



Highways Committee

Date Thursday 2 February 2012
Time 11.00 am
Venue St. Patricks Hall, Victoria Road, Consett, Durham, DH8 5AX

Business

Part A

1. Declarations of interest, if any
2. Belle Vue, Consett, Town and Country Planning Act 1990 Public Path Stopping-Up Order - Joint Report of Corporate Director, Regeneration and Economic Development and Head of Legal and Democratic Services (Pages 1 - 26)
3. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
25 January 2012

To: **The Members of the Highways Committee**

Councillor G Bleasdale (Chair)
Councillor J Robinson (Vice-Chairman)

Councillors B Arthur, A Bainbridge, D Burn, N Foster, D Hancock,
S Hugill, D Marshall, J Maslin, A Naylor, J Shiel, P Stradling,
T Taylor, L Thomson, R Todd, E Tomlinson, J Turnbull, C Woods,
A Wright and R Young

Highways Committee

2 February 2012

Belle Vue, Consett



Town and Country Planning Act 1990
Public Path Stopping-Up Order

Joint Report of Ian Thompson, Corporate Director of Regeneration & Economic Development and Colette Longbottom, Head of Legal & Democratic Services

Purpose of the Report

- 1 To consider a proposal to make a Public Path Stopping-Up Order to extinguish any public rights of way which may exist within a defined area of Belle Vue, Consett, to enable development in accordance with planning permission.

Background

- 2 On 9 March 2010 the Planning Committee approved an application (ref. 928/1/190) for outline planning permission to demolish the former council offices, leisure centre and football club facilities at Belle Vue, Consett, and to construct new leisure facilities and a new academy. A copy of the planning permission is at **Appendix A**.
- 3 To enable the permitted development to be carried out it is necessary to stop up any public rights which may exist over the area subject to the development. It is not possible for the development to proceed, in particular to provide a secure site to meet the requirements for child safety, with unrestricted public access through that part of the site.
- 4 The relevant statutory provision for the stopping-up of a public path in order to enable development to be carried out in accordance with planning permission is Section 257 of the Town and Country Planning Act 1990..
- 5 The Act gives authority to a Council to make a Public Path Stopping-Up Order if it is satisfied that it is necessary to do so to enable development to be carried out in accordance with planning permission.
- 6 An Order under Section 257 may, if the County Council is satisfied that it should do so, provide for the creation of an alternative highway as a replacement for the one to be stopped-up.
- 7 The Definitive Map and Statement of Public Rights of Way for County Durham does not show any recorded public rights of way over the area in question. An extract of the Map is at **Appendix B**.

- 8 Even though there are no recorded public rights over the land in question, it is accepted that the public have used a number of routes and that public rights may therefore have been acquired on the basis of usage. It is considered that it is therefore appropriate to ensure that any such rights have been extinguished prior to the commencement of the development.
- 9 The area covered by the proposed Order is the area of the existing buildings which are to be demolished and the area and the area of the academy and leisure centre development.
- 10 As part of the development of the whole site, which will include the sports pitches and other open areas, a network of new paths will be provided for the public to use. These will be the subject of further consultation in due course, but an indicative layout is at **Appendix C**.
- 11 Consultations on the proposed Stopping-Up Order have been carried out with the Local Members, the Ramblers' Association and other user groups. A copy of the consultation letter and the accompanying plans is at **Appendix D and C**.
- 12 An objection was received from County Councillor Temple, **Appendix E**.
- 13 This objection specifically relates to the application for Village Green status in respect of part of the Belle Vue site, and suggests that the stopping up of any public rights of way should not proceed whilst the final determination of Village Green status is awaited.
- 14 By way of background, there has been some local opposition to the development at Belle Vue, leading to part of the site being subject to an application for Village Green status. The determination of that application has been through a separate process, and the application was unsuccessful following a Public Inquiry. However, there remains to be determined by the High Court an application for Judicial Review of the Council's decision, as Registration Authority, to refuse the Village Green application. A decision from the Court is expected in the near future.
- 15 However, it is important to note that a decision by this Committee to make a Stopping-Up Order is only the trigger for a statutory process. This process can be abandoned at any stage prior to the confirmation of the Order, so a decision to make an Order does not prejudice any aspect of the ongoing Village Green case.
- 16 There is local interest in the proposed Stopping-Up Order and it has been explained to anyone enquiring that, if this Committee decides to make an Order, there will be a statutory period of notice during which anyone is entitled to make comment on the Order. Any objections to the Order which are made within the statutory period and are not withdrawn will be forwarded to the Secretary of State, who will determine the Order having considered all representations, probably by means of a Public Inquiry.

Recommendations and reasons

- 17 Planning permission for the development has been granted, and it is necessary to stop up any public rights in the area covered by the permission to enable the development to be carried out. New routes will be provided to maintain public access between Ashdale Road, Medomsley Road, Villa Real Road and Oakdale Road.
- 18 The proposal is in accordance with the Council's policy and the statutory framework on the stopping up of public rights of way as it is not possible for the development to proceed without the stopping-up of the paths, and suitable alternative routes will be provided as the development proceeds.
- 19 In light of the above information, it is recommended that:
 - a) an Order to stop-up pedestrian public rights of way at Belle Vue, Consett be made,.

Contact: Mike Ogden 0191 383 4082
Neil Carter 0191 383 4906

Appendix 1: Implications

Finance

If the Order is not made it will delay the construction of the new academy and leisure centre in Consett.

Staffing

None

Equality and Diversity

None

Accommodation

None

Crime and disorder

None

Sustainability

None

Human rights

The statutory procedures covering Orders made under s.257 of the Town and Country Planning Act 1990 allow any person to make their views known, and for any such views to be considered by an independent Inspector.

Localities and Rurality

None

Young people

If the Order is not made it will delay the construction of the new academy in Consett.

Consultation

A consultation has been carried out with Local members and user groups.

Health

None

APPROVAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990 Town and Country Planning General Regulations 1992 Development by the County Council

Application Number: 928/1/190

Applicant
Mr David Theobald
Durham County Council
Children & Young Peoples Services
Rivergreen Centre
Aykley Heads
Durham
DH1 5TS

Agent
Mr Jonathan Davies
Archial Architects (Birmingham)
Newhall Street
Birmingham
B3 1SF

PART 1 – PARTICULARS OF THE APPLICATION

Proposed: **Proposed demolition of leisure centre, Council offices, football and rugby club facilities and construction of new leisure facilities and new academy**

At: **Belle Vue site, Medomsley Road, Consett**

Date of Application: **29 December 2009**

Details of Approved Plans: **Drawing Nos:**
F3004-1008-CA-OP 000 (Site Boundaries)
F3004-1008/CA/OP 001 (Existing Site Layout)
F3004-1008/CA/OP 002 (Existing Site Analysis)
F3004-1008/CA/OP 003 (Proposed Site Layout)
LEGE0089-T01 Topographical Surveys (1-9)

PART 2 – PARTICULARS OF DECISION

The **Durham County Council** hereby give notice in pursuance of the Town and Country Planning Act 1990 and in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 that planning permission has been **GRANTED** for the carrying out by the County Council of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions and reasons:

Reserved Matters

1. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the date of approval of the last of the reserved matters to be approved.

Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990

2. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be carried out in accordance with the approved plans, specifications and conditions hereby imposed.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan

3. Approval of the details of appearance, landscaping and layout (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority before the development is commenced.

Reason: These details were not submitted as part of the outline planning application (Policy GDP1 of the Derwentside District Local Plan)

4. The detailed drawings with respect to the matters reserved for subsequent approval shall incorporate sufficient information concerning the levels of the site and proposed levels relating to levels of adjoining land and highways. All levels shall be in metric and related to ordinance survey datum.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

5. For the avoidance of doubt this permission does not approve the elevational details shown on the illustrative plan accompanying the application.

Reason: These details were not submitted as part of the outline planning application (Policy GDP1 of the Derwentside District Local Plan)

6. No part of the proposed academy building shall extend more than three storeys in height above ground level and unless otherwise agreed in writing by the Local Planning Authority the gross floorspace of that part of the building for academy use shall not exceed 14,152m².

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

Phasing

7. No part of the development shall commence except in accordance with a phased programme that has been submitted to and approved in writing by the Local Planning Authority including the timing and sequence of the development works.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

External Materials

8. None of the buildings hereby approved shall be constructed until a full schedule of all the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter, samples of the materials to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of these buildings. The development shall be carried out in accordance with approved details.

Reason: To safeguard the visual amenities of the locality (Policy GDP1 of the Derwentside District Local Plan)

Access and Car Parking

9. Notwithstanding the information shown on the submitted plans, no development shall be commenced until details of the means of access, including the layout, construction, and sight lines to be provided have been submitted to and approved in writing by the Local Planning Authority, and the buildings hereby permitted shall not be occupied until the approved access has been constructed, in accordance with the approved plans.

Reason: In the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan

10. Before the buildings hereby approved are occupied details of the proposed parking provision and bus drop off and servicing arrangements including layout, number of spaces, surface materials and drainage shall be submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with those agreed details. Thereafter the car parking, bus and service areas shall be used and maintained in such a manner as to ensure their availability at all times for their intended purpose.

Reason: In the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan

Landscaping

11. A landscape scheme for the site showing the treatment of all areas of soft and hard landscaping the position, size, species and density of all new planting, mounding, site re-contouring, and a programme of works and maintenance, shall be carried out as part of the development hereby approved in accordance with details to be submitted to and approved in writing by the Local Planning Authority. All planting seeding or turfing shall be carried out by the end of the first planting season following the completion of the development and any new trees or shrubs which within a period of five years from the completion of the development are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

12. That detailed drawings of the layout showing which trees are to be removed and which trees are to be retained on the site (tree constraints plan), shall be submitted to and shall have been approved by the County Planning Authority before the commencement of any works, such details to show the spread and species of trees.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policies GDP1 and EN11 of the Derwentside District Local Plan

13. No trees shall be wilfully damaged or destroyed or uprooted, felled lopped or topped without the previous written consent of the Local Planning Authority within 5 years of the completion of the development. Any trees removed without such consent or becoming seriously damaged or diseased before the end of that period shall be replaced by trees of such size and species to be agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policies GDP1 and EN11 of the Derwentside District Local Plan

14. That existing trees to be retained within the site shall, for the duration of the development, including site clearance and demolition, be protected by fences or other suitable means in accordance with BS5837 2005 within which no construction related activities or storage of materials shall take place. These means of enclosure shall be erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any part of the development commencing.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policies GDP1 and EN11 of the Derwentside District Local Plan

External Features

15. Details of the height, type, position and angle of external lighting and of CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The lighting and CCTV shall be erected and maintained in accordance with the approved details.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

16. Details of any roof mounted or wall mounted renewable energy devices, biomass boiler, energy centre and associated external works required in association with the development shall be submitted to and approved in writing by the Local Planning Authority prior to the construction/installation of any of these items. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

17. Details of all footpaths/cyclepaths, retaining walls and access ramps shall be submitted to and approved in writing by the Local Planning Authority prior to the construction / installation of any of these items. The development shall be carried out in accordance with the approved plans, and shall thereafter be so maintained.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policies GDP1 and TR3 of the Derwentside District Local Plan

18. Details of all signs, external play and storage structures, bin stores, waiting shelters, art work and any relocated skate park shall be submitted to and approved in writing by the Local Planning Authority prior to the construction / installation of any of these items. The development shall be carried out in accordance with the approved plans, and shall thereafter be so maintained.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

19. Details, of all fencing or other means of enclosure including gated access points and ball stop fencing, shall be submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the approved details prior to the development hereby permitted being brought into use.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or in any statutory instrument revoking or re-enacting that order with or without modification) no fencing, gates, walls or other means of enclosure shall be erected on the 'accessible site' as shown on drawing no. F3004-10080-CA-OP 003 (Proposed Site Layout).

Reason: In order to safeguard the character and appearance of this area and maintain public access in accordance with Policy GDP1 of the Derwentside District Local Plan

21. Details of the height, type, position and angle of any floodlights and hours of operation shall be submitted to and approved in writing by the Local Planning Authority prior to the development hereby permitted being brought into use. The floodlights shall be erected and maintained in accordance with the approved details.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

22. The proposed floodlights where provided shall be installed, focused and maintained in accordance with a scheme to be approved in writing with the Local Planning Authority to minimise light spillage and glare outside the designated area.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

23. Details of the design, location and number of cycle stands shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and provided prior to first occupation of the new building.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 and TR3 of the Derwentside District Local Plan

24. Details of the hours of use of the buildings and external facilities shall be submitted to and approved in writing by the Local Planning Authority. The buildings and external facilities shall operate in accordance with the approved arrangements unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of preserving the amenity of residents in accordance with Policy GDP1 of the Derwentside District Local Plan

25. Unless otherwise agreed in writing by the Local Planning Authority, no plant, structure or apparatus other than shown on approved plans shall be erected placed or fixed to any part of the roof or the external faces of the proposed buildings.

Reason: In the interests of the amenity of nearby residents/appearance of the area in accordance with Policy GDP1 of the Derwentside District Local Plan

Travel Plan

26. A travel plan shall be submitted to and approved in writing by the Local Planning Authority. Such a plan shall detail objectives, measures and targets to minimize potential impact of traffic on the development together with a programme of monitoring and review. The travel plan shall be implemented in accordance with the approved details within 9 months of the academy buildings becoming operational.

Reason: In order to encourage sustainable means of travel in accordance with PPG13 (Transport) and Policies TR2 and TR3 of the Derwentside District Local Plan

Renewable Energy

27. A scheme to minimise energy consumption within the development shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the buildings. The scheme shall include at least 10% decentralised and renewable energy or low carbon sources unless otherwise agreed in writing by the Local Planning Authority. It shall also include the following details:

- Calculation of the baseline annual energy consumption and amended energy consumption building (after energy efficiency measures have been installed) of the development;
- Calculated 10% energy target;
- Detailed technology breakdown explaining how the 10% target will be met and why other renewable technologies have been discounted;
- Detailed expected annual CO2 emissions and savings from the development;
- Copy of the BREEAM assessment.

Thereafter the development shall be carried out in accordance with the approved scheme prior to first occupation and thereafter retained in perpetuity.

Reason: In order to minimise energy consumption and to comply with the aims of the Regional Spatial Strategy North East Policy 38 and Planning Policy Statements 1 and 3

Archaeology

28. Prior to or in association with any reserved matters submission the applicant, or their agents or successors in title, must submit the results of a geo-technical investigation across the site. A copy of any analysis, reporting, or publication must be submitted to the County Archaeologist in order to permit an informed understanding of the potential of the site to contain undisturbed archaeological remains.

Reason: The site is within an area of archaeological potential in accordance with policies GDP1 and EN19 of the Derwentside District Local Plan

29. Prior to or in association with any reserved matters submission the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work, in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:

- i. the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with a brief prepared by the County Durham Archaeology Team; the evaluation is to be undertaken prior to any ground preparation works and the results submitted in support of the reserved matters application(s);
- ii. an assessment of the impact of the proposed development on the archaeological remains;
- iii. proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
- iv. sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest;

- v. notification in writing to the County Durham County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the Local Planning Authority.

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 within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the Local Planning Authority.

Reason: The site is within an area of archaeological potential in accordance with policies GDP1 and EN19 of the Derwentside District Local Plan

Surface Water and Flood Risk

30. Prior to or in association with any reserved matters submission, a flood risk assessment (FRA) shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. Any works agreed as part of the FRA shall be implemented in accordance with the approved details.

Reason: To ensure proper drainage of the site and prevent pollution of the water environment in accordance with Policies GDP1 and EN26 of the Derwentside District Local Plan

31. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment in accordance with Policy EN26 of the Derwentside District Local Plan

Sports Facilities

32. Not later than three months prior to the submission of the Reserved Matters application, the applicant shall submit and agree with the Local Planning Authority (in consultation with Sport England) an audit which sets out the following matters:

- the quantity of playing field that will be permanently lost as result of the Academy development; and
- the quality of pitch and ancillary facility provision across the Belle Vue playing fields.

Reason: To ensure the satisfactory quantity, quality and accessibility of replacement provision which secures a continuity of use [phasing provision] in accordance with Policy GDP1 of the Derwentside District Local Plan

33. Pursuant to the above condition, the Reserved Matters application shall include details of measures (including phasing) to secure replacement playing field or fields of equivalent or better quantity and quality to those that will be lost to the Academy development.

Reason: To ensure the satisfactory quantity, quality and accessibility of replacement provision which secures a continuity of use [phasing provision] in accordance with Policy GDP1 of the Derwentside District Local Plan

34. The Reserved Matters application shall include a scheme for the temporary / permanent relocation of the teams affected by the development. The approved scheme shall be brought into effect upon the commencement of development.

Reason: To ensure the satisfactory quantity, quality and accessibility of replacement provision which secures a continuity of use [phasing provision] in accordance with Policy GDP1 of the Derwentside District Local Plan

35. Not later than three months prior to the submission of the Reserved Matters application, the applicant shall submit and agree with the Local Planning Authority (in consultation with Sport England) an audit which sets out the following matters:

- current community sports facilities across the Belle Vue leisure centres, Consett Community College and Moorside Comprehensive School sites;
- a robust assessment of the local community and sporting group's facility needs in respect of the identified facility types;
- how the findings from the above have informed the mix of facilities proposed for the respective sites.

Reason: To ensure the satisfactory quantity, quality and accessibility of replacement provision which secures a continuity of use [phasing provision] in accordance with Policy GDP1 of the Derwentside District Local Plan

36. Prior to the commencement of the development a Community Use Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To provide the opportunity for local people to use the new facilities to participate in sport in accordance with Planning Policy Guidance Note 17: Planning for Open Space, Sport and Recreation

Site Investigations

37. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN26 of the Derwentside District Local Plan

38. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN26 of the Derwentside District Local Plan

39. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise

agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN26 of the Derwentside District Local Plan

40. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 36, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 37, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition 38.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN26 of the Derwentside District Local Plan

41. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN26 of the Derwentside District Local Plan

42. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN26 of the Derwentside District Local Plan

Ecology

43. No development shall take place other than in accordance with the survey of works to be carried out detailed within the risk assessment report (BSF Consett Site 4, Ecology Risk Assessment) including:
- Phase 1 Habitat Survey for the whole site
 - BREEAM assessment of habitats, mapping, measuring and recording all habitats including hard standing and buildings, this can be in conjunction with the Phase 1 survey.
 - Tree constraints plan and arboricultural impact assessment in compliance with B.S. 5837:2005, "Trees in relation to construction," from which a tree protection plan must be formulated.
 - Bat surveys on trees and buildings, to comply with Natural England and Bat Conservation Trust guidance, including an assessment of foraging and commuting routes. Such surveys to be updated for any building demolished during a later phase of the development.
 - A breeding bird survey should be carried out.

Should Bats be found on site following the Summer surveys, an application for a licence to Natural England should be submitted prior to demolition of any buildings on the site.

Reason: To ensure that protected species and their habitats are conserved (Policy GDP1 of the Derwentside District Local Plan).

44. No scrub clearing or tree felling shall be undertaken during the bird breeding season(1 March - 31 August inclusive) at any time during the construction phase unless a checking system has been undertaken by qualified ecologist prior to the commencement of works and no active nests are found.

Reason: To ensure that protected species and their habitats are conserved (Policy GDP1 of the Derwentside District Local Plan).

Off Site Highway Works

45. That off site highway works relating to a traffic management scheme to be implemented in association with the development shall be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The approved works shall be implemented prior to occupation of the academy and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to comply with Policy TR2 of the Derwentside District Local Plan

Construction Practices

46. At least 48 hours notice of the date of commencement of the development shall be given to the Local Planning Authority.

Reason: To enable progress with the development to be monitored.

47. Any temporary topsoil or subsoil mounds formed under this permission shall not exceed 2m in height and shall be kept free of weeds. The mounds shall be removed and the land reinstated on completion of the development to the satisfaction of the Local Planning Authority.

Reason: To safeguard the visual and residential amenities of the area during construction works.

48. During the construction works, measures shall be taken to ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud or other debris on the highway.

Reason: To ensure that material is not deposited on the highway in the interests of general safety (Policy TR2 of the Derwentside District Local Plan).

Informatives

- i) The applicant is advised of the need to fully comply with the terms of planning conditions and that any changes to the approved scheme may require further planning permission. The Local Planning Authority should be notified of any possible changes before these are implemented. The failure to do so may affect the validity of the planning permission itself.
- ii) In respect to Condition 14 the County Planning Authority would normally expect the installation of Chestnut Pale fencing or similar to the height of no less than 1.2 metres around the trees in question to the extent of its existing crown spread and where circumstances prevent this to a minimum radius of 2 metres from the trunk of the tree.
- iii) The applicant is reminded that highway management works indicated in Condition 45 should be provided at the developers' expense.
- iv) The applicant is advised to contact Ian Henry, Strategic Traffic Studies Team (tel: 0191 3835591) for assistance with the production of a Travel Plan.
- v) In respect of conditions 28 and 29 the applicant is advised to contact Lee White Archaeology Section (tel: 0191 3708846) regarding a specification for the archaeological works for tender purposes.

- vi) The applicant is reminded of the legal requirements surrounding European Protected Species and the need to comply with these and is advised that appropriate measures should be undertaken to protect any protected species found on the site, in consultation with the County Council's Ecologist (Terry Coult tel. 01913834085).
- vii) The applicant is reminded of the need for a Project Management Plan and Site Waste Management Plan during the construction phase to ensure that working is carried out in a manner that makes effective use of resources and has regard to good working practices and the need to minimise nuisance impacts in any around the site.
- viii) The applicant is reminded of the requirements under condition 20, that the 'accessible site' should be kept in open use and that planning permission would be required for the erection of any fencing or other means of enclosure within this area.
- ix) The applicant is advised to liaise with the Pollution Control Section (John Hayes tel. no 01207 218315) regarding measures to mitigate against noise, dust, air quality and lighting during and on completion of the construction phase.

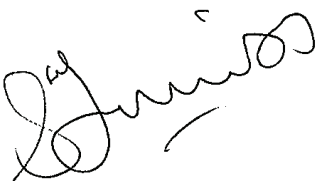
REASONS FOR APPROVAL

- i) The proposed development would involve the provision of education and leisure facilities on land within the urban area that is currently in use for community based purposes and is acceptable in principle for use on this basis having regard to the aims of National Planning Policy outlined in PPS1, PPS4, PPG13 and PPG17 and RSS Policies 2, 4,7,24,25,27, 38, 39 and 54
- ii) The proposed development can be satisfactorily accommodated in terms of its scale and location on the site and would relate acceptably to the surrounding built and natural environment in terms of visual and residential amenity and would take account of and incorporate measures as appropriate to protect existing landscape, natural and historic features, open land and general environmental conditions in accordance with Saved Policies GDP1, EN11, EN1, EN19 and EN26 of the Derwentside District Local Plan.
- iii) The proposed transport implications of the scheme in terms of traffic generation and movements on the surrounding road network, the siting and design of accesses and provision for parking within the development would not prejudice the free flow of traffic, highway safety or wider transport objectives aimed at reducing reliance on the private car. The proposal would accord with Saved Policies TR2 and TR3 of the Derwentside District Local Plan and Policy 7 of the RSS.
- iv) The proposed development would have an acceptable impact on the overall level of playing field provision on the site and within the local area, and would enhance the quality of sports and recreational available in the local area in accordance with the aims of PPG17.
- v) The proposed development represents a significant and positive investment in the future of the local area that would help maintain its social health and vitality and contribute to wider economic and regeneration initiatives in line with Policies 2, 9,14 and 25 of the RSS.
- vi) It is considered that the objections, concerns and reservations expressed about the proposed development and its component parts are not sufficient to outweigh the overall acceptability of the scheme in planning terms. This view is generally reflected in the response of statutory and related consultees and suitable controlling measures can be put in place to ensure these environmental requirements are properly considered and met as part of the development.

SIGNATURE

Signed:

Date: 10 March 2010

A handwritten signature in black ink, appearing to read 'J. Smith', written over a horizontal line.

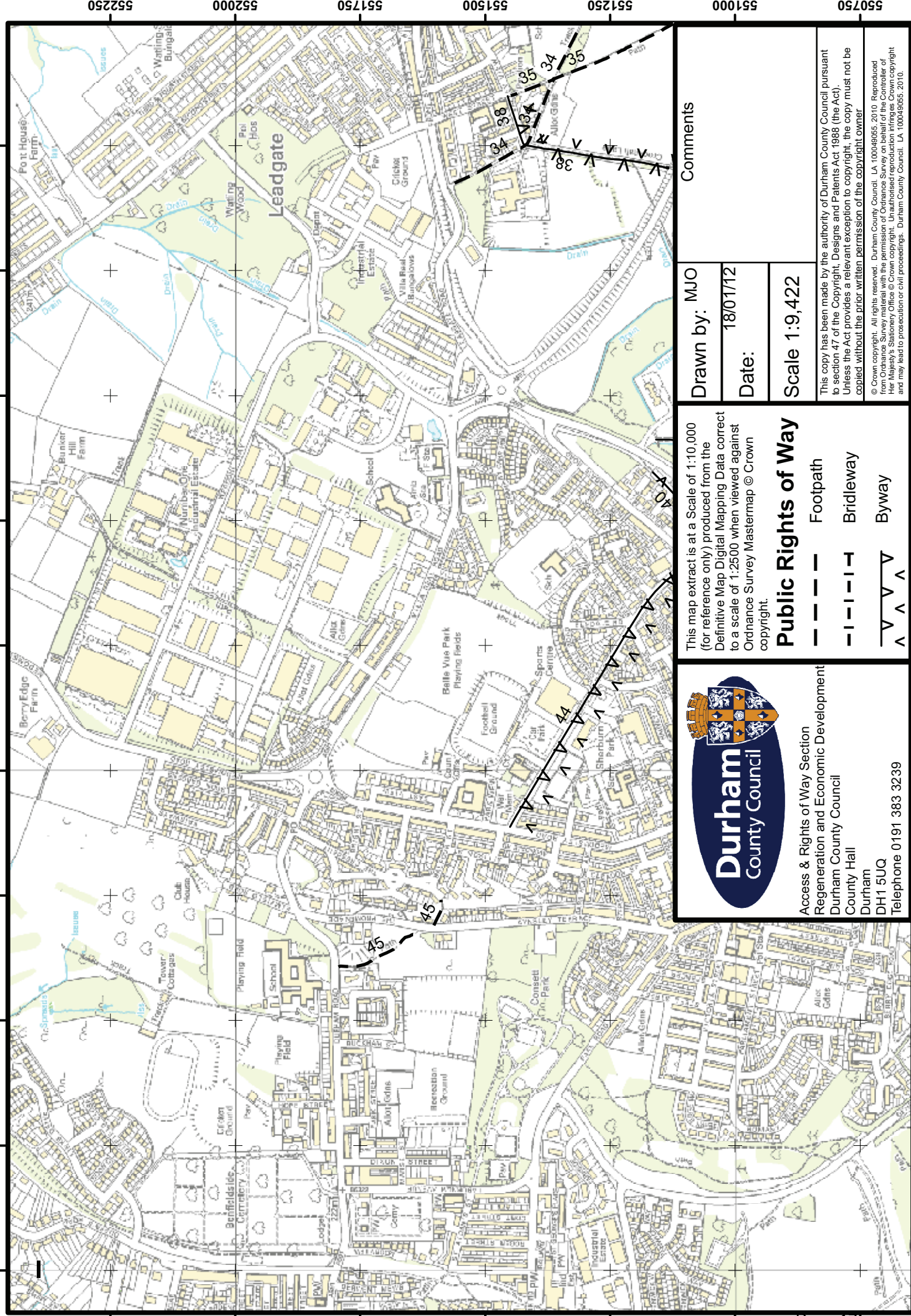
IMPORTANT NOTICE

THIS PERMISSION IS NOT VALID UNLESS THE CONDITIONS LISTED ARE COMPLIED WITH

NOTES

1. Failure to adhere to the details of approved plans or to comply with conditions attached to this permission is a contravention of the provisions of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.
2. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bye-law, order or regulation. For instance:
 - a) In addition to requiring planning permission, a developer may also need to apply for approval under the **Building Regulations**.
 - b) Where development will necessitate the provision of gas, electricity, water, sewerage or telephone services, the authorities responsible for these **services** should be notified at the earliest practicable date.
 - c) If the development involves buildings that are to be used by the public, developers are reminded that they are under an obligation to make provision, where reasonable and practicable, for **Disabled Persons** to gain access to such buildings and to provide facilities for them. This applies to conversions and major extensions as well as new buildings. Attention is drawn to the Chronically Sick and Disabled Persons Act 1970, British Standards, Codes of Practice and current best practice in relation to access and facilities at premises open to the public, educational buildings and other premises.
 - d) This planning permission does not convey any rights to stop up, divert, obstruct or otherwise affect **public rights of way**, and appropriate orders must be sought for these purposes before any development starts. A copy of the Definitive Map of public rights of way is on deposit and may be inspected at the offices of the Director of Environment and Technical Services, County Hall, Durham and at offices of the appropriate District Council.

Nothing in this permission shall relieve the developer from obtaining such consents and approvals to his proposals as may be required from any Public, Local or Statutory Authority or Undertaker, complying with any bye-law, statute or enactment for the time being in force nor from observing common law rights.



Comments	Drawn by: MJO
	Date: 18/01/12
	Scale 1:9,422

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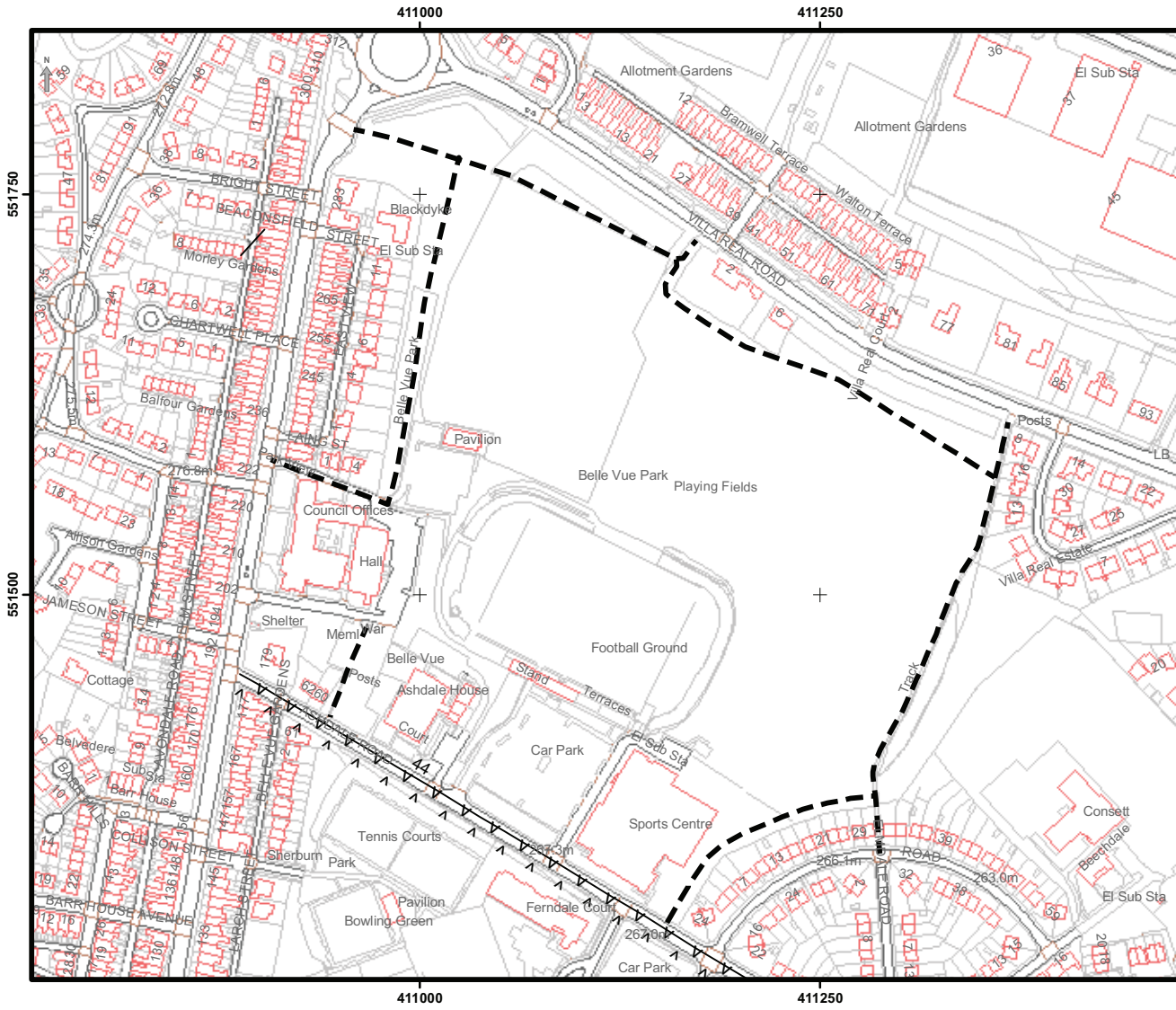
Public Rights of Way

- Footpath
- - - - - Bridleway
- ^ ^ ^ ^ ^ Byway

Durham County Council

Access & Rights of Way Section
 Regeneration and Economic Development
 Durham County Council
 County Hall
 Durham
 DH1 5UQ
 Telephone 0191 383 3239

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IAN THOMPSON
CORPORATE DIRECTOR
REGENERATION AND
ECONOMIC DEVELOPMENT
DURHAM COUNTY COUNCIL
COUNTY HALL
DURHAM DH1 5UQ

**The Durham County Council
(Unrecorded) Public
Access, Belle View Park,
Medomsley Road
Consett Parish, Public Path
Stopping Up Order 2011
and proposed indicative
alternative routes**

Indicative line of new
footpaths
- - - - -

SCALE 1: 3,500

DATE: 26.09.2011

**PUBLIC RIGHTS OF WAY
not affected by the proposals:**
Footpath - - - - -
Bridleway | - | - | - | -
Byway ∇ ∇ ∇

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Contact: Elaine Field
Direct Tel: 0191 383 3355
email: elaine.field@durham.gov.uk
Our ref: RED/NM/AROW/EF



Dr A Royston
2 Chapel Place
High Shincliffe
Durham
DH1 2FD

24th October 2011

Dear Dr Royston

**Town and Country Planning Act 1990 Section 257
Proposed Stopping up of Footpaths at Belle Vue, Consett**

I am considering a proposal under the provisions of Section 257 of the Town and Country Planning Act 1990, to stop up footpaths at the above-mentioned location, as shown on the enclosed plan.

The stopping up is required to enable the demolition of existing buildings and the construction of new leisure and educational facilities, in accordance with outline planning permission granted on 23 December 2009.

Although there are no recorded public rights of way on the site it is recognised that rights may exist. It is intended that following the development a network of public footpaths will be formally provided around the site, and the second plan gives an indication of these routes for your information. The provision and location of these routes is not part of this consultation, but will be the subject of a detailed planning application, public consultation and a separate legal process in due course.

If you need further information on the development at Belle Vue you can contact Yvonne Edwards (0191 370 8856 - yvonne.edwards@durham.gov.uk) or David Theobald (david.theobald@durham.gov.uk).

I would be pleased to receive any comments or objections you may wish to offer, within 30 days of the date of this letter. If there are no objections, the application may be determined by the Deputy Chief Executive (Corporate Services), in consultation with the Corporate Director of Regeneration and Economic Development, and if there are objections, it will be determined by the Highways Committee. If you need more time to consider the matter please let me know.

Please note that if you do make representations, then by virtue of the Local Government (Access to Information) Act 1985, the County Council may make them available for public inspection. Additionally they may also be disclosable under the Freedom of Information Act 2000.

Yours sincerely,

Elaine Field
Access & Rights of Way

Regeneration & Economic Development

Durham County Council, County Hall, Durham DH1 5UQ
Main Telephone (0191) 383 3000 Minicom (0191) 383 3802 Text 07786 02 69 56

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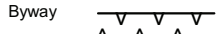
IAN THOMPSON
CORPORATE DIRECTOR
REGENERATION AND
ECONOMIC DEVELOPMENT
DURHAM COUNTY COUNCIL
COUNTY HALL
DURHAM DH1 5UQ

**The Durham County Council
(Unrecorded) Public Access,
Belle Vue Park, Medomsley
Road, Consett Parish) Public
Path Stopping Up Order 2011**

Site Boundary and
Blanket Stopping Up area


SCALE 1: 2,500

DATE: 26.09.2011

**PUBLIC RIGHTS OF WAY
not affected by the proposals:**
Footpath - - - - -
Bridleway | - | - | - | -
Byway 



411000

411250

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From: Owen Temple
Sent: 18 November 2011 09:05
To: Mike Ogden
Subject: RE: Proposed Stopping up of Footpaths at Belle Vue, Consett

Hi Mike,

following correspondence with Colette Longbottom I comment as follows.

I object to the stopping up of any public rights of way which are part of the "application land" in respect of the application for a village green at Belle Vue which is subject to Judicial Review. My understanding is that the Judicial Review has been triggered by the possibility of an "error in law" in the decision making process. I consider it unwise or improper, therefore, to stop up any rights on the land whilst the potential rights of the public on that land are within the legal process.

Owen Temple

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