



**AGENDA ITEM: 5(e)**

**CABINET: 15 September 2015**

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<b>Report of:</b>	<b>Assistant Director Planning</b>
<b>Relevant Managing Director:</b>	<b>Managing Director (Transformation)</b>
<b>Relevant Portfolio Holder:</b>	<b>Councillor J Hodson</b>
<b>Contact for further information:</b>	<b>Ian Bond (Extn. 5167) (e-mail: <a href="mailto:ian.bond@westlancs.gov.uk">ian.bond@westlancs.gov.uk</a>)</b>

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**SUBJECT: CONFIRMATION OF THE ARTICLE 4(2) DIRECTIONS - FULWOOD AND DOUGLAS AVENUE CONSERVATION AREA, TARLETON AND JUNCTION LANE CONSERVATION AREA, BURSCOUGH**

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Wards affected: Burscough East and Tarleton Wards

**1.0 PURPOSE OF THE REPORT**

1.1 To seek Cabinet's confirmation of the Article 4(2) Directions in place for both the Fulwood and Douglas Avenue Conservation Area, Tarleton and the Junction Lane Conservation Area, Burscough.

**2.0 RECOMMENDATIONS**

2.1 That the Article 4 (2) Directions for Fulwood and Douglas Avenue Conservation Area, Tarleton and the Junction Lane Conservation Area, Burscough as identified in Appendices A and B appended to this report be confirmed.

2.2 That Call In is not appropriate for this item as this matter is one where urgent action is required because of the time limits for the confirmation of the Article 4(2) Direction.

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### **3.0 BACKGROUND**

- 3.1 The Borough Council has a duty under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review, from time to time, its Conservation Area designations, and under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas.
- 3.2 In line with good practice (Understanding Place: Conservation Area Designation, Appraisal and Management, English Heritage, 2011) the character appraisals for both Fulwood and Douglas Avenue Conservation Area and Junction Lane Conservation Area have recently been updated. Both these appraisals recommended small extensions to each Conservation Area. The appraisals and their recommendations were open to public consultation during September 2014 and subsequently approved by Cabinet on 11 November 2014.
- 3.3 In both areas the boundary of the conservation area was amended to include new areas/properties. These newly designated areas fell outside the coverage of existing Article 4(2) Directions which bring certain types of minor development under planning control. To maintain our management of these areas Members approved new Article 4(2) Directions to match the newly approved extensions to both named conservation areas at the Cabinet meeting on the 17<sup>th</sup> March 2015. The Legislation requires that following the making of the Article 4 Direction the Council is required to undertake a public consultation exercise and thereafter confirm the Article 4 Direction if it is still considered appropriate.

### **4.0 CURRENT POSITION**

- 4.1 Conservation areas that are largely composed of unlisted dwelling houses can be particularly vulnerable to change without additional planning protection. Article 4(2) Directions are an effective tool in the management of Conservation Areas, especially in areas that still have a high degree of intact historic features – this is certainly the case in both the Fulwood and Douglas Avenue Conservation Area and the Junction Lane Conservation Area.
- 4.2 Under existing planning legislation householders in Conservation Areas are able to undertake alterations to properties without requiring planning permission. These ‘permitted development’ alterations including changing doors and windows, making changes to roofs, erecting a porch, laying down new areas of hardstanding and the erection/demolition of certain fences and walls would not normally come under planning controls. It is recognised that poorly designed and unsympathetic minor alterations can have a cumulative negative effect in Conservation Areas, ultimately undermining their character and appearance and putting their designation at risk.
- 4.3 The boundaries of the Article 4(2) Directions and their context to the relevant Conservation Areas are included on the plans attached in Appendices A and B. Under the procedures the draft Article 4(2) Directions remain in place for up

to 6 months and require the Council to take into account any comments received from the consultation prior to their confirmation.

- 4.4 Neighbour consultation, including a press notice providing details of the draft Article 4(2) Directions, was carried out on the 8<sup>th</sup> April 2015. No objections or comments were received to either Article 4(2) Directions.

## **5.0 NEXT STEPS**

- 5.1 Subject to agreement from Cabinet the Article 4(2) Directions in both Conservation Areas, will be formally confirmed and the residents affected notified of the Council's decision.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are no significant financial or resource implications arising from this report.

## **8.0 RISK ASSESSMENT**

- 8.1 Whilst there are not considered to be any significant risks involved in confirming the Article 4(2) Directions proposed in this report an assessment of the potential risks involved is attached in Appendix C.
- 8.2 Article 4(2) Directions provide planning controls over the impacts of minor development on the character and appearance of Conservation Areas. Failure to apply the Article 4(2) Directions weakens our management of these historic areas and risks the Authority not fulfilling its duty to preserve the historic character and appearance of both Conservation Areas.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this

report, the results of which have been taken into account when undertaking the actions detailed within this article.

### **Appendices**

Appendix A Plan and schedule of Article 4(2) Direction Fulwood and Douglas Avenue Conservation Area, Tarleton

Appendix B Plan and schedule of Article 4(2) Direction Junction Lane Conservation Area, Burscough

Appendix C Potential risks or threats report

Appendix D Equality Impact Assessment