

Notice of:	EXECUTIVE
Decision Number:	EX63/2016
Relevant Officer:	Alan Cavill, Director of Place
Relevant Cabinet Member:	Councillor Gillian Campbell, Deputy Leader of the Council (Tourism, Economic Growth and Jobs)
Date of Meeting:	15 December 2016

ARTICLE FOUR DIRECTION- RAIKES HALL CONSERVATION AREA

1.0 Purpose of the report:

- 1.1 To seek approval for the introduction of a non-immediate article 4 direction order for Raikes Hall Conservation Area

2.0 Recommendation(s):

- 2.1 To approve the introduction of a non-immediate article 4 direction order for Raikes Hall Conservation Area to take effect 12 months from the date given in the public notification.

3.0 Reasons for recommendation(s):

- 3.1 In order to preserve the special character of the Raikes Hall Conservation Area

It is considered that the legislative test is met in relation to the proposed direction under Articles 4 and 5 in relation to the Raikes Hall Conservation area having regard to the relevant Guidance and the National Planning Policy Framework.

- 3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2b Is the recommendation in accordance with the Council's approved budget? No

- 3.3 Other alternative options to be considered:

Not to approve the introduction of an Article 4 direction order for Raikes Hall Conservation Area

4.0 Council Priority:

- 4.1 The relevant Council Priority is: “The economy: Maximising growth and opportunity across Blackpool”

5.0 Background Information

- 5.1 The Architectural History Practice Limited [AHP] was commissioned in September 2008 by Blackpool Council, funded by English Heritage, to prepare historic townscape characterisation assessments for several areas of Blackpool, including Raikes. The study was intended to inform the Council’s management of the historic environment and provide an evidence base for strategic planning policy and decision-making. Raikes was selected for this study in view of the high quality of the early 20th century and inter-war housing, developed on the former Raikes Hall estate.
- 5.2 AHP subsequently recommended designation of a Raikes Hall Conservation Area and, following appraisal and public consultation, the conservation area was formally designated on 9 February 2015.
- 5.3 A conservation area is an “area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”, as set out in Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Under this legislation, local authorities have a duty to designate such areas and to review them, and to use their planning powers to safeguard and enhance the special qualities of these areas within a framework of managing change with a positive approach. Designation automatically entails control over the demolition of unlisted buildings, strengthens controls over minor development and gives special protection to trees within the area.
- 5.4 Raikes can be summarised as a good, well-preserved example of a largely early 20th century suburb with notable religious buildings, almost all of which are of good or very good architectural and historical quality. It is one of the best surviving areas of suburban housing in Blackpool and compares well with comparable areas of similar date elsewhere in the country.
- 5.5 Despite conservation area designation, there is still a range of minor works which remain permitted development, for example removal of boundary walls and chimneys. Where these rights have been exercised in the past, there has been an incremental negative impact on the character and integrity of the area. Stanley Park Conservation Area has an article 4 direction order in place which removes permitted development rights for work to all visible elevations. This does not prevent change

but enables it to be managed within the planning system, and has ensured that the conservation area's essential character has been preserved.

- 5.6 An Article 4 direction covering the Raikes Hall Conservation Area would facilitate sensitive and appropriate change by bringing minor works under the control of the planning system. If a non-immediate direction under Articles 5 and 6 is approved in principle, it is proposed to create a direction order which would take effect 12 months from the date given in the public notification, subject to consideration of representations made.
- 5.7 There is a minor risk of compensation claims arising from the provision of article 4 directions but potential liability is limited by allowing a minimum of twelve months between notification and confirmation of the direction order. There appears to be little evidence countrywide that claims for compensation are a serious risk.
- 5.8 Planning applications required as a consequence of an Article 4 direction are exempt from fees.
- 5.9 The view of the Built Heritage Manager view is that the appropriate legal test(s) as described below for making these proposed directions is/are satisfied.
- 5.10 Does the information submitted include any exempt information? No

5.11 **List of Appendices:**

Appendix 13a: Map of area proposed to be covered by the Article 4 direction.

6.0 Legal considerations:

- 6.1 Article 4 directions are registrable as local land charges. Article 4 directions may be made when the Local Planning Authority is satisfied that it is expedient that development that would normally benefit from Permitted Development rights should not be carried out unless planning permission is granted.
- 6.2 Regard should be had to DCLG Replacement Appendix D to the Department of the Environment Circular 9/95: General Development Consolidation Order 1995 issued in November 2010. It contains a general statement that an Article 4 direction should be considered 'only in those exceptional circumstances where the evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area.' The Guidance requires that the potential harm that the direction is intended to address must be clearly identified and where such withdrawal is proposed to cover a wide area there must be particularly strong

justification for the withdrawal at the time of making the Direction. It states further that local planning authorities may wish to consider whether the exercise of permitted development rights would undermine local objectives to create or maintain mixed communities. The immediacy of the threat and the compensation liability may be factors in determining which type of direction to use.

- 6.3 The National Planning Policy Framework states that use of Article 4 directions should be limited to where it is necessary to protect local amenity or the wellbeing of the area

7.0 Human Resources considerations:

- 7.1 There will be a substantial amount of officer time required to deal with public consultation, but this can be managed as part of the day to day workload.

8.0 Equalities considerations:

- 8.1 Regard must be had to the provisions of the Equality Act 2010 and to the duty under section 17 of the Crime and Disorder Act 1998.

9.0 Financial considerations:

- 9.1 There are no costs associated with the implementation of the article 4 direction

10.0 Risk management considerations:

- 10.1 The key risk is that of compensation, which is mitigated through the use of a (12 Month) non-immediate order. Compensation claims are exceptionally rare and are almost always a result of the implementation of orders that have immediate effect.

11.0 Ethical considerations:

- 11.1 Regard must also be had to the Human Rights Act 1998 in particular Article 8 (right to respect for private and family life) and Article 1 (protection of property). Any interference with the rights protected by the Act must be necessary and proportionate in the interests of a democratic society

12.0 Internal/ External Consultation undertaken:

- 12.1 Both Planning and Legal departments have been consulted. Talbot Ward Police and Communities Together meetings has been presented to and both Ward Councillors have been supportive of this initiative.

13.0 Background papers:

None

14.0 Key decision information:

14.1 Is this a key decision? Yes

14.2 If so, Forward Plan reference number: 15/2016

14.3 If a key decision, is the decision required in less than five days? No

14.4 If **yes**, please describe the reason for urgency:

15.0 Call-in information:

15.1 Are there any grounds for urgency, which would cause this decision to be exempt from the call-in process? No

15.2 If **yes**, please give reason:

TO BE COMPLETED BY THE HEAD OF DEMOCRATIC GOVERNANCE

16.0 Scrutiny Committee Chairman (where appropriate):

Date informed:

Date approved:

17.0 Declarations of interest (if applicable):

17.1 None

18.0 Executive decision:

18.1 The Executive agreed the recommendation as outlined above namely:

To approve the introduction of a non-immediate article 4 direction order for Raikes Hall Conservation Area to take effect 12 months from the date given in the public notification.

18.2 Date of Decision:

15 December 2016

19.0 Reason(s) for decision:

In order to preserve the special character of the Raikes Hall Conservation Area

It is considered that the legislative test is met in relation to the proposed direction under Articles 4 and 5 in relation to the Raikes Hall Conservation area having regard to the relevant Guidance and the National Planning Policy Framework.

19.1 Date Decision published:

16 December 2016

20.0 Executive Members in attendance:

20.1 Councillor Blackburn, in the Chair

Councillors Benson, Cross, Jackson, Kirkland, Smith and Mrs Wright

21.0 Call-in:

21.1

22.0 Notes:

22.1 The following non-Executive member was in attendance: Councillor Singleton.