall Spa Conservation Area which bring development that has been causing harm to the appearance & character of the conservation area under planning control.
- 2.2. However, as a positive planning tool, the Order will permit works which preserve or enhance architectural features and/or materials that make a positive contribution to the appearance and character of the conservation area. It thereby seeks to encourage and facilitate such development, to strengthen the conservation area's significance, and to reinforce the reasons for its designation in 1991.
- 2.3. It will offer a fast-track route to carry out minor but significant works by obviating the need for planning permission for development. This will encourage and facilitate works which preserve or enhance Woodhall Spa Conservation Area.
- 2.4. Woodhall Spa Conservation Area was chosen for an LDO, as a positive planning tool to reduce some of the additional workload likely to arise as a result of a request from the Parish Council to introduce an Article 4 Direction. I.e. in that what was permitted development and no longer is, is not now forbidden but will require a planning application be made.
- 2.5. However, specifically it was considered that, although its historic core and buildings are not uniform in layout and appearance, the village is a late C19/early C20 planned settlement which has a strong unity of form and materials and a distinct but coherent appearance & character. This has simplified the drafting of the Order and maximised the applicability of the Order.
- 2.6. The Order has already been the subject of informal consultation and close cooperation with the local Heritage Group acting under the auspices of the Parish Council. Prior to undertaking this formal consultation on the Order, informal consultation was carried out with the local community on the principle of an Article 4 Direction & an LDO and on their scope by outlining the types of development that might be controlled and conversely, the types of development that might be permitted.
- 2.7. Publicity leaflets were delivered within the conservation area by members of the Heritage Group and three 'drop-in' sessions were held; one on a weekday and the other two on a Saturday morning and a Saturday afternoon. This was in the local church hall alongside similar informal consultations being held by the Neighbourhood Development Plan Group.
- 2.8. Questionnaires were distributed and of those returned the vast majority (92.9%) agreed that the distinctive appearance and character of Woodhall Spa is gradually being eroded and should be better preserved and enhanced by the planning measures being considered. Approximately 80% agreed with the types of development which it was suggested should be brought under planning control as they make a significant contribution to the special character of Woodhall Spa.
- 2.9. Significantly the greatest support was for a Local Development Order (93.3%) to allow the restoration of original features and materials.
- 2.10. Formal consultation took place in July & August 2018 with over three quarters of respondents (76%) supporting the introduction of the Article 4 Directions and Local Development Order.

- 2.11. The LDO has been drafted with legal advice from Lincolnshire Legal Services, which, for continuity, was completed by former Lincolnshire Legal Services solicitor Stuart Tym, who moved to become Senior Associate at The Wilkes Partnership LLP, Birmingham. As such the adopted LDO has had in mind the consultation and views of residents of Woodhall Spa since pen was first put to paper.
- 2.12. It is not considered that residential or any other amenity will be affected or that any other harm will be caused by the LDO as the only works that will be permitted are to renew or reinstate original materials, features and boundaries.
- 2.13. The LDO sets out clear conditions to be met for development to be permitted under the LDO and, where appropriate, provides detailed scale drawings, photographs and a Development Specification for the permitted development.

3. Statement of Policies

- 3.1. The Order meets obligations on the local planning authority under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 3.2. The Order also supports local and national planning policies, including the East Lindsey Local Plan strategic policy SP11, which addresses the Historic Environment and states:

The Council will support proposals that secure the continued protection and enhancement of heritage assets in East Lindsey, contribute to the wider vitality and regeneration of the areas in which they are located and reinforce a strong sense of place. It adds: Proposals will be supported - inter alia - where they: Preserve or enhance the special character, appearance and setting of the District's Conservation Areas.

- 3.3. Specifically in relation to The Local Development Order, policy SP11 lists in its Delivery Objectives:

Appropriate and positive use of planning tools and statutory powers including (but not limited to) s106 agreements, Article 4 Directions and enforcement powers, and refers, inter alia, to the Council supporting 'those communities who wish to promote Article 4 Directions'.

4. Provisions of the Order

- 4.1. The Order covers development affecting specified windows, doors, roofs, rainwater goods, front garden gates & posts, and front boundary walls and railings, details of which are set out in a development specification and supporting illustrations in the Order which is at Appendix 1.
- 4.2. Although the Order mainly affects dwelling houses it applies to all properties within the conservation area, bar a handful of exceptions, provided the property complies with the limitations and conditions of the Order and meets with the criteria set out in its development specification.
- 4.3. The Order applies to the whole of the land within the conservation area, the boundary of which is outlined in Appendix 2, copied from Appendix 1 of the East Lindsey District Council (Woodhall Spa Conservation Area) Local Development Order 2018.
- 4.4. The Order also anticipates change with a number of formerly natural slate and plain non-interlocking red clay tile roofs in the conservation area which were changed to concrete tiles before the conservation area was designated. Concrete tiles tend to have a shorter life-span than natural materials such as slate and clay tiles. It is hoped that when any concrete tile roof need to be replaced, the LDO will encourage owners to reinstate the original roof covering as such work will not require planning permission. As a result of the Article 4

direction a replacement of the existing concrete roof would require an application for planning permission to be made.

5. Lifetime / Scope

- 5.1. The LDO is intended to be permanent. However it can be modified or withdrawn if monitoring suggests it is expedient so to do.

6. Monitoring of the LDO

- 6.1. The take-up and the effectiveness of the LDO will be monitored by ELDC. Property owners wishing to undertake development permitted by the LDO will be asked to submit a monitoring form to the local planning authority setting out details of the work they intend carrying out.

7. Environmental Statement

- 7.1. The proposed LDO has been considered against the relevant tests set out under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The Local Planning Authority is of the view that neither Schedule 1 nor Schedule 2 development is permitted by the LDO and as such the requirements of an EIA do not need to be further considered.
- 7.2. There are also no European Sites or European Offshore Marine Sites within the Conservation Area.

Appendix 1 – The Local Development Order (LDO)

(See separate LDO document)

Appendix 2 – Map of Conservation Area

