

Item 8

REPORT TO COUNCIL

27TH MARCH 2009

REPORT OF DIRECTOR OF NEIGHBOURHOOD SERVICES

Portfolio: Planning and Development

Cornforth Conservation Area—Article 4(2) Direction—2009

1 SUMMARY

- 1.1 The Article 4(2) Direction has been made in order to introduce additional planning control within Cornforth Conservation Area where changes to the visual elements of all dwelling houses facing a highway or The Green are likely to have a direct impact upon the special character of the conservation area.
- 1.2 Under provisions in the Town and Country Planning (General Permitted Development) Order 1995 the Borough Council can make an Article 4(2) Direction which would assist the Council's positive policy of enhancing the Cornforth Conservation Area.
- 1.3 The draft Article 4(2) Direction was subject to consultations between 16th February and 13th March 2009 by way of a notice served on individual householders, local news paper advertisement and an entry in the Council's web site. The consultation did not produce a single response.
- 1.4 A copy of the draft Article 4(2) Direction and accompanying plan is attached to this report.

3 RECOMMENDATION

- 2.1 That the Council agree the report and formally adopts the Article 4(2) Direction within Cornforth Conservation Area.

3 THE ARTICLE 4(2) DIRECTION WITHIN CORNFORTH CONSERVATION AREA

- 3.1 The Cornforth Conservation Area has been and is the subject of considerable enhancement works under a Conservation Area Partnership Scheme jointly funded by English Heritage, Durham County Council, Cornforth Parish Council and Sedgefield Borough Council. It is a three year programme terminating at the end of 2009/10 financial year.

The enhancement works have comprised environmental improvements to The Green surrounded by predominantly residential properties and restoration and repairs to many of these properties by way of reinstatement of architectural features that have been lost over the years.

3.2 Article 4(2) Direction

The legislation contained in the Planning Acts does not seek to prevent development in Conservation Areas, but rather to ensure proposals do not detract from their wider character. It is, however, recognised that even minor works of alteration that are not classified as “ development “ within the terms of the Planning Acts, can have an effect on the wider character if they result in the erosion or loss of features that contribute to a strong feeling of local identity. This identity can be the result of architectural detailing, materials, street layout and surface treatment.

A rolling programme of Conservation Area Character Appraisals within the Borough is currently being undertaken, the Appraisal for Cornforth Conservation Area and Management Plan having just been endorsed by the Development Control Committee on 6th March 2009.

When undertaking these Appraisals various considerations are taken into account, including the appropriateness of the existing planning controls. Where deemed appropriate the mechanism for tightening planning controls over changes that are likely to directly impact on public views-usually the front of the house facing the street or The Green, is termed an Article 4(2) Direction, which Direction can be served by an appropriate local planning authority under provisions in the Town and Country Planning (General Permitted Development) Order 1995.

Once served the Direction takes immediate effect and lasts for up to six months pending a decision to confirm, modify or revoke taking into account any representations received during the 21 days consultation period offered to all those owner and occupiers of every dwelling house within the relevant part of the Conservation Area to which the Direction relates.

The need for an Article 4(2) Direction within Cornforth Conservation Area has also arisen from a condition of the English Heritage grant aid being provided as part of the Conservation Area Partnership Scheme referred to above. It is expected by English Heritage that this Direction is in place

before the end of the current financial year in order that the public investment committed towards enhancement of the Conservation Area is not lost in the future by uncontrolled alterations and development of the very features made possible by public grant aid.

It can be seen from the above that the making of an Article 4(2) Direction is essential not only in order to comply with the condition of English Heritage grant but to serve as an important Development Control tool that will ensure that the enhancements achieved through public grant aid are secured for the future and that the special character of the Cornforth Conservation Area can continue to be preserved and enhanced for the next generation. The consultation exercise has not generated any objections or comments.

4 RESOURCE IMPLICATIONS

- 4.1 There are no resource implications associated with the adoption of the Article 4(2) Direction.

5 CONSULTATIONS

- 5.1 The Draft Article 4(2) Direction was subject to a period of over 21 days public consultation in February and March 2009. The consultation was undertaken in accordance with the consultation methods outlined in Section 6 of the Town and Country Planning (General Permitted Development) Order 1995.

6 OTHER MATERIAL CONSIDERATIONS

6.1 Links to corporate Objectives/Values

The confirmation of the Direction will help to meet Corporate Aim 25, which is to provide a high quality, efficient and customer focussed planning Service that supports sustainable improvement of the built and natural environment of the Borough.

6.2 Legal Implications

The Direction must be confirmed in accordance with Section 7 of the Town and Country Planning (General Permitted Development) Order 1995.

6.2 Risk Management

If the Article 4(2) Direction is not confirmed then inappropriate uncontrolled alterations may be proposed to the visible elevations of dwelling houses that would materially harm the special character of the Conservation Area which is currently being enhanced with the help of public money.

6.3 Health and Safety Implications

No implications have been identified.

6.4 Sustainability

There are no sustainability issues

6.5 Equality and Diversity

The Article 4(2) Direction will be made available in alternative languages, Braille or in audio format where requested and will be placed on the council's website in pdf format

6.6 Social Inclusion

There are no social inclusion issues.

6.6 Procurement

There are no procurement issues.

7 **OVERVIEW AND SCRUTINY IMPLICATIONS**

7.1 None.

8 **LIST OF APPENDICES**

Cornforth Conservation Area--Article 4(2) Direction—2009

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Key Decision Validation: This is a key decision as it will in future affect the Development Control functions of the Local Planning Authority.

Background Papers : Cornforth Conservation Area Appraisal
Cornforth Conservation Area Management Plan
The Town and Country Planning (General Permitted Development) Order 1995.

Examination by Statutory Officers

	Yes	Not Applicable
1. The report has been examined by the Councils Head of the Paid Service or his representative	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The content has been examined by the Councils S.151 Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. The content has been examined by the Council's Monitoring Officer or his representative	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. The report has been approved by Management Team	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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