
**CONFIRMATION OF ARTICLE 4(2) DIRECTION FOR
NORTHGATE CONSERVATION AREA**

**Responsible Cabinet Member - Councillor David Lyonette,
Regeneration and Planning Portfolio**

Responsible Director - John Buxton, Director of Development and Environment

Purpose of Report

1. To seek Members' authority to confirm the **appended** Article 4(2) Direction, introduced on 24 November 2006.

Information and Analysis

2. A report was submitted to Cabinet on 26 November 2001 (Min/C155/Nov/01 refers) agreeing to the introduction of an Article 4(2) Direction in Northgate, as a condition of the granting of HERS grant scheme monies from English Heritage.
3. The Article 4(2) Direction is required to be 'confirmed' by the Council within 6 months of the direction being made if it is not to lapse.
4. An Article 4(2) Direction is a provision of Planning legislation removing the 'permitted development rights' of owners living in a conservation area. This means that changes to the exterior of the property, where it fronts a highway would after the implementation of the Direction, require an application for planning permission to be submitted, for:-
 - (a) changes to doors and windows;
 - (b) erection of porches;
 - (c) building or enclosure, swimming or other pool;
 - (d) changes to roof heights and cladding materials;
 - (e) removal or addition of chimney stacks;
 - (f) addition, alteration of aerials and satellite dishes;
 - (g) the addition of, or removal of, garden boundary walls, railings fencing, gate or other means of enclosure;
 - (h) a hard surface within the curtilage; and
 - (i) the re-painting of external walls.
5. The making of an Article 4(2) Direction is a normal condition of the Partnership Schemes for Conservation Areas (PSCA) scheme assisted by English Heritage. The Direction is intended to protect the investment made by English Heritage and the Council so that changes made reinstating or restoring historic features under the scheme are not subsequently changed back without the requirement of Planning permission.

Outcome of Consultation

6. A consultation process of letters to residents and a press advertisement began on 4 December 2006 and finished on 28 December 2006.
7. All 574 residents within the Northgate conservation area were written to asking for their comments on the proposed Northgate Article 4(2) Direction. No comments forms were returned.
8. A presentation was held by planning consultants Building Design Partnership (BDP) in the Darlington Railway Museum on 13 December 2006, for members of the public to see and to discuss the Council's proposals.
9. An exhibition was held on 15 and 16 December 2006 in the Town Hall reception.
10. No representations (objections or comments in support) were received by the Council.

Legal Implications

11. This report has been considered by the Borough Solicitor for legal implications in accordance with the Council's approved procedures. There are no issues which the Borough Solicitor considers need to be brought to the specific attention of Members, other than those highlighted in the report.

Section 17 of the Crime and Disorder Act 1998

12. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely, the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. It is not considered that the contents of this report have any such effect.

Council Policy Framework

13. The issues contained within this report do not represent change to Council policy or the Council's policy framework.

Decision Deadline

14. For the purpose of the 'call-in' procedure this does not represent an urgent matter.

Recommendation

15. It is recommended that Cabinet authorise the confirmation of the **attached** Direction made under Article 4(2), Northgate Conservation Area, Darlington.

Reasons

16. The recommendations are supported by the following reasons:-

- (a) To protect the character and appearance of the Northgate conservation Area.
- (b) To protect the investment made by the Council/English Heritage in reintroducing/restoring historic features.

John Buxton
Director of Development and Environment

Background Papers

Northgate Conservation Area Character Appraisal

Martyn Kendall : Extension 2604
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