

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01616/LB
FULL APPLICATION DESCRIPTION:	Demolition of former school buildings.
NAME OF APPLICANT:	Mr T Mann
ADDRESS:	Former school premises, Seaside Lane, Easington Colliery
ELECTORAL DIVISION:	Easington
CASE OFFICER:	Barry Gavillet, Senior Planning Officer, 03000 261958, barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

Site:

1. The former school buildings are situated in the centre of Easington Colliery to the north of Seaside Lane, south of School Street and to the east of Vincent Street. Seaside Lane itself is the main road which runs through Easington Colliery and runs from the former colliery near the coast and runs approximately 1.3 miles to the west where it joins Easington Village. The area immediately surrounding the former school buildings is surrounded by residential properties, commercial, retail and community buildings.
2. The main school buildings comprise two tall Girls' and Boys' Blocks enclosing two playgrounds. Ancillary buildings comprise a Master's House, Manual Instruction Block, bicycle sheds, walls, gates, piers and railings. All the buildings were built in 1911-13 to the designs of J Morson of Durham. All the school buildings were listed Grade II in October 1997.

Proposal:

3. This application seeks Listed Building Consent for the demolition of the Grade II Listed former school buildings including all subsidiary buildings and boundary walls within the Listed Building site curtilage, but excluding the former Masters House which is now occupied by Age Concern. At present, there are no plans for the redevelopment of the site following demolition.
4. This application is being reported to committee at the request of local councillors.

PLANNING HISTORY

5. The former school buildings were originally in use until 1997 as a school in the ownership of Durham County Council. Following closure, they were listed by English Heritage as Grade II. They were subsequently bought from the County Council by a

local businessman who obtained planning permission in 2001 for change of use to office, day care centre, leisure/fitness suite, community use and retail outlet. The buildings were then sold on to the current owner, without this change of use being implemented.

6. The current owner sought planning permission and listed building consent in 2005/6 to demolish the buildings, clear the site and develop a housing scheme. Objections were received from English Heritage regarding the loss of the listed buildings. The then Easington District Council was minded to grant consent, against a background of substantial local support for the redevelopment. Because of the English Heritage objection, however, the Secretary of State opted to call in the applications for decision, and they were determined by way of a public inquiry. The decision of the Secretary of State was to refuse consent for the demolition, on the basis that there was not enough evidence of other uses or developments having been explored to retain the listed buildings in beneficial use.

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
8. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.

The following elements of the NPPF are considered relevant to this proposal;

10. *NPPF Part 12 – Conserving and Enhancing the Historic Environment.* Working from Local Plans that set out a positive strategy for the conservation and enjoyment of the historic environment, LPA’s should require applicants to describe the significance of the heritage asset affected to allow an understanding of the impact of a proposal on its significance. The NPPF contains specific tests at para 133 stating that Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and

- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

LOCAL PLAN POLICY:

District of Easington Local Plan

11. *Policy 1*- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
12. *Policy 24* – Any developments which adversely affect the character, appearance, special architectural features or setting of a listed building will not be approved. Proposals for the alteration or extension of a listed building should incorporate the retention of architectural or historic features which are important to the character of the building. The complete or substantial demolition of a listed building will only be approved in exceptional circumstances.

RELEVANT EMERGING POLICY:

The County Durham Plan

13. The emerging County Durham Plan was submitted in April 2014 and is currently the subject of an ongoing Examination in Public. In accordance with paragraph 216 of the NPPF, decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been submitted). The following policies contained in the Submission Draft are considered relevant to the determination of the application.
14. *Policy 44 (Historic Environment)* – Development which would lead to substantial harm to, or total loss of significance of, a designated heritage asset will not be permitted unless it can be demonstrated that the substantial harm or loss is proven to be necessary to achieve substantial overriding public benefits.

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:

15. Historic England recommend that the application is refused on the basis that no clear and convincing justification to demolish two grade II listed buildings has been demonstrated in accordance with the tests laid out in the NPPF. In the event that the LPA are minded to grant consent the application would need to be referred to the Secretary of State.
16. The Victorian Society strongly objects to the application, which proposes the total and unjustified loss of two nationally important historic buildings.
17. Easington Colliery Parish Council supports the application stating that there is no viable conversion option and that the buildings have a detrimental impact on residential amenity.

INTERNAL CONSULTEE RESPONSES:

18. Economic Development support the proposals stating that significant efforts to find a solution for the reuse of the buildings, since they were vacated, have all failed and it is evident that there is a significant viability gap given that the buildings being considered within this application are within one of the most significantly deprived areas in the Country in terms of its economic performance.
19. Environmental Health have no objections subject to conditions safeguarding residential amenity during demolition.
20. Ecology officers do not object to the proposals subject to the mitigation in the submitted bat survey being conditioned.
21. Design and Conservation Officers advise that the application fails to adequately justify the demolition as required in national policy and do not support the proposal.

PUBLIC RESPONSES:

22. This application has been advertised by way of a press notice, site notices and letters to individual residents.
23. 15 letters of support have been received from members of the public who are concerned that the buildings are an eyesore and should be delisted and demolished in order to support regeneration. There is also concern about vermin and that the buildings should be replaced with something that would benefit the community such as a park. We have also received a petition containing 1521 signatures in support of the demolition of the buildings.
24. In addition to the above both the Local County Councillors and the MP have written in support of the application. Councillor Boyes states that the buildings have been in a decrepit state for nearly 20 years whilst the MP for Easington states that the buildings are in a derelict state, are a target for vandalism and arson and are holding back regeneration of the area.

APPLICANTS STATEMENT:

25. BENEFITS OF DEMOLITION

Easington School lies at the heart of the Colliery which desperately needs regeneration. The demolition of Easington School will provide the catalyst for regeneration. The buildings have not been used for many years and their listed status is the reason for the lack of interest in the site redevelopment. A recent

petition involving the residents of Easington has reinforced the opinion that the building are a blight on the area and landscape the residents are looking forward to redevelopment.

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

26. Section 16 (2) of the Planning (Listed Buildings and Conservation) Areas Act 1990 requires the Council to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Having regard to this and the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issue in this instance relate to the justification for demolition and consultation responses from the public.

Planning policy

27. The heritage assets are Grade II listed and are described in the applicant's heritage statement as the most important group of historic buildings associated with Easington Colliery, creating an architecturally positive impact on the local landscape and comprising the architecturally finest set of buildings in the area. In accordance with Historic England Conservation Principles, the Council's Design and Conservation officers considered that they have evidential, historic, aesthetic and communal value. However, it is also acknowledged that the ongoing dilapidation through redundancy has resulted in the general local concerns that the buildings are an eyesore.
28. In legislation and planning policy the focus is on conserving heritage assets. Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on local planning authorities to pay special regard to the desirability of preserving a listed building, thereby providing a strong presumption against demolition. This duty is reflected within the NPPF. The conservation of heritage assets such as listed buildings is one of the three elements required to make development sustainable (paragraph 7) and one of the core land-use principles (paragraph 17), ensuring that they 'can be enjoyed for their contribution to the quality of life of this and future generations'.
29. As set out in the NPPF, clear and convincing justification is required to support an application for the demolition of a listed building: essentially to demonstrate conclusively that there is no realistic potential for its conservation.
30. NPPF Paragraph 130 states that 'where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.
31. NPPF Paragraph 132 states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

32. It is considered that the information provided in support of the application fails to provide clear and convincing justification or demonstrate either exceptional circumstance.
33. NPPF Para 133 states that 'where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - The nature of the heritage asset prevents all reasonable uses of the site; and
 - No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - The harm or loss is outweighed by the benefit of bringing the site back into use.
34. The information provided within the submitted application does not identify any substantial public benefit; does not provide sufficient marketing evidence does not demonstrate what sources of grant funding have been explored or provide details of any redevelopment proposals and on this basis it is considered that the application remains flawed.
35. NPPF Paragraph 136 states that Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. As stated above there are no redevelopment proposals identified in the application or any timescale for implementation.
36. On the basis of the above it is considered that the proposals do not accord with the National Planning Policy Framework or saved policy 24 of the District of Easington Local Plan.

Justification for demolition and responses from the public

37. The applicant states that the buildings have been vacant for a number of years and its unoccupied status, despite marketing campaigns, is having a negative impact on the buildings leading to the loss of architectural, historic and aesthetic value which will further deteriorate over time. It is stated that the lack of interest in the buildings illustrates the inappropriateness of the buildings for commercial or residential uses by a developer, highlighted by the socio-economic deprivation of the area which has led to population decline and subsequently, areas of low housing demand. The applicant considers that the demolition and replacement with new buildings for which there is demand is therefore most appropriate (although as stated above, details of redevelopment proposals have not been received). In summary, the applicant concludes that the demolition of the site to facilitate a viable use would enhance the Easington Colliery area.

38. As previously stated there have been 15 letters of support for the demolition of the buildings along with support from local County Councillors, the Parish Council and the MP for Easington, there was also significant local support for the previous application for demolition which was refused by the Secretary of State. It is acknowledged that at present the buildings are in a poor state of repair and that there is real concern from the local community. However, for the policy reasons set out above and due to the lack of evidence and justification submitted with the application, there is no alternative other than for officers to recommend refusal.

CONCLUSION

39. The demolition of all parts of the school apart from the 'Master's House' would result in an irreplaceable loss of a national important Grade II Listed Building. The conservation of heritage assets is clearly stated as a priority in the planning process in both the Planning (Listed Building and Conservation Areas) Act 1990 and the National Planning Policy Framework (NPPF), in which it is one of the core dimensions of sustainable development. Accordingly, great weight should be given to the conservation of listed buildings and demolition seen as an exceptional occurrence that requires a clear and convincing justification that the repair and re-use of the buildings is not realistically possible. This application fails to demonstrate such a clear and convincing justification.
40. In 2007 a previous application for demolition was refused by the Secretary of State following a public inquiry because the clear and convincing justification for demolition had not been made and an acceptable scheme of redevelopment was not in place. The same remains true of this application and in line with the previous refusal by the Secretary of State, it is recommended that the application is also refused.
41. It should be noted that the application will need to be referred to the Secretary of State in order for him to consider intervention should members resolve to approve the proposals.

RECOMMENDATION

That the application be **REFUSED** for the following reason:

1. Having regard to Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the desirability of preserving the building, the application fails to provide adequate evidence including any future development proposals which would result in the substantial public benefit required to justify the total loss of the designated heritage asset. contrary to Paragraph 132, 133 and 136 of the National Planning Policy Framework and saved policy 24 of the District of Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

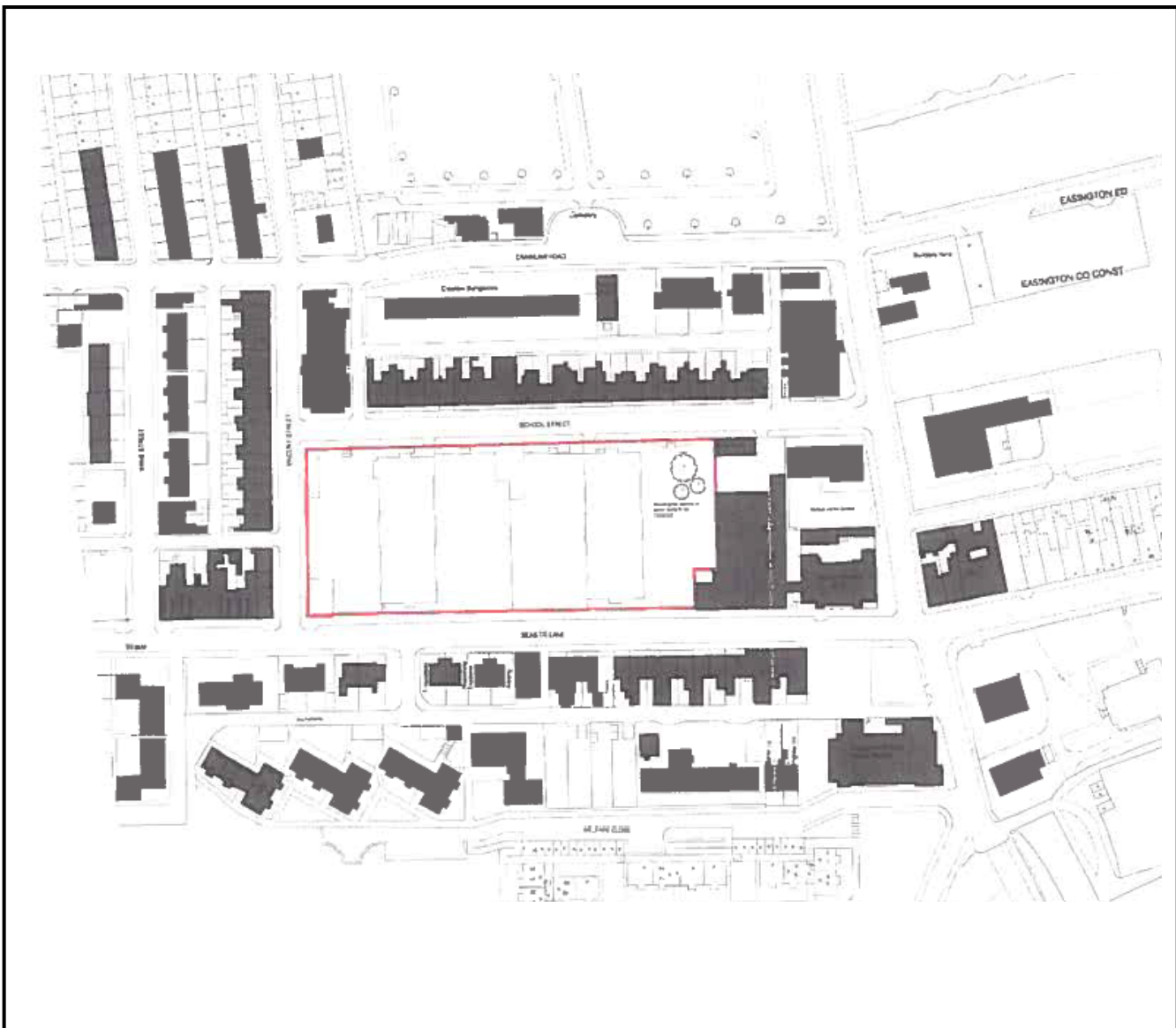
The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

District of Easington Local Plan

The County Durham Plan (Submission Draft)

Statutory, internal and public consultation responses



Planning Services

Proposed demolition of former school buildings (Listed Building Consent)

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Comments

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