

REGENERATION COMMITTEE

14 SEPTEMBER 2005

Joint Report of the Director of Regeneration and Head of Legal Services
ASSET MANAGEMENT GROUP

purpose of the report

1. To advise committee of a request from Mr. T. Hall, Director of Wear Valley Railways Trust, a registered charity, to lease Stanhope Station and the associated car park. The Trust currently rent three rooms in the station, which they have leased from the Council 1996 at a peppercorn rent

background

2. Approximately 2 year ago Weardale Railways Ltd moved into the station and took possession of a number of rooms (excluding the rooms occupied by the Trust) without entering into a formal lease. The Head Legal Services attempted to regularise the Railway Company's occupation of the areas occupied by it, by granting the Company a lease at a peppercorn and although the draft lease was prepared, the Railway Company never signed it before it went into liquidation.
3. Mr. Hall has seen the draft lease that was prepared for the Railway Company and asks that the Trust be granted a lease on much the same terms.

proposal

4. There is no objection to the proposal. The current lease with the Trust restricts the use of the building for use of offices by the Trust and the Railway Society only. The draft lease agreed with the Railway Company provided that the station shall be used for station purposes. I would suggest that the new lease with the Railway Trust should be subject to a condition that the premises will be used for offices and uses ancillary to the use of a building as a railway station and/or tourism.
5. With regard to the term, the Trust is already holding over under the original lease of the three rooms at a peppercorn rent. The proposed lease to the Railway Company was to run from 1st July 2004 to 30 June 2009 because it was the intention of the Railway Company to purchase the building. The Head of Legal Services has advised the Trust that they be initially offered a lease of the whole of the premises for a period of two years at a peppercorn rent. This proposal will allow all parties the opportunity to review the situation once the Railway Company comes out of liquidation/receivership.
6. The Trust has also been advised that the provisions of the Landlord and Tenant Act 1954 are excluded from the lease. This course of action has been proposed so that the Trust does not obtain security of tenure of the building. This will put them in the same situation as they are in now in respect of the three offices. Furthermore, the existing tenancy of the three rooms should be surrendered.

financial implications

7. The budget provision for maintenance of the building has been deleted on the basis of its continued use by the Railway Company.
8. It is proposed that there will be no obligation in the lease for the Council to repair the building, and that the trust are to maintain the state and condition of the interior and exterior of the station so that it is in no worse condition at the end of the lease.
9. The Council will be responsible for the insurance of the building, which will be paid by the Trust by way of further rent.

legal implications

10. The Council has a legal duty to obtain the best price, however, since a lease for a period less than seven years is proposed this legal duty does not arise.

conclusion

11. The Council purchased the station with the intention that it should be used in connection with the railway. The Trust has maintained a presence in the building for almost 9 years and I so no reason why they should not continue to be our tenants and take over responsibility for the whole building.

RECOMMENDED

- 1 That the Committee approves the grant of a lease to Weardale Railway Trust Ltd at a peppercorn subject to the following conditions:-
 - (a) A condition survey is carried out prior to the Lease being granted.
 - (b) The lease be for a term of 2 years and that the provisions of the Landlord and Tenant Act 1954 be excluded from the Lease.
 - (c) That the Trust be responsible for the maintenance and repair of the interior and exterior of the building.
 - (d) That the building be insured by the Council that the cost of the insurance be recovered from the trust by way of further rent.
 - (e) The lease of the existing lease to the Trust of the three rooms be surrendered upon completion of the new lease of the whole of the station premises to them.

Officer responsible for the report

Bob Hope
Director of Regeneration
Ext 264

Author of the report

Cathy Prest
Head of Legal Services
Ext 310

REGENERATION COMMITTEE

14 SEPTEMBER 2005

Report of the Director of Regeneration

CAPITAL PROGRAMME UPDATE : INNOVATION HOUSE

purpose of the report

1. To update members on progress on the Innovation House extension and agree forward programme.

background

2. Innovation House extension is a key project in the Council's capital programme. The scheme aims to build on the success of Innovation House and to develop a further 1509m² of business space to create 26 new further units.
3. The scheme is programmed to be funded as follows:-

Total	1395,000
ERDF	349,000
ONE	754,000
NRF	192,000
WVDC	100,000

4. Approval has now been given to ERDF and ONE Single Programme funding amounting to £1,103,000. The remaining funding is available through NRF.
5. The timetable for implementation has slipped as a result of the time taken to get approval for funding. It is now proposed to commence in October with a 13 week build period. The bulk of spend is expected to be this financial year but may slip into next.

RECOMMENDED

- 1 That members note progress to date, welcome the receipt of external funds and agree new timetable for implementation of the project.

Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

Sue Dawson
Head of Economic Regeneration
Ext 305

REGENERATION COMMITTEE

14 SEPTEMBER 2005

Report of the Director of Regeneration

INTERPRETATION OF PPG3 HOUSING – CONSIDERATION OF HOUSING DEVELOPMENTS ON GREENFIELD SITES

purpose of the report

1. To suggest to members how the sequential test set out in PPG3 “Housing” should be applied when considering housing proposals on greenfield sites.

background

2. Within the last 16 months the Council has received 3 Inspectors decisions relating to proposed housing development on three separate greenfield sites in different parts of the District. In each case the Inspector has interpreted PPG3 in different ways in respect to the application of the sequential test.
3. Given this lack of consistency the following issues were raised with Government Office for the North East for clarification to avoid inconsistent and inappropriate decision making in the future.
 - The area of search for sequentially preferable sites – in applying the “sequential test” each Inspector used a different area of search, ranging from one within the settlement where the development was proposed to one requiring a search across the whole district.
 - The interpretation of when a site is “available” for development. In all three cases the Inspector discounted brownfield sites which had planning permission for residential development despite the fact these had not yet been implemented and in some cases had no developer in control of the site.

current practice of the regeneration department

4. On 9th September 2004 the Council adopted its first Urban Capacity Study which identifies “available” brownfield sites within the District. This has been used as a basis to identify sites to be considered on the sequential search. Members also agreed the following interim policy:-

“Proposals for the residential development of greenfield sites will not be granted unless it can be demonstrated that a rigorous search sequence has been followed as indicated in PPG3, and that no alternative brownfield sites are available or can reasonably be made available for housing within the settlement boundary, or nearby.”

5. The application of this interim policy has been conducted on a search of the closest settlement(s) that had a good range of community facilities (i.e.

access to employment, shops, schools, etc). A site was deemed “available” up until the commencement of development i.e. implementation of a planning permission.

proposal

6. Following discussions with Government Office for the North East it was accepted that ODPM needs to provide clear guidance on interpreting the “sequential test” and the term “availability”. GONE have undertaken to take up this need for guidance with ODPM and thanked the Council for drawing this matter to their attention. The ODPM is currently consulting on proposed revision to PPG3 “Housing” and I intend to submit representation in relation to these two areas of concern.
7. In the interim I consider that it is necessary for the Council to agree on how to apply the “sequential test” pending the revision of PPG3. The following interpretation is recommended:-

- (i) Area of search for sequential preferable sites.

The sequential search should be carried out in accordance with an assessment of the following criteria:-

- The **availability of previously-developed sites** and empty or under-used buildings and their suitability for housing use;
- The **location and accessibility** of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
- The **capacity of existing and potential infrastructure**, including public transport, water and sewerage, other utilities and social infrastructure (such as schools and hospitals) to absorb further development and the cost of adding further infrastructure;
- The **ability to build communities** to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities, and
- **The physical and environmental constraints on development of land**, including, for example, the level of contamination, stability and flood risk, taking into account that such risk may increase as a result of climate change.

For the purpose of implementing this search the District readily divides into three sub areas. Each area has differing houses markets and issues. The areas of search are therefore:-

- (a) **Bishop Auckland** (to include: Bishop Auckland, St Helen Auckland, West Auckland, Coundon, Dene Valley, Toronto, Witton Park, Escomb and Binchester).
- (b) **Crook & Willington** (to include Crook, Willington; Newfield; Howden le Wear; Sunnyside; Stanley; Roddymoor; Hunwick;

Sunnybrow; Billy Row; Tow Law; Oakenshaw; Witton le Wear and Fir Tree.

(c) **Weardale** all defined settlements situated west of the A68.

(ii) "Availability"

For the purposes of the "sequential search" a site will be deemed to be available until a planning permission has commenced.

- | | | |
|--------------------|---|---|
| RECOMMENDED | 1 | The 3 areas of search proposed be agreed. |
| | 2 | The definition of "available" be agreed. |

background information

PPG3 "housing" 2000

Inspectors decision, Old Hall Farm, St Helen Auckland; Woodifield Hill, Crook; Valley Close, Tow Law.

Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

Carole Dillon
Principal Forward Planning Officer
Ext 269

REGENERATION COMMITTEE

14 SEPTEMBER 2005

**Report of the Director of Regeneration
BVPI 1ST QUARTER MONITORING UPDATE**

purpose of the report

1. To update Members on activity within the department during the period April to June 2005 on progress against the Department Service Plan for 2005/6.

background

2. The Regeneration Committee endorsed the Service Plan on 25 May 2005. In order to inform Members a quarterly review has been undertaken on implementation of the plan in respect of the three main service areas of the department: development and building control; planning and environmental policy; and economic regeneration. Summarised in Annex 1 to this report are measures of our performance against key targets and indicators.
3. The indicators show performance against target (where this can be measured) in the quarter and an indication of service improvement.

development and building control

development control

4. It has been extremely difficult to maintain the high level of performance achieved in previous years due to staff leaving and difficulties in recruiting new staff. Also workloads have remained high. Agency staff have recently been used to help with the processing of applications.
5. The performance is as follows:-

	2005/6 Q1	Oct 2004 – Aug 2005 (Delivery Grant period)	Target (set nationally)
Major	44%	61%	60% In 13 weeks
Minor	65%	55%	65% In 8 weeks
Other	92%	77%	80% In 8 weeks

6. A total of 236 applications were determined in Q1. The percentage of applications determined through delegation to officers was 91% (target 90%).
7. Performance has improved across the board in the last quarter, however there were 5 Section 106 Agreements completed in Q1 and the decisions on all applications concerned were issued beyond the 13 weeks target. This resulted in the target for dealing with major applications not being met. It is hoped that targets can be met

on majors and other applications in the Planning Delivery Grant accounting period (end of September). Extra effort and resources are being exploited to attempt to meet the target for minors although at present the target is 10% adrift.

appeals

8. During Q1 8 appeal decisions were received (see Annex 2). 5 appeals were dismissed (62.5%).

enforcement

9. During this quarter a total of 138 complaints were received. The system operating prior to 1st June 2005 was that each complaint would be assessed and prioritised according to the level of urgency and severity of alleged breach. Efforts would then be made for each complaint to receive an initial response within 15 working days. The complainant would usually receive an acknowledgement letter if the enforcement officer had not been involved in taking details of the complaint.
10. From 1st June 2005, and the employment of a second enforcement officer, the priority coding is no longer necessary as within 15 working days all sites of complaints are visited, the complainants are contacted and updated until the complaint is resolved. In this period 45 complaints have been resolved (32.6%). The remainder of the complaints are ongoing. One notice has been served (see Annex 3). This information is considered to be exempt in accordance with paragraph 13 of Part 1 of Schedule 12A of the Local Government Act 1972.

complaints

11. 8 complaints were received in Q1. These are detailed in Annex 2.

ombudsman cases

12. In Q1 there have been 9 Ombudsman decisions. These are detailed in Annex 2.

building control

13. In the 1st quarter of 2005/06 the section determined 109 full applications. 45 (41%) were determined within 5 weeks (target 75%).
14. The percentage of inspections undertaken in one working day was 100% (target 100%).
15. It is proving very difficult to carry out plan vetting whilst maintaining the excellent inspections record due to heavy workloads. At the end of July one inspector left the authority and I have been allowed to advertise for two new inspectors. In the meantime some plan vetting has been passed to a consultant inspector in order to maintain the excellent inspections record.

economic regeneration

16. We are pleased to report that £754K One NorthEast 'Single Programme' and £349K ERDF funding has now been approved for the £1.395m extension to Innovation House to create a further 26 'Start-up' office units. As the remaining funding is in place it is hoped work can start by October 05.

17. Work continues to implement the Coundon Settlement Renewal Initiative; Crook and Stanhope Market Town Initiative; and the SRB Round 6 and European Objective 2 Packages and support the communities in these areas.
18. Continuing our work to tackle 'Worklessness' in the District a meeting was held with One NorthEast to highlight our concerns that the national Pathways to Work programme, which is to start on 1 April 06, could potentially disadvantage individuals living in rural areas as it appears no consideration has been given to additional transport cost to those individuals to access jobs. One NorthEast has requested further information on travel to work patterns to substantiate our concerns. Meanwhile, Wear Valley Action Team for Jobs has raised this issue with their Pathways Regional Implementation Manager who will ensure that this issue is recognised by the Pathways National Team. A further meeting with One NorthEast is proposed for October when other rural districts will be invited.
19. Following the successful event last year a second tourism and familiarisation tour for coach and tour operating companies was held in Wear Valley over May 19th to 21st 2005. 14 companies attended the tour visiting attractions throughout the district including Bishop Auckland Market and Town Centre; Auckland Castle; Binchester Roman Fort; Escomb Church; Killhope, the National Lead Mining Museum; Harperley POW Camp etc. All the companies who attended have expressed their intention to return with groups to the area.
20. The Local Enterprise Growth Initiative (LEGI) was announced by the Chancellor of the Exchequer in his March budget and will be worth £300m over 3 bidding rounds in 2006/7, 2007/8 and 2008/9. The aim of the initiative is to remove the market failures in an area to enable private sector business (start-ups, growth or new investment) to be the key driver of the regeneration. Wear Valley has been successful in obtaining £80,000 of funding to develop our proposal.

brownfield land

21. The 1st quarter results show a continued improvement. As stressed on previous occasions, increases in the use of brownfield land take time to feed through the system. The rate at which the existing permissions are taken up and developed is of course largely outside the control of the local planning authority. Allowance should therefore be made, in interpreting the statistics, for the 'delay' between the actual grant of permission, and the results 'on the ground.' Once output from brownfield sites benefiting from existing planning permission gathers momentum, the figure will continue to improve. The percentage of development on brownfield land in Q1 was 58% compared to 60% national target.
22. BV 200 is a recently introduced indicator to reflect how up to date the Council's Local Plan is. This indicator pre-dates changes in the planning system introduced by the Planning and Compulsory Purchase Act. In effect, authorities like Wear Valley, which produced their local plan some time ago (1997) and are clearly on track to produce our Local Development Framework in accordance with the new Government target will inevitably not meet BV200.
23. In addition members should note the inclusion of two additional indicators relating to conservation areas. These will be reported on the next quarterly report.

conclusion

24. The department has made a good start to the delivery of the service plan. Further reports on progress will be made during the year.

RECOMMENDED 1 That Members note progress against the Department Service Plan and endorse the action taken to mainstream and improve performance.

Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

David Townsend
Head of Development & Building Control
Ext 270

REGENERATION COMMITTEE

14 SEPTEMBER 2005

Report of the Director of Regeneration
DEVELOPMENT CONTROL CHARTER GUIDE

purpose of the report

1. To agree an up to date Development Control Charter Guide.

background

2. Trevor Roberts Associates identified a need to review the Council's Local Charter, which was agreed in May 2001. Best Value Inspectors identified a need to publish information about the development control section has actually performed against the Local Charter.
3. The Improvement Plan recommended the development of an information system to publicise performance on the Local Charter.

proposal

4. A comprehensive review of the Local Charter has been undertaken which sets out what customers can expect from the development control section. It incorporates indicators which will be used to measure whether the section is providing the level of service customers should receive. A copy of the Charter Guide is attached at Annex 4.

RECOMMENDED

That Members agree the Charter Guide.

Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

David Townsend
Head of Development & Building Control
Ext 270



WEAR
VALLEY
DISTRICT COUNCIL

REGENERATION COMMITTEE

14 SEPTEMBER 2005

Report of the Director of Regeneration

PUBLIC SECTOR DISABLED ADAPTATION POLICY

purpose of the report

1. To seek Committee's approval to the formalised Public Sector Disabled Adaptation Policy (annex 5).

background

2. Wear Valley District Council is committed to assisting customers whose circumstances have changed and require their home to be adapted to meet their needs.
3. The Regeneration Department is responsible for the administering of adaptations to Public Sector Properties, at present there is no formal policy or guidance. A formal policy is required to give customers and partners a better understanding on the level of assistance that is available to customers.

the policy

4. As this is a new policy and does not replace any previous policy, it has been developed through discussions with the Private Sector Housing Team, the Home Improvement Agency and Durham County Council Social Services Department, to develop the document into one that reflects the needs of customers within Wear Valley. The type of work that is carried out through this policy is mainly focussed around the installation of stair-lifts, level access showers and ramped access to the customers home.
5. The policy and procedure has been developed taking into account good practice guidance and procedures that have proven to be effective within other organisations.
6. The policy introduces a ceiling limit of £10,000 for adaptation work to Public Sector Properties. Previously there was no ceiling limit imposed which left the policy open to excessive claims for adaptation work.
7. The Policy outlines that the Council may seek to find the customer an alternative property if the cost of works or the current design of the property does not lend itself to adaptation work. This will be done in partnership with our colleagues within the Housing Services Department.
8. Due to the excessive cost and the limited budget the Council will not issue work for an extension to a property, nor will it issue work to an applicant that has been offered a more suitable property but has refused this offer.

implications

9. As there is no current policy the level of assistance for adaptations has no ceiling limit, therefore a ceiling of £10,000 has been introduced, any assistance that will go beyond this ceiling will be discussed on an individual basis taking into account the customers need, alternative accommodation and budget constraints. It would only be in very rare circumstances that any adaptation would cost in excess of £10,000.

legal implications

10. There are no major legal implications to this policy.

human resource implications

11. There will be no additional Human Resource Implications, there is an officer responsible for the administering of disabled adaptations and this officer would continue with this administration.

monitoring

12. The policy and procedure will be continuously monitored and quality checks carried out by the Principal Housing Strategy Officer on a regular basis. This will ensure a fair and consistent service will be delivered.

RECOMMENDED

- 1 That committee approve the new Public Sector Adaptation Policy.

Officer responsible for the report

Robert Hope
Director of Regeneration
Ext 264

Author of the report

Richard Roddam
Principal Housing Strategy Officer
Ext 514
