

---

## APPLICATION DETAILS

---

APPLICATION NO:	3/2010/0568
FULL APPLICATION DESCRIPTION:	<b>THE SITING OF A PUBLIC ART SCULPTURE INCLUDING REVISED PAVING LAYOUT AND RELOCATION OF CHRISTMAS TREE IN A PROMINENT POSITION IN THE VILLAGE ADJACENT THE VILLAGE GREEN</b>
NAME OF APPLICANT:	WEST AUCKLAND PARISH COUNCIL
ADDRESS:	OPEN SPACE ADJACENT TO VILLAGE GREEN ,WEST AUCKLAND, BISHOP AUCKLAND,
ELECTORAL DIVISION:	WEST AUCKLAND ED
CASE OFFICER:	<b>Adam Williamson</b> Planning Officer 03000 260826 adam.williamson@durham.gov.uk

---

## DESCRIPTION OF THE SITE AND PROPOSALS

---

### The site

1. The application site consists of part of what is known as The Green, measuring approximately 30 metres by 60 metres, however the site itself is not actually classified as a designated Village Green. The site is bounded by mature trees, and has a number of footpaths running through it. The site occupies a prominent location, within the West Auckland Conservation Area, and in the vicinity of buildings listed grades I, II and II\*. The site forms an island at the junction of the A68 Darlington Road and the A688.
2. The site lies within an area identified for Environmental Improvements under policy BE22 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

### The proposal

3. Planning permission is sought for the installation of a bronze statue on a stone plinth to celebrate West Auckland's victory over Juventus in the 1909 inaugural World Cup. The design of the proposed statue has been chosen by local residents from a competition involving three sculptures. The statue would include a plinth/ seat. The proposed plinth would measure 3.9 metres in width and 1.1 metres in height. The proposed statue would measure 2.2 metres in height and 2.8 metres in width and depicts two footballers. The plinth and seat would be constructed from local sandstone with a polished black granite top to represent the black of coal. The statue and plinth would be set into an existing path which would be re-laid with sandstone flags and sandstone sett edging. No lighting scheme is proposed as part of the application.

4. This planning application has been reported to Planning Committee as Cllr Yorke has been involved in funding the project.

---

## **PLANNING HISTORY**

---

5. There is no planning history relevant to the determination of this application.

---

## **PLANNING POLICY**

---

### **NATIONAL POLICY**

6. The Government has now published its National Planning Policy Framework (NPPF), which replaces almost all Planning Policy Statements and Guidance notes. The Framework sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities. The Framework sets out the presumption in favour of sustainable development. In terms of implementation, the Framework sets out that for the 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

*The NPPF can be accessed at:*

<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicyframework/>

### **REGIONAL PLANNING POLICY**

7. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
8. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
9. Policy 8 (Protecting and Enhancing the Environment): Planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment throughout the North East.

## LOCAL PLAN POLICY:

10. The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are considered to be consistent with the NPPF and can be given full weight:
11. **Policy GD1 (General Development Criteria):** All new development and redevelopment within the District should be designed and built to a high standard and should contribute to the quality and built environment of the surrounding area.
12. **Policy BE1 (Protection of Historic Heritage):** The District Council will seek to conserve the historic heritage of the District by the maintenance, protection and enhancement of features and areas of particular historic, architectural or archaeological interest.
13. **Policy BE4 (Setting of a Listed Building):** Development which impacts upon the setting of a listed building and adversely affects its special architectural, historical or landscape character will not be allowed.
14. **Policy BE5 (Conservation Areas):** The character of each Conservation Area will be protected from inappropriate development.
15. **Policy BE6 (New Development and Alterations in Conservation Areas):** The District Council will permit new development and alterations within Conservation Areas provided it satisfies the following criteria:
  - i) the proposal preserves or enhances the character of the area in terms of scale, bulk, height, materials, colour, vertical and horizontal emphasis and design; and
  - ii) the proposal will use external building materials which are appropriate to the conservation area. This will generally require the use of local materials or equivalent natural materials; and
  - iii) the proposal satisfies the General Development criteria set out in Policy GD1.
16. **Policy BE8 (Setting of a Conservation Area):** Development which impacts upon the setting of a Conservation Area and which adversely affects its townscape qualities, landscape or historical character will not be allowed.
17. **Policy BE17 (Areas of Archaeological Interest):** When development is proposed which affects areas of archaeological interest, an archaeological assessment will be required, before planning approval is given. Where possible the remains will be preserved in-situ.
18. **Policy BE22 (Environmental Improvements):** The District Council will seek to improve the environmental quality of the District, both built and natural, through landscape improvement and enhancement schemes, as identified on the Proposal Map.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.*

---

## CONSULTATION AND PUBLICITY RESPONSES

---

### STATUTORY RESPONSES:

19. None

### INTERNAL CONSULTEE RESPONSES:

20. The *Public Rights of Way Section* do not object to the scheme.

21. The *Tree Officer* does not object to the scheme.

22. The *Network Management Team* raises no objection to the proposal.

23. The *Landscape Section* have no objection to the proposal, however, for clarity a condition should be imposed stating that the trees on the site are to have their crowns raised to 3 metres and that the tree works are to be carried out to British Standard 3998:2010.

24. The *Design and Historic Environment Team* have no objection to the proposal, but recommend conditions regarding details of a all materials to be submitted and approved before works commence.

25. The *Archaeology Section* have no objection to the proposal subject to appropriate conditions.

### PUBLIC RESPONSES:

26. The application has been publicised in the press, by site notice and letters were sent to neighbours. One letter of representation has been received relating to the following:

- It seems most of the trees have canopies high enough to allow views underneath them to the sculpture.
- Full details of materials need to be agreed.
- Is any lighting proposed?
- Is any lighting proposed?
- The base of the statue will penetrate beneath the foundations of the Post Office Square buildings and that excavation will need monitoring archaeologically.

### APPLICANTS STATEMENT:

27. No statement has been provided by the applicant.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>*

---

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

---

28. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004 relevant guidance, development plan policies and all material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the Impact on the Appearance of the Conservation Area, the impact Upon the Setting of the Listed Buildings and impact of archaeology.

### **Impact on the appearance of the conservation area and setting of listed buildings**

29. The site lies within the West Auckland Conservation Area and there are listed buildings in the immediate vicinity. The local planning authority has a duty under S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area; and under S66 to pay special regard to the desirability of preserving the building or its setting, or any features of special quality or historic interest which it possesses in considering whether to grant planning permission for a development which affects a listed building or its setting.
30. The application site is currently underutilised as an amenity area. The proposal seeks to rejuvenate the area by erecting a statue depicting an important element of the history of West Auckland, and to provide a local landmark on the Green in the heart of the village.
31. The proposed statue and plinth would utilise traditional materials, of local stone for the plinth and bronze for the statue. The statue and plinth would measure some 3.9 metres in total and would therefore be quite visible within its context. However, this scale is considered to be commensurate with the applicant's desire to increase public awareness of West Auckland success in the inaugural World Cup and pay respect to one of the most famous successes of the Village.
32. Surface materials for the re-laid footpath have been chosen to match the adjacent public realm scheme, and to relate to the building materials of the surrounding listed buildings, in order to integrate the scheme with the other recent improvements that have been carried out to the conservation area as part of the English Heritage Partnership Scheme in Conservation Areas Initiative. The proposed surface materials would be appropriate in terms of colour and material, and would enhance this part of the Conservation Area.
33. The trees surrounding the site are to have their crowns raised to 3 metres in order to facilitate the installation of the proposed statue and plinth, and to provide views of the structure from various viewpoints around The Green after the structure has been installed.
34. This scheme seeks to improve the landscape quality around the listed structures around The Green. The proposed works would greatly enhance the setting of the listed structures, adding to their architectural and historical merit through the use of traditional materials. The proposed works would enable The Green to be enjoyed for many more years and become a more utilised area of West Auckland by the provision of a new landmark.
35. Given the above, it is considered that the development would be in keeping with the character of the existing area in terms of scale, design and materials and would not have an adverse impact on the visual amenity of the surrounding area. The scheme would greatly improve the appearance of the site and enhance the setting of the

wider conservation area, while not detracting from the setting of surrounding listed buildings

36. The proposal accords with policies GD1, BE1, BE4, BE5, BE6, BE8 and BE22 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007, policy 8 of the RSS, and Chapter 12 of the NPPF.

### **Impact of archaeology.**

37. Policy BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 covers areas of archaeological interest and states that 'when development is proposed which affects areas of archaeological interest, as identified on the proposals map, a field investigation will be required before planning permission is given'.
38. The site is almost certainly part of the Medieval village green, later the location of the post office square, present since at least the 1st edition OS map of c.1860 and of historic interest in it's own right. There also remains the possibility that the post office square was itself built on the site of an earlier building, churches, amongst other buildings, were occasionally built on the village green. The proposed development would effect a small part of Post Office Square (approx 12 square metres) and is on the line of the existing path. However the foundations of the plinth would only be 1 metre deep, and therefore the level of disturbance is unlikely to be great. Nevertheless, it is recommended that a monitoring brief be conditioned in this respect. The proposal accords with policies GD1 and BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

---

## **CONCLUSION**

---

1. It is considered that the proposed development would be in keeping with the character of the existing area in terms of mass, scale, design and materials and would not have an adverse impact on the visual amenity of the surrounding area. The proposal will bring improvements to a key location in West Auckland's village centre.
2. The proposed works would greatly enhance the setting of the conservation area and that of the adjacent listed structures, adding to their architectural and historical merit. The proposed works would enable The Green to be enjoyed for many more years and become a more utilised amenity area of West Auckland.
3. It is considered therefore that the application is in accordance with the provisions of National, regional and local plan policy.

---

## **RECOMMENDATION**

---

That the application be **APPROVED** subject to the following conditions.

### **Conditions:**

1. The development shall not be begun later than the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	25.01.2012
WDD1433/01	Masterplan	25.01.2012

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Before the development hereby approved is commenced, samples of all materials to be used for the scheme, including the hard surfaced areas shall be submitted to and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved details.

*Reason: To achieve a satisfactory form of development. In accordance with policies GD1, BE1, BE4, BE5, BE6 and BE8 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

4. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological monitoring work as defined in a specification prepared by the County Durham Archaeology Team. It will require a written scheme of investigation (WSI) setting out:
  - i., Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
  - ii., Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
  - iii., Post-fieldwork methodologies for assessment and analyses, including final analysis and publication proposals in an updated project design where necessary.
  - iv., Report content and arrangements for dissemination.
  - v., Archive preparation and deposition with recognised repositories.
  - vi., A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
  - vii., Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - viii., A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The written scheme of investigation must be submitted by the developer, and approved in writing by, the local planning authority. The written scheme of investigation shall be carried out in accordance with the approved details and timings.

*Reason: To comply with saved local policies BE1 and BE17 and para's 135 and 141 of the NPPF as the site may potentially contain features of local archaeological importance*

5. Within 6 months of the development completion, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record. This may include full analysis and final publication. Reporting and publication must be within one year of the date of completion of the development hereby approved by this permission

*Reason: To comply with para. 141 of NPPF to ensure that the developer records and advances understanding of the significance of the heritage asset to be lost (wholly or in part) in a manner proportionate to its importance and the impact, and to make this evidence (and any archive generated) publicly accessible.*

6. Any crown raising of the trees on site shall not exceed 3 metres from ground level. The tree works shall be carried out to British Standard 3998:2010.

*Reason: In the interest of good tree management in accordance with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.*

---

## **REASONS FOR THE RECOMMENDATION**

---

1. The development was considered acceptable having regard to the following development plan policies: -

Policy GD1 (General Development Criteria):

Policy BE1 (Protection of Historic Heritage):

Policy BE4 (Setting of a Listed Building):

Policy BE5 (Conservation Areas):

Policy BE6 (New Development and Alterations in Conservation Areas): The District

Policy BE8 (Setting of a Conservation Area):

Policy BE17 (Areas of Archaeological Interest):

Policy BE22 (Environmental Improvements):

2. In particular the development was considered acceptable having regard to consideration of Impact on the Appearance of the Conservation Area, the impact upon the setting of the Listed Buildings and impact of Archaeology.
3. On balance the scheme is considered to be acceptable and without objection from any consultees. Regard has been given to the representations received, but the issues raised were not felt to outweigh the benefits of the scheme. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions.

---

## **BACKGROUND PAPERS**

---

Submitted application forms, plans and supporting documents

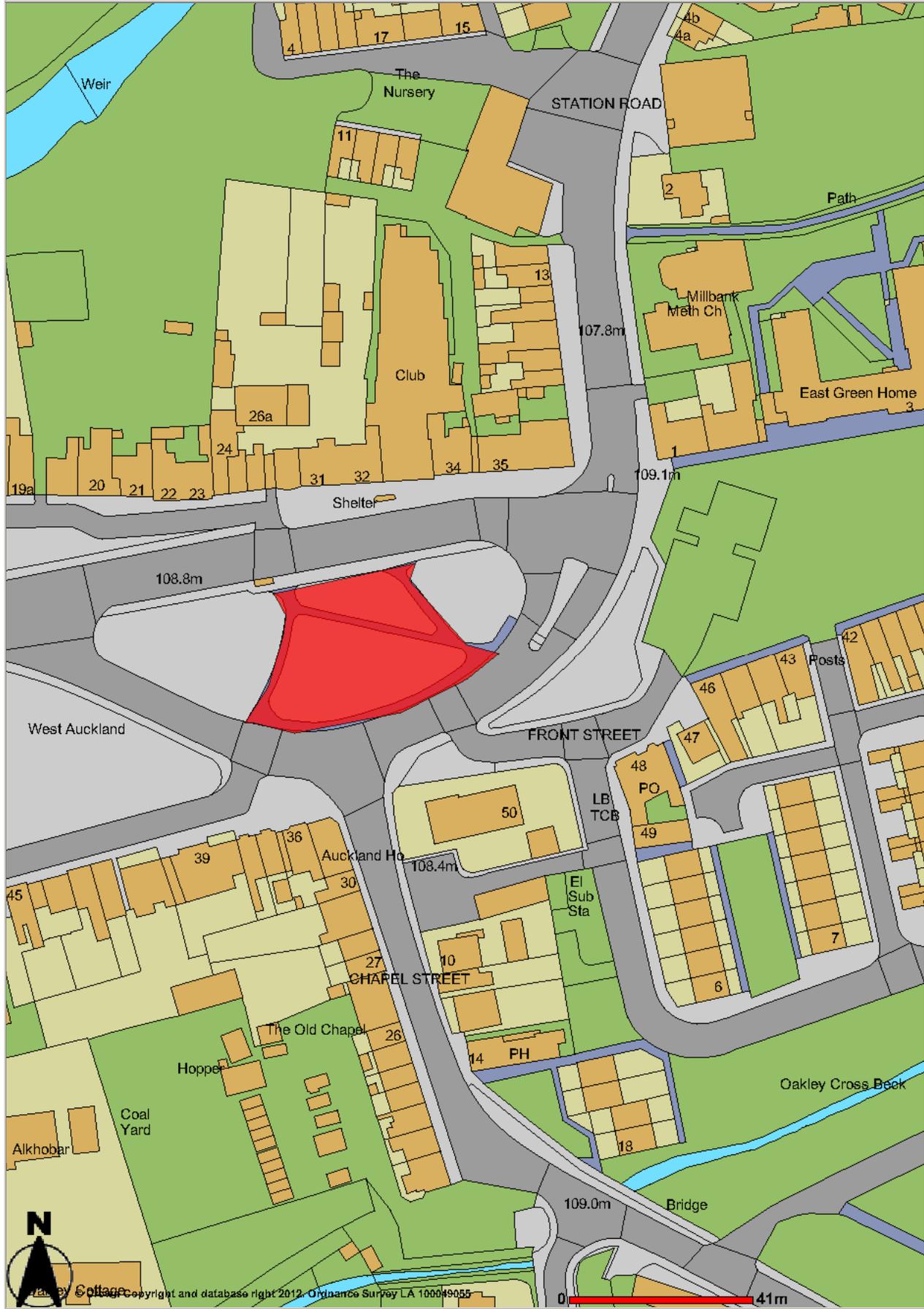
National Planning Policy Framework

North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008

Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007

Consultation responses

# Durham County Council GIS



Weir

The Nursery

STATION ROAD

Club

Shelter

Millbank Meth Ch

East Green Home

West Auckland

FRONT STREET

Auckland Ho

CHapel STREET

The Old Chapel

Hopper

Coal Yard

Alkobar

PH

EI Sub Sta

LB TCB

PO

Posts

Oakley Cross Beck

Bridge

N

Copyright and database right 2012. Ordnance Survey LA 100049055

41m



**Planning Services**

3/2010/0568  
Village Green, West Auckland  
Proposed Statue

This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her Majesty's Stationary Office © Crown copyright.  
Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding.  
Durham County Council Licence No. 100022202 2005

**Comments**

**Date 15<sup>th</sup> May 2012**

**Scale NTS**