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Robert Hope Acting Chief Executive

11th February 2009

Dear Councillor,

I hereby give you Notice that a Meeting of the **REGENERATION COMMITTEE** will be held in the **COUNCIL CHAMBER, CIVIC CENTRE, CROOK** on **WEDNESDAY 18th FEBRUARY 2009 at 6.00 P.M.**

AGENDA

1. Apologies for absence.
2. To consider the Minutes of the last Meeting of the Committee held on 17th December 2008 as a true record. Copies attached
3. Declarations Of Interest.

Members are invited to declare any personal and/or prejudicial interests in matters appearing on the agenda and the nature of their interest.

Members should use either of the following declarations:

Personal Interest – to be used where a Member will be remaining and participating in the debate and any vote:

I have a personal interest in agenda item (...) regarding the report on (...) because I am (...)

Personal and Prejudicial Interest – to be used where a Member will be withdrawing from the room for that item:

I have a personal and prejudicial interest in agenda item (...) regarding the report on (...) because I am (...)

Officers are also invited to declare any interest in any matters appearing on the agenda.

NOTE: Members are requested to complete the enclosed declarations form and, after declaring interests verbally, to hand the form in to the Committee Administrator.

4. To consider the 3rd quarter monitoring update. 1 - 14

5. To consider confirming the Article 4(2) Direction placed on specified properties in West Auckland Conservation Order on 19 November 2008. 15 - 19
6. To consider such other items of business which, by reason of special circumstances so specified, the Chairman of the meeting is of the opinion should be considered as a matter of urgency.

Yours faithfully



Acting Chief Executive

Members of this Committee: Councillors Bailey, Mrs Bolam, Buckham, Ferguson*, Harrison, Henry, Kay, Laurie, Mews, Mowbray, Miss Ord, Stonehouse, Taylor, Mrs Todd*, David Wilson, Yorke and Zair.

*ex-officio, non-voting capacity

Chair: Councillor Mews

Deputy Chair: Councillor Mrs Bolam

TO: All other Members of the Council for information
Management Team

DECLARATIONS OF INTEREST FORM

NAME AND DATE OF COMMITTEE	AGENDA ITEM NUMBER	NATURE OF INTEREST AND REASONS	PRINT NAME	SIGNATURE



REGENERATION COMMITTEE

18 FEBRUARY 2009

Report of the Strategic Director for Environment and Regeneration
3RD QUARTER MONITORING UPDATE

purpose of the report

1. To provide 3rd quarter monitoring information and to update Members on activity within the department during the period October, November December 2008 on progress against the Department Service Plan for 2008/09.

background

2. The Regeneration Committee endorsed the Service Plan on 14 May 2008. 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: planning and environmental policy; economic regeneration; and public protection. 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.
4. Attached in Annex 2 is a review of planning appeals and complaints received in the quarter.

planning and environment

development and building control

5. All three key performance indicators were exceeded in the third quarter (1 October to 31 December 2008) of the Service Plan Period.
6. In total 155 applications were determined in the quarter.
7. The performance is as follows:-

	2006/07	2007/08	Target (set nationally)	2008/09 Q1	2008/09 Q2	2008/09 Q3
Major	82%	69.5%	60% in 13 weeks	75%	83%	67%
Minor	81%	82.5%	65% in 8 weeks	70%	76%	77%
Other	90%	90%	80% in 8 weeks	87%	89%	87%

8. The percentage of applications determined in Q3 through delegation to officers was 85.81%.

appeals

9. During Q3, six appeal decisions were received (see Annex 2). Four appeals were dismissed and two were allowed.

customer survey (development control)

10. A survey of applicants and agents for Q1/Q2/Q3 revealed 74% considered the development control service to be good/very good and only 13.2% considered it to be poor/very poor. 65.2% of neighbours who had commented on a planning application considered the service to be good or very good. 61.5% of neighbours who had been notified about an application but had not made comment considered the service to be good or very good.

enforcement

11. During the quarter a total of 96 complaints were received. All of these complaints were responded to within 15 working days. 67 complaints were resolved (70%). 3 enforcement notices were served and 2 planning contravention notices.

complaints

12. Eight Stage 1 complaints and four Stage 2 complaints were received in Q3. These are detailed in Annex 2.

ombudsman cases

13. In Q3 one Ombudsman case was decided. This is detailed in Annex 2.

building control

14. In Q3 the building control team determined 71 applications. 60.56% of the full plans applications were responded to within 3 weeks (national target 75%). However, only 55% of these applications were vetted and approved in 5 weeks (target 80%) because architects/owners were slow in returning the requested amendments/information. The percentage of inspections undertaken in one working day was 100% (target 100%).

customer surveys (building control)

15. A survey of applications and agents for Q1/Q2/Q3 revealed that 85.8% considered the plan vetting service to be very good. A survey of builders/developers for Q1/Q2/Q3 revealed that 76.8% considered the site inspection service to be good or very good.

brownfield land

16. During Q3 72 houses were completed. 87.5% of these were built on previously developed land (target 60%).

public protection

contribution to council plan

17. Following on from the successful implementation the smoke free legislation, which made all workplaces smoke free, we continue to carry out educational and enforcement visits to ensure compliance, including joint visits with the police.
18. We also continue to implement environmental protection legislation thereby preventing atmospheric pollution and ensuring good standards of air quality within the district.

service plan

19. During the third quarter of the year the section has carried out its statutory duties in-line with relevant policies and in the light of Government guidance. In addition to on-going programmed work the section responded to over 1100 complaints and requests for service from the public including:

Type of Complaint or Service Request	Total
Food Complaints	3
Food Poisoning	28
Noise Complaints	40
Public Health Nuisances	32
Pest Control	312
Air Pollution	12
Licensing	639
Other Complaints	120
Total	1186

20. The section continues to concentrate enforcement activity in a more targeted manner to those areas where the impact will bring greater returns to the public and employees.
21. This targeted enforcement has been enhanced because staff have continued to work with other agencies particularly our colleagues in the other authorities through liaison groups but also with the Police, Health Protection Agency, HSE, Environment Agency and of course colleagues from other departments.
22. The section has instigated a study based on the recently amended noise at work regulations into noise exposure experienced by both employees and the general public in public houses and licensed clubs.
23. Promotional work including training workshops were organized jointly with Derwentside and Teesdale councils for riding and livery establishments. Attendance from all areas was encouraging.
24. Inspections continued to take place at all of our residential caravan sites to ensure compliance with license conditions. The inspections have particularly dealt with provision of appropriate fire safety measures including adequate separation of vehicles. The inspections have also monitored water quality at the sites to prevent

infectious diseases. Appropriate advice has been given and minimal formal enforcement required as operators strive to ensure the safety of their residents.

25. A number of activities were involved at the markets to boost attendance. In the Christmas period the market section was heavily involved with the local communities in the Christmas festivities at Stanhope, Crook and Bishop Auckland. This included the organization of lights, markets, entertainment, funfairs and general publicity.

customer satisfaction

26. A survey is carried out of a random sample of customers receiving visits from pest control. The results indicate:-
- the average score for September to December 2008 was 91%
 - the average score for April to September 2008 was 95%.
27. Although the score was lower it still demonstrates a significant customer satisfaction with the pest control service.

economic regeneration

28. **Bishop Auckland Renaissance** - Further progress was made towards and implementation of the programme with the completion of the Fore Bondgate phase of public realm in October. Development work for Market Place and North Bondgate has enabled a further round of public consultation to be planned for the last weeks of January. Work is still on-going to secure the ONE North East investment to enable the schemes to be implemented.
29. Changes to ONE North East funding, as a result of the economic downturn, will mean that the project will need to be prioritized within the context of the County Durham Investment Plan. Additional work is being carried out to support the business case for the proposed investment. This will include the preparation of an Economic Impact Assessment to measure the impact of the proposed investment and also a Destination Management Plan to support proposals to integrate the capital investment with other works to attract visitors. This work will commence in quarter 4 and be completed March/April to enable the business case to be submitted early in 2009/10. Unfortunately this means that the proposed work is now not likely to start until June/July.
30. **Stanhope Market Towns Programme** - Negotiations continue with County Durham Economic Partnership, County Durham Tourism Partnership and One NorthEast to make progress to a business case for Single Programme investment. Consultants have been commissioned to produce a transport and access study for Stanhope which can be used to inform the proposals for investment in conjunction with the retail distinctiveness study. Agreement has also been reached with ONE North East and County Durham Tourism Partnership to enable a proposition for the public sector investment to be finalized early in 2009/10 and a business case for the funding needed to implement the work to be finalized in the summer.
31. **Tourism** - A Distribution Day for businesses and organisations to collect and exchange tourism information is being held at Helme Park Hotel on 24 March.

32. A Durham Dales Photographic competition has been launched to help promote the area and capture some strong images that do justice to the natural beauty of the area.
33. A Durham Dales Great Weardale Breakfast competition has also been launched to promote the quality of food available in the district and boost the profile of local businesses.
34. **Conservation Area Character Appraisal (CACAs)** - West Auckland Conservation Area Character Appraisals and Management Plan are now in draft form and have just completed the consultation process. A Public Exhibition and open event was held in late November when copies were available for comment.
35. The serving of a West Auckland Article 4 Direction was approved by Members at the Regeneration Committee Meeting on 19th November 2009 and the subsequent confirmation of the Order is contained in this full report. No objections to the order have been received. All properties affected by this Order were notified directly. An Article 4 Direction is used by Local Planning Authorities to take away normal residential property based permitted development rights in Conservation Areas. The Order is especially justified to protect works that have recently been financially supported by public monies in the form of Enhancement Grants. Each pre-specified individual proposal requires a planning application in the usual manner so that the overall impact on changes in a Conservation Area, that would otherwise not need consent, can be considered for the overall wellbeing of the character of that area. There are no fees charged for these applications and owners will get the benefit of design advice along the way.
36. Wearhead Conservation Character Appraisal is also in Draft form prior to Public Consultation Events. This document and others in the North Pennines AONB are being prepared in conjunction with the AONB staff based in Stanhope and the Conservation and Environment Manager (CEM).
37. **Wolves' Lair** - The business planning competition for secondary schools, based along the lines of the Dragon's Den, is now in its 4th year with this year's event to be held at Auckland Castle on 5 March. Primary schools will be also involved for the first time when they will use the event to showcase the work they have been doing.
38. **Working Neighbourhood Fund (WNF)** - Through the WNF a total of 147 job opportunities have now been created through support offered to businesses through the Employment and Enterprise and Workspace Investment schemes.
39. **Energy Efficiency Grants – Business Sector** - The financial incentive to encourage local businesses to reduce their carbon footprint and take advantage of alternative energy technologies, in Partnership with The Enterprise Agency for Wear Valley & Teesdale, is progressing well. Ten companies, spread widely across the district, have expressed an interest.
40. **The Living over the Shop (LOTS) and Frontage Enhancement Grant Scheme** - Fourteen Grants have been offered and to date 15 new high quality flats have been created in these critical locations and 10 new shop or frontage schemes have been completed.
41. **Impact of the Economic Downturn** - The proportion of unemployed claiming Job Seekers Allowance (JSA) has increased to 4.9%, which reflects the current economic situation (*Dec 2008*). The percentage increase will worsen when the impact of recent closures take effect eg Woolworths and Parker Hannifin, Crook. This is an annual

increase of 818 (79.6%) more than the County annual increase of 79.1%. Nationally there has been a 45.9% increase on last year's figure. County Durham has experienced the highest proportional annual increase in claimants of all the local authorities in the North East.

42. The JSA figure will include a number of individuals having moved from Incapacity Benefit and Lone Parent support onto JSA.
43. Although the number of closures in Wear Valley has been low the District has been badly effected by closures in neighbouring districts eg Wienerberger's (Eldon Works and Todhills); Electrolux, Spennymoor; Nissan, Sunderland; Tallent, Newton Aycliffe; GlaxoSmithKline, Barnard Castle; Evenwood Industries Ltd and CA Roofing, Evenwood, and in addition numerous construction companies.
44. A package of support, lead by the Enterprise Agency, with 'Choices' Partners has been developed to ensure individuals effected by redundancy have the best support to enable them to return to the job market. This support package was delivered to the 179 individuals effected by the closure of Parker Hannifin, Crook. (An earlier package of support was delivered in October to the 73 individuals effected by the first phase of redundancies). This package of support was well received by the Company and the individuals concerned. Although the factory closure took place before Christmas the individuals concerned have been paid to 6 January 2009. It is not envisaged that there will be local supply chains issues as a result of the closure, components are sourced from the US or mainland Europe, the only UK supplier is based in Manchester.
45. A cross district bid, developed by the Council with Sedgefield Borough Council covering Wear Valley, Sedgefield and Teesdale, has been awarded Single Programme 'Economic Inclusion' funding by One Northeast. Activity will be focused on meeting employability needs of South West Durham which cannot currently be funded by WNF. This includes increasing activity into SOAs of Teesdale not perceived to be the most deprived (in terms of the Index of Multiple Deprivation) but still experience high levels of deprivation eg Evenwood and Cockfield. A specific package of support 'Economic Downturn Support' has been included in the bid, aimed at assisting individuals effected by closures.
46. In relation to Regional support One NorthEast have made available £42m for a range of programmes to assist SMEs and are also drawing up plans to secure £125m from the European Commission and European Investment Bank to increase access to support growth and expansion of SMEs.
47. Likewise Business Link have a range of initiatives and are targeting 10,000 firms to take up its support in response to the credit crunch.
48. Nationally Rapid Response Service funding has been doubled to £6m available to any employer with 20 or more redundancies and in local communities disproportionately affected by multiple small-scale lay-offs (eg firms in rural areas).

RECOMMENDED

1 Members note the progress towards meeting the BVPI's.

Officer responsible for the report

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Author of the report

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**PERFORMANCE AGAINST
BEST VALUE PERFORMANCE AND LOCAL INDICATORS**

Development and Building Control / Planning and Environmental Policy

Indicator	Description	Target 2008/09	Performance		Achievement 2008/09				Variance from target/ comment
			2007/8	2006/7	Q-1	Q-2	Q-3	Q-4	
NI157	Processing of planning applications:								
	• Major	60%	69.5%	82%	75%	83%	67%		☺
	• Minor	65%	82.5%	81%	70%	76%	77%		☺
	• Other	80%	90%	90%	87%	89%	87%		☺
NI154	Net additional homes provided	270	560	587	100	56	65		•
NI155	Number of affordable homes delivered (gross)				Annually				•
NI159	Supply of ready to develop housing sites				Annually				•
NI170	Previously developed land that has been vacant or derelict for more than 5 years				Annually				•
LP2 (ex Bv106)	Percentage of new homes built on previously developed land.	60%	83.25%	67.12%	83%	80%	87.50%		☺
LP-R5	Percentage of householder applications determined within 8 weeks	85%	90.67%	93%	91.74%	95%	87.14%		☺
LP-R8	Percentage of industrial/economic applications determined within 8 weeks	80%	77.78%	76%	83.33%	54.54%	87.50%		☺
LPI 6	Percentage of applications vetted and approved within 5 weeks	85%	59%	57%	45%	35%	55%		☹
LPI 7	Percentage of inspections undertaken in 1 working day	100%	100%	100%	100%	100%	100%		☺
LP-R12	Percentage of alleged breaches responded to within 15 working days	100%	83.47%	84%	98.15%	100%	100%		☺

Public Protection

Indicator	Description	Target 2008/09	Performance		Achievement 2008/09				Variance from target/comment	
			2006/7	2007/8	Q-1	Q-2	Q-3	Q-4		
NI182	Satisfaction of businesses with local authority regulation services	Data not currently avail			Annually					1
NI183	Impact of local authority trading standards services on the fair trading environment	Data not currently avail			Annually					2
NI184	Food establishments in the area which are broadly compliant with food hygiene law	Data not currently avail			Annually					
LP-CS11	Percentage of food premises due to be inspected that were inspected		100%	100%		77%	75%		Resources have been used in targeted programmes. Figures will show improvement in later quarters.	
LP-CS12	Percentage of health and safety premises due to be inspected that were inspected		100%	100%		42%	73%			
LP-CS13	Percentage of authorised processes due to be inspected that were inspected	100%	100%	100%	10%	16%	30%		Annual figure	

Economic Regeneration

Indicator	Description	Target 2008/09	Performance		Achievement 2008/09				Variance from target/comment	
			2007/8	2006/7	Q-1	Q-2	Q-3	Q-4		
NI151	Overall employment rate (Working-age)	*	N/A	N/A	-	-	-	-	Annual	
NI152	Working age people on out of work benefits	*	N/A	N/A	-	-	-	-	Annual	
NI153	Working age people claiming out of work benefits in the worst performing neighbourhoods	*	N/A	N/A	-	-	-	-	Annual	
NI171	New business registration rate	Data not available until 2009							Annual	
NI172	Small businesses in an area showing employment growth	Data will be calculated by Central Government on behalf of all local authorities								
NI173	Flows on to incapacity benefits from employment	Data not currently available							Annual	
EC4	a more diverse profile of employment by industrial category	9%	8.8%		8.8%	8.8%	8.2%#			☹
LPI -EC1	Responded to workspace enquiries within 3 working days	100%	100%	95%	100%	100%	100%			☺
LPI -EC2	Process grant applications within 8 weeks	100%	100%	100%	100%	100%	100%			☺
LPI -EC3	Jobs created through business grants and other assistance	80	110	116	45	55	47			☺
LPI -EC4	Occupancy rates of WVDC (or jointly owned) factory units & workshops	95%	92%	85%	88%	90%	78%			☹
LPI-EC5	Issue at least 10 press releases	20	31	29	8	9	8			☺
Climate Change										
NI186	Per capita CO2 emissions in the LA area		-	-		-			Annual	
NI187	Tackling fuel poverty - people receiving income based benefits living in homes with a low energy efficiency rating		-	-		-			Annual	
NI188	Planning to adapt to climate change	Level 1	-	-		-			Annual	

* targets to be determined

Most recent data 2007

QUARTER 2 PERFORMANCE MONITORING

APPEALS

Appeal	Decision	Reason
3/2007/0080 Proposed new four bedroom dwelling with integral garaging at 11 Hall View, Hunwick	ALLOWED	The Inspector considered: <ul style="list-style-type: none"> ▪ Hunwick to be a sustainable location, well related to jobs and services by all modes of transport. ▪ The site to be a suitable location for development. ▪ The development would not have a detrimental effect on the creation of sustainable patterns of growth in the area. ▪ The separation distances involved, the changes in levels and the deposition of windows and the built elements of the scheme, which have been carefully designed to respect neighbouring property, would prevent any undue adverse impact on the living conditions of neighbouring occupiers.
3/2007/0677 3/2007/0682/LBC Proposed extension to provide a porch entrance at Ruffside Hall, Ruffside, Edmundbyers	DISMISSED	The Inspector considered:- <ul style="list-style-type: none"> ▪ The proposal would harm the special architectural and historic interest of the listed building and would consequently harm the character and appearance of the North Pennines Area of Outstanding Natural Beauty, contrary to national and local policy.
3/2007/0845 Proposed detached triple garage with pitched roof at 35 High West Road, Crook	ALLOWED	The Inspector considered: <ul style="list-style-type: none"> ▪ There is no uniform building line on either side of High West Road. ▪ There are several garages located in front of the dwellings. ▪ Whilst the proposed garage would be large, its size would be commensurate with the size of the dwelling and because it would be set back from the road and screened by trees its impact on the street scene would be minimal. ▪ The proposed garage would not have an overbearing impact on the adjacent property.
3/2008/0379 Proposed erection of 4 dwellings on land at Low Yard, Helmington Row, Crook	DISMISSED	The Inspector considered: <ul style="list-style-type: none"> ▪ The proposal represented development of previously developed land in a sustainable location. ▪ The proposed separation distance between the proposed and existing dwellings is unacceptable, and the development would cause overlooking and loss of privacy for existing residents.
3/2007/0747 Proposed change of use from retail to residential at Edmundbyers Village Store, Edmundbyers	DISMISSED	The Inspector considered:- <ul style="list-style-type: none"> ▪ There are no other shops in the village. ▪ No substantive evidence was submitted to demonstrate that the shop is not viable. ▪ The property has not been marketed on the basis of mixed residential and retail use. ▪ The proposed change of use is contrary to Policy S13 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

COMPLAINTS

Origin of Complaint	Allegation	Response
1. Stage 1 Applicant	Failure of planning officers to implement the decision of Development Control Committee. Insistence that affordable housing be part of the S106 Agreement.	Informed the complainant that the Committee had asked officers to submit a report to Council setting out in detail reasons for approval and proposed conditions. Before the conditions could be finalised, officers had been waiting for a Housing Needs Survey to be completed. This had taken longer than expected. The draft report had shown a need for affordable housing and therefore that is why the applicant had been asked to submit information to demonstrate why the scheme would not be viable if affordable housing were made a requirement of the planning permission.
2. Stage 1 Owner of adjacent property.	Concerned about the condition of the adjacent property and wanted to know why the Council had allowed the owner to leave the building in such a state.	The complainant was informed that the Council had been engaged with the owner to try to secure the conversion of the property into 8 flats. The Council had granted planning permission and offered a grant for the works. Unfortunately the owner was having difficulty securing sufficient finance to carry out the development. The Design and Conservation Manager was continuing to try to bring forward the development.
3. Stages 1 and 2 Resident	Concerned about works being carried out on land at Tindale Crossing. Worried that the site is contaminated and the Council was not adequately protecting the public.	The complainant was informed that the site was being remediated in accordance with a condition of a planning permission. The concerns were referred to Durham County Council and the Environment Agency to investigate.
4. Stages 1 and 2 Local Residents	Concerned about the way a planning application had been considered by officers. Complaint that they had had no response to an earlier letter.	An apology was given for the failure to respond to the complainant's first letter. It was acknowledged that the officer report did not adequately address some relevant policies of the Local Plan. The report had been withdrawn from Committee because comments of one consultee had been received late which needed to be addressed. The complainants were assured a new report would be prepared that would assess the application against all material considerations. The complainants were also assured the Development Control Committee would be visiting the site and

		Members would be deciding whether or not to grant planning permission.
5. Stage 1 and 2 Owner/Occupier of adjacent property	The complainant alleged Members of the Development Control Committee were told it would be costly to the Council if planning permission were refused, because of the wrong advice given to the applicant.	The complainant was informed that there is no record of Members being given any such advice. The applicant had accepted he needed planning permission and that was why he had submitted an application. The development was approved retrospectively because Members considered the development to be acceptable.
6. Stage 1 Local Resident	The complainant had had difficulty contacting the Development Control Team by e-mail and accessing the website.	A member of staff telephoned the complainant. Gave her details of the e-mail address and explained how to access the website.
7. Stage 1 Applicant	The applicant complained that when he applied for planning permission he was not told he also needed to apply for Building Regulations Approval. It was several weeks later that he was informed by the Building Control Manager he would have to apply for Building Regulations approval.	The complainant was given an apology. The procedure for checking whether a proposed development requires Building regulations approval was explained. Due to a backlog of work there had been a delay in when the Building Control Support Officers had checked the weekly lists of planning applications.
8. Stage 1 and 2 Local Residents	The residents complained that they had not been consulted on a planning application. They also complained that although they had informed the Council that the site notice had been removed it was not replaced.	The complainants were informed that it was not a statutory requirement to display a site notice. Local residents had been notified as well as the display of the site notice. In rural areas it is normal practice to notify residents who live within 100 metres of the application site. The complainants live more than 220 metres from the site.

OMBUDSMAN CASES

Origin of Complaint	Allegation	Ombudsman's Response
Adjoining owner/Occupier	<ol style="list-style-type: none"> Officers had disregarded assurances given that the heights of the two houses would be the same as the complainant's property. Reluctance of staff to provide details of finished ridge height to adjacent property. 	<p>Local Settlement</p> <p>The complainant was given details of the heights and</p>

	3. Lack of information about the position of the neighbouring property from the road.	positions, and an explanation why the heights will not match the complainant's property.
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REGENERATION COMMITTEE

18 FEBRUARY 2009

Report of the Strategic Director for Environment and Regeneration
**WEST AUCKLAND CONSERVATION AREA, ARTICLE 4(2) DIRECTION
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT
ORDER 1995 (AS AMENDED))**

purpose of the report

1. This report seeks member confirmation of the Article 4 (2) Direction placed on specified properties in West Auckland Conservation Order on 19 November 2008.

background

2. In October 2006 Wear Valley District Council, and its partners Durham County Council and West Auckland Parish Council, received confirmation from English Heritage that their Delivery Plan for a Partnership Scheme in Conservation Areas was successful. This Delivery Plan was part of the joint agreement made between all the parties, dated 1 August 2006.
3. English Heritage placed special conditions on their acceptance of this Delivery Plan. These were that in 2008 an Article 4 Direction, a Conservation Area Character Appraisal and Management Plan be in place.
4. An Article 4(2) is a legal power by which a Local Planning Authority can remove the automatic permitted development rights of residential properties in areas where they can demonstrate that the environmental character and appearance of a defined area is considered unduly vulnerable to uncontrolled change. Conservation Areas are recognised as being particularly vulnerable to these forms of property based alterations which are allowed by the Town and Country Planning (General Permitted Development) Order. Such uncontrolled and often piecemeal change can seriously harm the character of valued public neighbourhoods. Often, as with West Auckland, the removal of these rights is also required as a condition of public monies having been granted to properties for sensitive alterations or repairs and which could, if not controlled through an Article 4(2), be subsequently removed or changed without consent.
5. At a Special Regeneration Committee held on the 19th November 2008 members authorised the serving of an Article 4 (2) Direction on residential properties in West Auckland Conservation Area, specified in Annex 3.

outcome of consultation

6. Following authorisation by members, on 20th November 2008, letters and an accompanying explanatory leaflet were individually delivered, by hand, to each specified property in West Auckland. A copy of the Notice was also published in the Northern Echo, on the 27th November 2008. A copy of the Notice with attached maps and addresses were displayed in the window of the West Auckland Village Centre on the 27th November 2008 and an exhibition was held there all day and evening until 6.30pm by staff from Durham County Council and the Conservation and Environment Manager of Wear Valley District Council. The exhibition also included the launch of the Draft Conservation Area Appraisal and Management Plan for West Auckland Conservation Area as well as proposals for future Phases of public realm enhancement.
7. Ten people attended the exhibition at West Auckland and three individual contacts have been made to the Conservation and Environment Manager. Two of the contacts were telephone calls and one letter was handed over at the exhibition. In general people were supportive of the objectives of the Article 4 (2) as they fully appreciated that these controls were for the benefit of West Auckland residents and its enjoyment as a special place by all residents and visitors.
8. Matters that were raised verbally at the exhibition, and both telephone calls, focussed on the issue of external painting, principally of existing render and whether the controls could be retrospective. The telephone caller was assured the controls could not be retrospective. The Article 4 (2) does bring external paint treatments within the Local Authority control because extreme choices of colour and texture can have a very negative impact on the character and appearance of the village. Residents in this case did not disagree with the principle of control but just actually wanted clarity on this matter for their particular cases, which they have been provided with verbally but written confirmation will be given if Members agree to confirm the Order.
9. External painting of the existing surfaces of a residential property would only require prior planning consent after an Article 4 (2) if the proposed works were considered a material alteration or change. A material alteration would be an unacceptable colour change or significant texture alteration. As with all planning issues the best advice to all residents, as explained in the leaflet and verbally, is always to enquire in writing. Whether work is considered a material change will always be a judgement of the Local Planning Authority. All the questions raised to date involved the re-painting of existing render in an appropriate similar stated colour, this will not require consent.
10. If consent is required for any works due to the Article 4 (2), no fees are payable for the application and there is the usual right of appeal if refused.
11. The public notices have now all expired, after the announcement period was allowed to run a considerable longer time than the minimum legal period of 28 days.

considerations

financial implications, legal implications, risk implications

12. There is no fee charged for Planning Applications which are submitted as a result of an Article 4 Direction.
13. Article 4 Directions are within the Regeneration Committee's remit concerning the protection and enhancement of the District's built heritage.
14. It is possible to claim compensation from the Local Planning Authority under the Town and Country Planning Act 1990 if permission is refused following an application that was only required as a result of an Article 4(2) Direction. In practise this is nationally extremely rare because any compensation due to claimed potential loss of property value is assessed only against what the value of the property would otherwise have been if a form of development that would have been considered acceptable had been proposed.

human resource implications

15. Within existing staff resources

equality and diversity/access to services

16. This direction will protect the character and appearance of the Conservation Area for all to enjoy.

health and safety implications

17. None known.

Value for money

18. The Direction will ensure that the Council's financial contributions to the Grant Scheme are appropriately protected from insensitive alteration or removal.

next steps/conclusion

19. Should Members accept the recommendation and agree to confirm the Direction, as soon as possible thereafter, a Notice will be served on all properties, stated in Annex 3, and the confirmation will be publicly announced in the same manner as the first Notice of intention to make the Direction.

RECOMMENDED 1 Members authorise the confirmation of an Article 4 (2) Direction on the Properties specified in Annex 3 of this Report.

Officer responsible for the report

Robert Hope
Strategic Director for Environment and
Regeneration
Ext 264

Author of the report

Sandra Robertson
Conservation and Environment Manager

Ext 408

Annex 3

Contact	Number	Street	Deploc	PostTown	County	PostCode
The Occupier/Owner	1	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HH
The Occupier/Owner	2	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HH
The Occupier/Owner	13	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	14	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HH
The Occupier/Owner	15	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HH
The Occupier/Owner	36	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	37	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	38-39	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	40	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	41	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	42	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	43	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	44	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	45	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	3	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	4	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	5	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	6	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	17a	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	18	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	24	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	25	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HW
The Occupier/Owner	38	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	40	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	41	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	42	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	43	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	45	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	73	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	74	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	75	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	76	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	77	Front Street	West Auckland	Bishop Auckland	County Durham	DL14 9HL
The Occupier/Owner	1	Staindrop Road	West Auckland	Bishop Auckland	County Durham	DL14 9JU

Annex 3

The Occupier/Owner	18	Staindrop Road	West Auckland	Bishop Auckland	County Durham	DL14 9JX
The Occupier/Owner	20	Staindrop Road	West Auckland	Bishop Auckland	County Durham	DL14 9JX
The Occupier/Owner	2	Station Road	West Auckland	Bishop Auckland	County Durham	DL14 9HE
The Occupier/Owner	3	Station Road	West Auckland	Bishop Auckland	County Durham	DL14 9HF
The Occupier/Owner	7	Station Road	West Auckland	Bishop Auckland	County Durham	DL14 9HF
The Occupier/Owner	9	Station Road	West Auckland	Bishop Auckland	County Durham	DL14 9HF
The Occupier/Owner	11	Station Road	West Auckland	Bishop Auckland	County Durham	DL14 9HF
The Occupier/Owner	13	Station Road	West Auckland	Bishop Auckland	County Durham	DL14 9HF
The Occupier/Owner	15	Station Road	West Auckland	Bishop Auckland	County Durham	DL14 9HF
The Occupier/Owner	1	Toad Pool	West Auckland	Bishop Auckland	County Durham	DL14 9LB
The Occupier/Owner	2	Toad Pool	West Auckland	Bishop Auckland	County Durham	DL14 9LB
The Occupier/Owner	3	Toad Pool	West Auckland	Bishop Auckland	County Durham	DL14 9LB
The Occupier/Owner	4	Toad Pool	West Auckland	Bishop Auckland	County Durham	DL14 9LB
The Occupier/Owner	31	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	32	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	32a	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	32b	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ
The Occupier/Owner	35	East Green	West Auckland	Bishop Auckland	County Durham	DL14 9HJ