



## Highways Committee

**Date** Tuesday 28 June 2011  
**Time** 10.00 am  
**Venue** Committee Room 2 - County Hall, Durham

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### Business

#### Part A

1. Minutes of the Meetings held on 11 and 19 April 2011 (Pages 1 - 8)
2. Declarations of Interest, if any
3. C154 Sawmills Lane, Brandon, Parking Restrictions - Report of Corporate Director, Neighbourhood Services (Pages 9 - 16)
4. Proposed Tables And Chairs Licence - Stanley Jefferson Public House, 5 Market Place, Bishop Auckland - Report of Corporate Director, Regeneration (Pages 17 - 42)
5. Stanhope Ford - Report of Corporate Director, Neighbourhood Services (Pages 43 - 50)
6. 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  
20 June 2011

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 Shiell, P Stradling,  
T Taylor, L Thomson, R Todd, E Tomlinson, J Turnbull, C Woods,  
A Wright and R Young

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**DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Council Chamber, County Hall, Durham on **Monday 11 April 2011 at 2.30 pm**

**Present:**

**Councillor J Robinson (Vice Chair)**

**Members of the Committee:**

Councillors B Arthur, A Bainbridge, S Hugill, D Marshall, T Taylor, L Thomson, R Todd, E Tomlinson and A Wright

**Officers:**

Chris Simmonds (Legal Advisor) and D Roberts (Democratic Services)

**Apologies:**

Apologies for absence were received from Councillors G Bleasdale, D Burn, D Hancock, J Maslin, D Morgan, J Shiell, P Stradling, C Woods and R Young

**Also Present:** P Holding (representing the County Council, landowner and objector)

**1 Declarations of Interest**

There were no declarations of interest.

***NOTE:** Prior to consideration of the report the Vice-chair confirmed that all members of the Highways Committee present at the meeting had received training on village green matters. He noted that the Committee would be addressed by representatives of the applicant and objector and by Councillor O Temple (local member). He also referred to the site visit that had taken place earlier that day and in particular to representations received from both the applicant and objector that they had been denied the opportunity to attend because of incorrect information provided with regard to the meeting point. He indicated that this matter would be considered once the Committee had heard from the speakers, although he pointed out that neither side would have been permitted to put their arguments at the site visit anyway.*

*Copies of a letter received from Mr J Campbell (Consett Green Spaces Group) were circulated to members of the Committee and the objector's representative; colour copies of a map illustrating land affected by various conveyances were also circulated to members and the applicant, objector and Councillor Temple.*

## 2 Village Green Registration: Belle Vue Playing Fields, Consett

The Legal Adviser presented the report of the Head of Legal and Democratic Services to assist the Committee in determining an application to register land known as Belle Vue Playing Fields as Town or Village Green under the provisions of the Commons Act 2006.

The report detailed the background to the application (made in October 2009 by Mr J Campbell as chair of the Consett Green Spaces Group). Following receipt of an objection from the Council's Asset Management Service (the Council being the landowner) an independent inspector was appointed to conduct a Non-Statutory Public Inquiry, which was duly held between 12<sup>th</sup> and 15<sup>th</sup> July 2010. The Inspector had provided an initial report and, following the receipt of further comments from both the applicant and objector, a final report in February 2011.

The report outlined the Committee's role in determining the application and summarised relevant case law and the legal test to be applied in determining the application. The Inspector's findings, detailed in the report, had led him to recommend that the application for registration be refused.

The Committee was addressed by the applicant, Mr J Campbell, who suggested that the Inspector's recommendation was unsound and that the application should be granted.

Mr Campbell pointed out that both the Inspector and the County Council had conceded that all elements of the legal test were met, with the exception of the '*as of right*' use of the land; he argued that the Inspector's conclusion that a deed made by the Urban District Council of Consett in 1964 established permission for the public to use the land was unsafe. He did not believe that this document established conclusively that the public used the land '*by right*' rather than '*as of right*'.

Mr Campbell reviewed the history of transactions relating to the Application land and concluded that the bulk of the land was not acquired '*for the purpose of public walks and pleasure grounds*' and that it was not acquired or appropriated under the Public Health Act or Open Spaces Act. He did not believe that the application should be refused on the basis of an obscure deed drawn up almost 50 years ago and urged members to grant the application as use of the land had been '*as of right*', as required by the law.

The Vice-chair gave members an opportunity to seek clarification on any matter from Mr Campbell and the Legal Adviser, following which (there being no points raised) the Committee was addressed by Councillor Temple.

Councillor Temple emphasised that Belle Vue Playing Fields had been used by the public for many, many years and that they had done so '*as of right*' – they had not needed to seek permission to do so; no-one knew or cared who owned the land. He referred to various paragraphs in the Inspector's report which he felt highlighted certain inconsistencies. He noted that, had the applicants been aware of the importance of the 1964 Deed and the interpretation of it, they would have focused



on it a good deal more at the Inquiry. He reminded members that lawyers in the case seemed to agree that the 1964 Deed was a '*bad document*' and that the Highways Committee was charged with making the decision in this case, not the Inspector.

Mrs P Holding, solicitor, representing the County Council (landowner and objector) then addressed the Committee. She complimented the Inspector on the way he had conducted the Inquiry and on the thoroughness of his report; she supported his conclusion that the application should be rejected. She reiterated the Council's argument that most of the application site was used by the public because it was open space that they were entitled to use for recreation purposes by virtue of the 1964 Deed. She acknowledged that the Deed was not well drafted but emphasised that the Inspector had carefully considered all the evidence and documentation presented at the Inquiry. She referred to conveyances produced by the Council, one of which dated back to 1936 and which identified the Application land as open space. She supported the Inspector's conclusions on the status of the land and pointed out that land which may look and feel like Village Green cannot be registered as such unless it meets the strict criteria of section 15(2) of the Commons Act 2006; this application failed to meet those requirements and so she asked the Committee to reject it.

The Legal Adviser noted that, having heard the arguments, it was now up to members to determine the application; he asked that they read paragraphs 11 and 12 of the Inspector's final report again as members had been referred to these paragraphs and it was important to set them in context and members were afforded an opportunity to do so.

The Vice-chair referred to earlier comments about the site visit and asked members to consider whether, in the circumstances, a further site visit should take place. The Legal Adviser advised that it was for the Committee to consider whether there was benefit to be gained from an accompanied site visit for elements of the site to be pointed out by the applicant and objector in which case the matter should be deferred for a further site visit. If members considered that they had seen everything relevant to their deliberations they may decide not to defer for a further site visit.

It was decided not to hold another site visit.

Councillor D Marshall proposed that the application be refused; he was seconded by Councillor Todd.

**RESOLVED:**

That the application to register land known as Belle Vue Playing Fields as Town or Village Green under the provisions of the Commons Act 2006 be refused.

With reference to the question of whether those areas of land not falling within the area described in the 1964 Deed should be registered by the Committee of its own volition as Town or Village Green Councillor Tomlinson moved that the Committee should not so register the land as there was insufficient evidence of use of those areas to meet the legal test; he was seconded by Councillor Wright.

**RESOLVED:**

That the land not within the area described in the 1964 Deed should not be registered by the Committee of its own volition.

## **DURHAM COUNTY COUNCIL**

At a Meeting of **Highways Committee** held in Committee Room 2 - County Hall, Durham on **Tuesday 19 April 2011 at 9.30 am**

### **Present:**

**Councillor G Bleasdale (Chair)**

### **Members of the Committee:**

Councillors B Arthur, A Bainbridge, S Hugill, D Marshall, D Morgan, A Naylor, J Shiell, P Stradling, L Thomson, R Todd, A Wright and R Young

### **Officers:**

D Wilcox (Strategic Highways Manger), Pat Holding (Legal Advisor) and D Roberts (Democratic Services)

### **Apologies:**

Apologies for absence were received from Councillors J Robinson, D Burn, D Hancock and E Tomlinson

### **1 Declarations of Interest**

Councillor Bainbridge declared a personal interest in item 3 – Proposed Traffic Regulation Order for Co-operative Street/C184 Front Street, Chester-le-Street

### **2 Minutes**

The minutes of the meetings held on 9 February and 3 March 2011 were agreed as a correct record and signed by the Chair.

### **3 Proposed Traffic Regulation Order: Co-operative Street/C184 Front Street, Chester-le-Street**

The Committee considered the report of the Corporate Director, Neighbourhood Services advising of representations received with regard to a proposed Traffic Regulation Order for Co-operative Street/C184 Front Street, Chester-le-Street.

The report summarised the background to the proposal, which was intended to regularise an existing traffic restriction in this vicinity. A consultation exercise had been undertaken and resulted in one objection being received. However, no reason was given for this objection and so no specific response could be made.

It was noted that the police, ambulance service and local members were supportive of the proposal.

## **RESOLVED:**

That the Committee endorses the proposal to set aside the objection and proceed with the implementation of the Traffic Regulation Order, as outlined in the report.

## **4 B6277 Speed Limit Review**

The Committee considered the report of the Corporate Director, Neighbourhood Services advising of objections received to proposed speed limits on the B6277 road in Middleton in Teesdale and on the B6277, C162 and C163 roads at Cotherstone.

The report summarised the background to the proposal, which was the result of a review of speed limits on the full length of the B6277, undertaken in accordance with best practice guidance produced by the Department for Transport.

It was noted that research and experience gained at other locations within the County had shown that the imposition of speed limits which were appropriate to the environment through which the motorist was travelling resulted in improved driver compliance. Hence it was proposed to make a Traffic Regulation Order to regulate speed limits on the B6277 and adjoining roads between Startforth and Langdon Beck.

***The order would formalise the existing speed limits in the majority of cases, with the exception of (a) C162 Briscoe Lane, Cotherstone and (b) C163 Clint Lane, 'Lancelands', Cotherstone. In relation to (a) it was proposed that the 30mph speed limit on Briscoe Lane be relocated 50 metres in a westerly direction so that it is in line with the western most street light. In relation to (b) it was also proposed that a de-restriction order be raised to cover the street lit section to the south west of the 30mph zone on the C163 Clint Lane.***

The proposals were agreed with Durham Constabulary and neither of the local members objected. Following a consultation exercise, however, a number of objections/representations were received, four of which remained after an amendment had been made to the initial proposal.

These objections/representations were detailed in the report and the Committee was also made aware of an email which had been received from the Chair of Middleton in Teesdale and Newbiggin Parish Council emphasising a request to extend the 30mph speed limit further out of the village on the northbound approach. The meeting was also addressed by Mr I Moorhouse, Chair of Cotherstone Parish Council, with regard to the Council's request to extend the 30mph speed limit at two locations. With regard to the first of these (B6277 south of Fitzhugh Court), Mr Moorhouse referred to the location of a sheltered housing development of 9 bungalows (The Close). There were no garages provided and so a number of cars were parked on the roadside and, whilst the development was within the 30mph speed limit, residents were anxious to have the speed limit extended as far as the existing village nameplate. He provided a letter from residents of The Close confirming this. With regard to the second location (C162 Briscoe Lane), Mr Moorhouse asked for the 30mph speed limit to be extended further west than was proposed. The final objection related to the C165 Clint Lane in the vicinity of 'Lancelands', Cotherstone where a resident had requested that the 30mph speed limit be extended southwest to a location beyond 'Pinnars Cottage'.

In responding to the points made by Mr Moorhouse, and to the other objections/representations, the Strategic Highways Manager emphasised that the proposals were the most appropriate to the circumstances and noted that driver compliance with speed limits was improved when those limits were credible and appropriate to the environment. Members were then given an opportunity to comment on and ask questions about the proposals. The Legal Adviser suggested that each of the four elements of the proposals which had been objected to should be dealt with separately and that, if members were minded to agree to speed limits being extended further than had been proposed by officers, the original proposal should be agreed with the proviso that officers be asked to consult on a further extension.

**RESOLVED:**

- (a) That the Committee endorses the proposal to set aside the objections in respect of the northbound approach (B6277) to Middleton in Teesdale and the 'Lancelands' (C165 Clint Lane) approach to Cotherstone.
  
- (b) That the Traffic Regulation Order to regulate speed limits on the B6277 and adjoining roads between Startforth and Langdon Beck be implemented subject to further consideration being given to the extension of the speed limits on the B6277 road south of Fitzhugh Court and on the C162 road (Briscoe Lane) west of 'Balder Croft', in accordance with the representations made by Cotherstone Parish Council and as detailed in the report.

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**Highways Committee**

**June 2011**

**C154 Sawmills Lane, Brandon, Parking Restrictions**



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**Report of Terry Collins, Corporate Director Neighbourhood Services  
Councillor Bob Young, Cabinet Portfolio Holder for Strategic  
Environment and Leisure**

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**Purpose of the Report**

- 1 To advise Committee of representations received to the proposed No Waiting and No Loading Restrictions for the C154 Sawmills Lane, Brandon.
- 2 Having considered the objections to the proposal, the Committee is recommended to endorse the proposal and proceed with the implementation of No Waiting / No Loading at Any Time Parking Restrictions from the junction of the A690 to Grove Road, Brandon

**Background**

- 3 Representations have been received regarding the ongoing problem of uncontrolled parking along Sawmills Lane and particularly close to the area around Stoneacre Garage and obstruction of footways.
- 4 Concerns have also been expressed regarding the parking near to the location of the school crossing patrol and also outside the doctors' surgery which can result in vehicles backing onto the A690.
- 5 A set of proposals were developed and distributed for consultation. Following this period, the Council presented the proposals to the local Resident's Association and changes were introduced to address some of their concerns.
- 6 Further public meetings were held to discuss the parking issues and possible proposals which included one involving Roberta Blackman-Woods MP.

**Proposal**

- 7 The provision of various parking restrictions along C154 Sawmills Lane, these measures to include No Waiting at Any Time and No Waiting / No Loading At Any Time and also bollards to prevent pavement parking as per the attached plan in Appendix 2.

## Consultations

- 8 A consultation was carried out from 16 October 2008 to 12 November 2008. During this period 6 representations against the proposal were received from local residents. 6 residents responded in favour of the proposal
- 9 The order was formally advertised from 14 January 2010 to 12 February 2010. During this period representation was received from Mr Lavery opposing the proposal.
- 10 An objection from the Resident's Association to the legal Order was withdrawn following discussions with Council officers and the Police.
- 11 The scheme is also fully supported by the Police, Arriva and the North East Ambulance Service.
- 12 The local County Councillors, Paul Taylor and John Turnbull are minded to support the proposal.

## Objections and responses

- 13 Representation 1

This issue was raised by 3 respondents.

"It fails to address the significant danger posed by cars constantly parked outside the garage / To ease congestion and improve safety needs double yellow lines on both sides of the road / If any lines are going to be put in place on this road it HAS to be on both sides".

- 14 *Response 1*

*Removing all parking in this area is likely to increase traffic speed on Sawmills Lane. This is a known outcome where parking restrictions are introduced, and given the gradient of Sawmills Lane, we would expect some of the speeds to be extremely inappropriate, especially given the location of the crossing patrol. There would also be a more significant displacement of parking into the surrounding residential areas. We are proposing to introduce a 'No Waiting at Any Time' restriction outside the front of the garage which will remove parking but allow lawful loading and unloading on the highway.*

- 15 Representation 2

"Parish Council is opposed to this scheme, but would still like to see a No Waiting scheme perhaps with bollards at roadside nearer the school crossing."

- 16 *Response 2*

*No reason given behind the objection, however we do plan to proceed with the installation of bollards at 2 locations on Sawmills Lane. Motorists who are parking on the footway are only considering other motorists by keeping the road as clear as possible, but with little or no regard for the pedestrians who need to use the footway. These bollards should keep the vehicles off the*



*footway thus allowing free passage for the pedestrians who wish to use it. The proposed restrictions will also cover the location of the school crossing patrol and should move vehicles away from this location, thus potentially improving road safety.*

17 Representation 3

This issue was raised by 2 respondents.

Your restrictions may ease congestion on the main road but they will create even further congestion and danger on narrow residential streets in the area which are less capable of dealing with traffic volume than the main road

18 Response 3

*It is accepted that the introduction of parking restrictions in some cases can displace parking. We have recognised the demand for parking by retaining an unrestricted area on the north side of Sawmills Lane. By allowing some limited parking on Sawmills Lane, we can minimise the numbers of vehicles moving to residential streets and the potential for increased speed on Sawmills Lane.*

19 Representation 4

It (the scheme) extends up Sawmills Lane beyond the Garage yet appears to ignore the problems there (outside the Garage)

20 Response 4

*Outside the garage we are proposing to introduce a 'No Waiting at Any Time' restriction, this will remove parking but allow lawful loading and unloading on the highway. We are mindful that an element of parking should be retained as imposing parking restrictions on Sawmills Lane will not make the vehicles suddenly disappear, they will just be displaced. They will be parked elsewhere which will be the closest to where they were before and therefore this will be within the residential streets. Within this scheme we have looked to balance the demand for parking with the available space on the public highway and the potential consequences.*

21 Representation 5

The introduction of double yellow lines (NO WAITING AT ANY TIME) would severely impact movement of retail vehicles

22 Response 5

*The 'No Waiting at Any Time' restriction permits lawful loading and unloading, but will restrict parking. The movement of retail vehicles outside the garage will not be affected. However, they would not be able to park within the extents of the parking restriction. To balance the demand for parking we plan to retain a section of unrestricted highway south east of the garage on the north side of Sawmills Lane.*

## **Recommendations and reasons**

- 23 It is **recommended** that, having considered the objections, the Committee endorses the proposal to proceed with the implementation of waiting and loading restrictions as per the plan in Appendix 2

## **Background papers**

- 24 Scheme File

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**Contact: David Battensby Tel: 0191 3324400**

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**Appendix 1: Implications**

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**Finance – Neighbourhood Services Local Area Programme**

**Staffing - None**

**Risk - None**

**Equality and Diversity - None**

**Accommodation - None**

**Crime and Disorder – Reduced footway obstruction**

**Human Rights - None**

**Consultation – As per Item 6 and 7 in the report**

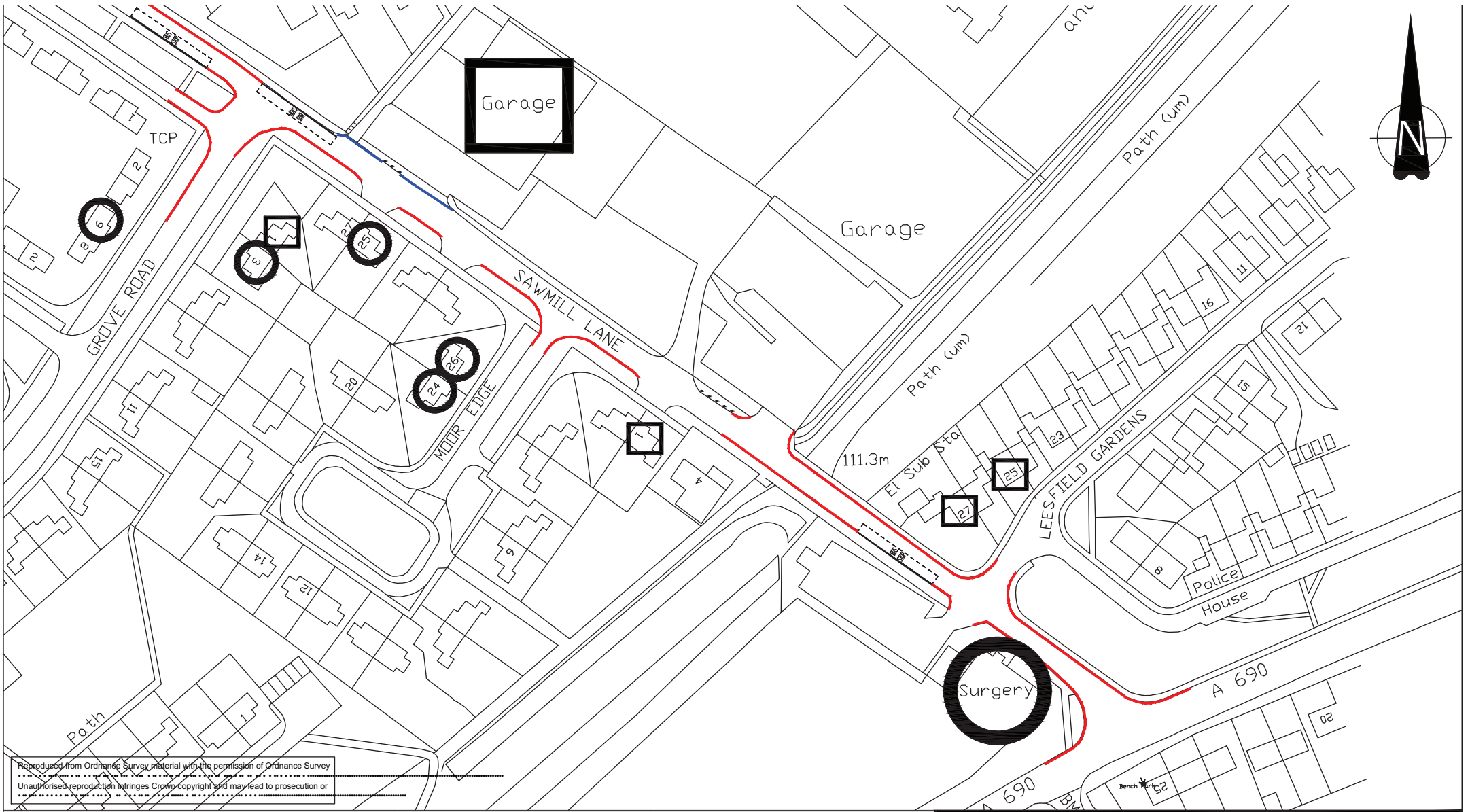
**Procurement - None**

**Disability Discrimination Act - None**

**Legal Implications - None**

## **Appendix 2: Plan of proposal**

**Note photos may be useful in report but are a MUST for Committee**



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**KEY:**

AGAINST       IN FAVOUR

Page 15

Proposed No Waiting/Loading At Any Time.

Proposed No Waiting At Any Time..

**PATH:**

Rev/ Amdt	Drawn By		Approved By			Description Of Amendments
	Name	Date	Name	Date	Sign	
0/A	A.Bruce	06/10				



**Durham**  
County Council

**STRATEGIC  
HIGHWAYS  
MANAGEMENT**

**CORPORATE DIRECTOR OF  
NEIGHBOURHOOD SERVICES**

COUNTY HALL, DURHAM. DH1 5UQ

Project  
**C154, SAWMILLS LANE, BRANDON**

Drawing  
**CONSULTATION PLAN**

Scales  
1/1000

Project/Drawing No.  
N82102/04

Rev. 0/A

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**Highways Committee**

**28 June 2011**



**Proposed Tables And Chairs Licence**

**Stanley Jefferson Public House,  
5 Market Place, Bishop Auckland**

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**Report of Ian Thompson, Corporate Director**

**Councillor Neil Foster, Cabinet Portfolio Holder for Economic  
Regeneration**

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**Purpose of the Report**

- 1 To advise the Committee of the representations received with regard to an application under the provisions of Section 115E of the Highways Act 1980 to place tables and chairs on the highway outside the Stanley Jefferson Public House, Market Place, Bishop Auckland, County Durham.
- 2 Having considered the representations, the Committee is recommended to endorse the proposal to place tables and chairs outside the Stanley Jefferson Public House.

**Background**

- 3 The footway outside the above property is within a busy commercial town centre area and as such is classified as a category 2 inspection footway meaning that regular maintenance inspections are completed. It is best practice adopted throughout the County that category 2 footways need to have a minimum of 2.3 metres of unobstructed footway for pedestrian movements. Works to widen the footway at this location were completed under an urban renewal and renaissance initiative scheme which took place between October 2009 and February 2010.
- 4 There are currently three premises with tables and chairs licences in the vicinity, these include 1, Market Place (shown in blue on plan 1 attached), 2, Market Place (shown in green on plan 1 attached) and 41 Market Place, (shown in red on plan 1 attached).
- 5 An application was received from JD Wetherspoon plc to place tables and chairs on the footway of classified road C188 outside The Stanley Jefferson, Public House, 5 Market Place, Bishop Auckland, County Durham, DL14 7NJ. The public house is open 7 days a week from 8.00am until 12 midnight Sunday to Thursday and 8.00am until 1.00am Friday and Saturday. The application asks for the seating area to operate 7 days a week from 8am until 11.00pm.
- 6 JD Wetherspoon plc has a premises licence which was issued after variation on 18 March 2010. This licence authorised the sale of alcohol for

consumption within the premises and outside the premises (see copy licence attached).

- 7 The application received showed that planning permission for a change of use to provide a café seating area had been sought and had been granted (see planning approval documentation).
- 8 Consultations were completed as part of the tables and chairs authorisation process. There were concerns raised by the Police and Councillor Zair. The Police raised concerns regarding emergency access/egress along with concerns regarding the effect of the reduced footway width during peak taxi operating times, as a result the Police stated that they were unable to lend their support to the application and requested that the application be refused on the grounds of public order and road safety. Councillor Zair also raised concerns regarding safety due to the proximity of the proposed tables and chairs to the taxi rank at evenings, particularly over the period from Thursday to Sunday.

### **Recommendations and reasons**

- 9 It is recommended that the Committee authorise the proposal to place tables and chairs at the Stanley Jefferson Public House, Market Place, Bishop Auckland and approve the following conditions.
  - (a) The area agreed with the Area Traffic Engineer to be licensed for tables and chairs is shown on the attached plan (Plan 2) and ensures that the minimum width of 2.3m is maintained for pedestrian movements.
  - (b) It is recommended that due to the concerns raised a time restriction is placed on the operation of the area with the tables and chairs to be removed by 21.30 hrs at the latest, each evening.
  - (c) It is recommended that due to the concerns raised a barrier to prevent “table creep” should be used to define the agreed consent area. The barrier should be of a temporary nature to facilitate its removal each evening.
  - (d) The conditions of the tables and chairs permission states that “*The tables and chairs, whether in use or otherwise, shall occupy only that part of the highway agreed by the Traffic Manager. The tables and chairs should be so positioned to cause as little restriction along the highway as possible and must not encroach beyond the limits of the consent area*”, however, it is recommended that due to the concerns raise a condition specifying that Tables and chairs must not obstruct emergency access/egress to the property of adjacent premises.
  - (e) To minimise the effect during peak times it is recommended that the tables and chairs are not placed on Market Days.



## **Background papers**

Location plan of area showing current authorised tables and chairs permissions.

Copy of premises licence

Copy of planning consent documentation

Plan showing the area authorised for tables and chairs outside the Stanley Jefferson Public House

Copy of concerns forwarded from Durham Police and Councillor Zair.

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**Contact: Roger Culpin      Tel: 0191 383 3702**

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## **Appendix 1: Implications**

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### **Finance –**

There are no financial implications applicable to this scheme. An application fee has been received and the licence is subject to an annual renewal fee. The public house carries public liability insurance and through agreement of the licensing conditions, indemnifies The Council against liability.

### **Staffing –**

There are no staffing implications applicable to this scheme. Administration and inspections will be undertaken as part of the routine roles of existing staff.

### **Risk –**

It is not considered that the placement of tables and chairs at this location, with the conditions specified, will pose a risk to members of the public, Durham County Council or emergency service personnel.

### **Equality and Diversity –**

Clearances have been maintained in order that the application does not hinder access along the public footway for pedestrians and wheelchairs/mobility vehicles.

### **Accommodation –**

There are no accommodation implications applicable to this scheme.

### **Crime and Disorder –**

It is considered that the placement of tables and chairs at this location will enhance the area and with the conditions specified no negative impact should be felt.

### **Human Rights –**

It is not considered that the placement of tables and chairs at this location, with the conditions specified, will affect human rights.

### **Consultation –**

Consultations have been completed by the Network Management and Planning divisions of Regeneration and Economic Development and Planning. These consultations included affected residents and businesses along with emergency services and statutory undertakers. The replies received by Network Management included CE Electric who stated there were no objections to the proposal providing that their rights are not affected, Sabic who stated there was no objection as their apparatus was unaffected, the ambulance service who stated that the tables and

chairs must not hinder responding emergency vehicles and the concerns raised by the Police and Councillor Zair, previously discussed.

**Procurement –**

There are no procurement implications applicable to this scheme.

**Disability Discrimination Act –**

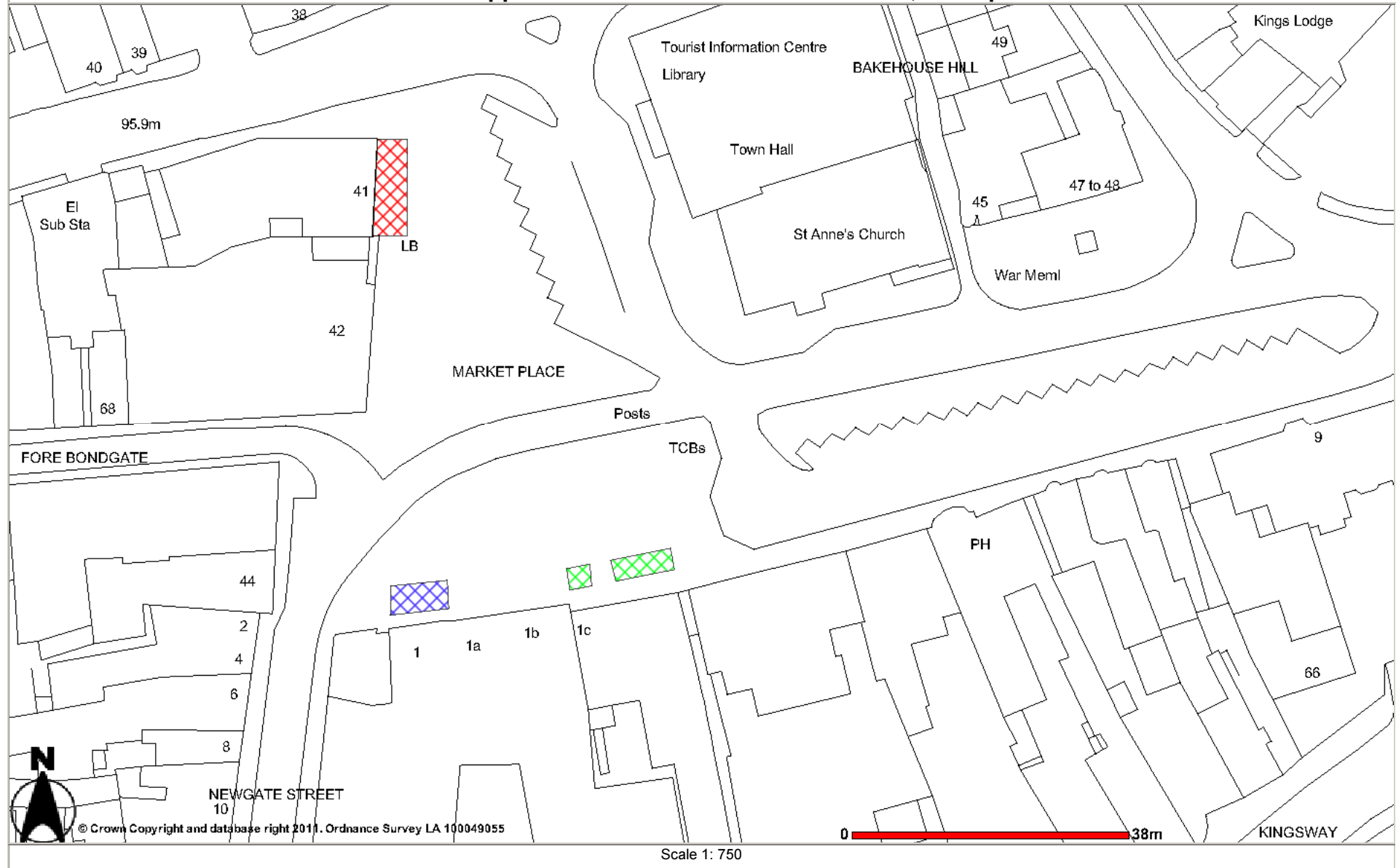
Clearances have been maintained in order that the application does not hinder access along the public footway for pedestrians and wheelchairs/mobility vehicles.

**Legal Implications –**

Durham County Council would be responsible for ensuring that the area set aside for the use of tables and chairs is compliant with the conditions of the licence. The licence documentation affirms that *“The County Council may at any time revoke consent upon the breach of any of the conditions of consent or for any reason the Council may consider appropriate”*.

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# Plan 1 - Current Approved S115 Licences - Market Place, Bishop Auckland



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# DURHAM COUNTY COUNCIL

ENVIRONMENT, HEALTH & CONSUMER PROTECTION,  
CIVIC CENTRE, CROOK, CO. DURHAM. DL15 9ES

TEL. 01388 765555 FAX. 01388 766660 MINICOM 01388 761515



## PREMISES LICENCE

### THE LICENSING ACT 2003

**PREMISES LICENCE NUMBER**  
WV/PRE0264/06

#### PART 1 – PREMISES DETAILS

**Postal address of premises, or if none, ordnance survey map reference or description**

The Stanley Jefferson  
5 Market Place

<b>Post town</b>	<b>Bishop Auckland</b>	<b>Post code</b>	<b>DL14 7NW</b>
<b>Telephone number</b>	<b>01388 452830</b>		

**Where the licence is time limited the dates**

Not applicable

### **Licensable activities authorised by the licence**

1. The Sale by Retail of Alcohol
2. The Provision of Regulated Entertainment (Indoors) –
  - a) Films
  - b) Live Music
  - c) Recorded Music
  - d) Performances of Dance
  - e) Entertainment similar to live music, recorded music or performances of dance
3. The Provision of Entertainment Facilities (Indoors) –
  - a) Facilities for Making Music
  - b) Facilities for Dancing
  - c) Facilities for entertainment of a similar description to that of making music or dancing
4. The Provision of Late Night Refreshment (Indoors and outdoors)

### **The times the licence authorises the carrying out of licensable activities**

#### **The Sale by Retail of Alcohol**

09:00 – 24:00 hrs Sunday to Thursday inclusive

09:00 – 01:00 hrs Friday and Saturday

09:00 – 02:00 hrs Christmas Eve and Boxing Day.

New Years Eve: 09:00 - 24:00 hrs.

New Years Day: 00:00 – to end of permitted hours for alcohol.

An additional hour after the end of permitted hours for alcohol for Burns Night, Australia Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day, Thursday preceding Good Friday and Sunday preceding a Bank Holiday Monday.

#### **The Provision of Regulated Entertainment and the Provision of Entertainment Facilities –**

07:00 – 00:30 hrs Sunday to Thursday inclusive

07:00 – 01:30 hrs Friday and Saturday

07:00 – 02:30 hrs Christmas Eve and Boxing Day

New Years Eve: 07:00 – 24:00 hrs.

New Years Day: 00:00 – to end of permitted hours for entertainment.

An additional hour after the end of permitted hours for entertainment for Burns Night, Australia Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day, Thursday preceding Good Friday and Sunday preceding a Bank Holiday Monday.

#### **The Provision of Late Night Refreshment –**

23:00 – 24:00 hrs Sunday to Thursday inclusive

23:00 – 01:00 hrs Friday and Saturday

23:00 – 02:00 hrs Christmas Eve and Boxing Day

New Years Eve: 23:00 - 24:00 hrs.

New Years Day: 00:00 – 05:00 hrs. & 23:00 - to end of permitted hours for late night refreshment.

An additional hour after the end of permitted hours for late night refreshment for Burns Night, Australia Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day, Thursday preceding Good Friday and Sunday preceding a Bank Holiday Monday.



**The opening hours of the premises**

07:00 – 00:30 hrs Sunday to Thursday inclusive

07:00 – 01:30 hrs Friday and Saturday

07:00 – 02:30 hrs Christmas Eve and Boxing Day

New Years Eve: 07:00 – 24:00 hrs.

New Years Day: 00:00 – 30 minutes after the end of permitted hours for alcohol

An additional hour after the above closing times for Burns Night, Australia Day, St David's Day, St Patrick's Day, St George's Day, St Andrew's Day, Thursday preceding Good Friday and Sunday preceding a Bank Holiday Monday.

**Where the licence authorises supplies of alcohol whether these are on and/or off supplies**

The sale by retail of alcohol for consumption both on and off the premises.

**PART 2**

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

J D Wetherspoon Plc

Wetherspoon House, Reeds Crescent, Watford. WD24 4QL

Tel: 01923 477777

**Registered number of holder, for example company number, charity number (where applicable)**

Registered No. 01709784

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Carolyn Jane Hudson-Kelly

47 Reeth Road, Linthorpe, Middlesbrough. TS5 5JU

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

Personal Licence No. DL05/01345/PERCON  
Issued by Darlington Borough Council

**Date Granted: 10th April 2006**

**Date Varied (DPS): 5th March 2010**

**Date of Issue: 18th March 2010**

**Signed**

A handwritten signature in black ink, appearing to be 'A. Wilson', written over a faint dotted line.

**Head of Environment, Health & Consumer Protection**

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## Planning Application Details

This page shows details of the planning application selected.

If the application you have selected does not yet have a decision and you would like to send comments on this application to the Development Control Team please click on the **Comment on Application** button, complete your comments and press the **Send** button. Please note that the comments you make will be available for the public to see.

If plans, elevations and any other supporting information are not available to view at the bottom of this page you can view this information by coming into the Civic Centre, Crook, Co Durham DL15 9ES between 8:30 am and 5:00pm Monday to Thursday and 8:30am and 4:30pm Friday.

For more information please contact the Development Control Team in either of the following ways: -

- By telephone on 01388 765555
- By email [planningcrook@durham.gov.uk](mailto:planningcrook@durham.gov.uk).
- By visiting the Civic Centre in Crook.
- Or you can write to us at Regeneration and Economic Development Department, Durham County Council, Civic Centre, Crook, DL15 9ES.

### Application details

<b>Reference number</b>	3/2010/0323	<b>Application Type</b>	Change of Use Application
<b>Site Address</b>	5 MARKET PLACE BISHOP AUCKLAND COUNTY DURHAM DL14 7NJ	<b>Proposed Development</b>	CHANGE OF USE OF PART OF PAVEMENT IN FRONT OF THE PUB FOR USE AS A PAVEMENT CAFE SEATING AREA
<b>Valid Date</b>	09/09/2010	<b>Received date</b>	05/07/2010
<b>Date Passed To Case Officer</b>			
<b>Status</b>	Change of Use Approved	<b>Decision Date</b>	21/10/2010
<b>Decision Level</b>	Delegated	<b>Committee Date</b>	
<b>Consultation Start Date</b>	22/07/2010	<b>Consultation End Date</b>	12/08/2010
<b>Agent name</b>	Mrs Lucy Jones	<b>Case officer</b>	Paul Martinson
<b>Agent Telephone</b>	01612363650	<b>Applicant Name</b>	Mr Chris Ferriday
<b>Agent Address</b>	2 Knot Mill Manchester Greater	<b>Applicant Address</b>	Reeds Crescent Watsford

Manchester M15  
4PY

Herts WD1 1QH

## Images

[1139189\\_1278342569456\\_AL100\\_existing\\_and\\_proposed\\_plans.pdf- AL100 existing and proposed plans](#)

[1139189\\_1278342569456\\_AS100\\_Site\\_location\\_plan.pdf- AS100 site location plan](#)

[1139189\\_1278342569456\\_AV100\\_proposed\\_elevations.pdf- AV100 Proposed elevaitons](#)

[1139189\\_1278342569456\\_ApplicationFormNoPersonalData.pdf- Application Form - Without Personal Data](#)

[1139189\\_1278342569456\\_AttachmentSummary.pdf- A summary of the attachments in the proposal](#)

[1139189\\_1278342569456\\_Design\\_and\\_Access\\_Statement\\_JD5268.doc- Design and Access Statement](#)

[Highways\\_Consultation.pdf- Highways Consultation](#)

[Neighbour\\_Consultation.pdf- Neighbour Consultation](#)

[Cllr\\_Harrison\\_Consultation.pdf- Cllr Harrison Consultation](#)

[Cllr\\_Zair\\_Consultation.pdf- Cllr Zair Consultation](#)

[delegated\\_report.pdf- delegated report](#)

[decision\\_notice.pdf- decision notice](#)

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Durham County Council, Crook Area Planning Office  
Civic Centre, Crook, Co Durham. DL15 9ES  
Tel: 01388 765555 Fax: 01388 766660



## APPROVAL OF PLANNING PERMISSION

### TOWN AND COUNTRY PLANNING ACT 1990

Application Number: 3/2010/0323

Applicant  
Mr Chris Ferriday  
J D Wetherspoon plc  
Wetherspoon House  
Reeds Crescent  
Watsford  
Herts  
WD1 1QH

Agent  
Mrs Lucy Jones  
Harrison Ince LLP  
2 Jordon Street  
Knot Mill  
Manchester  
Greater Manchester  
M15 4PY

#### PART 1 – PARTICULARS OF THE APPLICATION

Proposed: CHANGE OF USE OF PART OF PAVEMENT IN FRONT OF THE  
PUB FOR USE AS A PAVEMENT CAFE SEATING AREA  
At: 5, MARKET PLACE, BISHOP AUCKLAND, COUNTY DURHAM,  
DL14 7NJ  
Date Application Valid: 09/09/2010  
Date(s) of Amended Plans: 09/09/2010

#### PART 2 – PARTICULARS OF DECISION

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

##### Conditions

1. The development should not be begun later than the expiration of three years from the date of this permission.
2. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority:

Plan Ref No.	Description	Date Received
	Site Location Plan	06/07/2010
AL100 / A	Existing and Proposed Plans	09/09/2010
AV100	Proposed Elevations	06/07/2010

3. Prior to the commencement of the development full details of the proposed demountable canvas banners shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.



## Reasons

1. 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. To define the consent and ensure that a satisfactory form of development is obtained.
3. In the interests of preserving the character and appearance of the Conservation Area, the visual amenity of the Market Place and the setting of the Listed Building. In accordance with policies GD1, BE4, BE5 and S1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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## REASONS FOR APPROVAL

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The proposal would comply with policies GD1, BE1, BE4, BE5 and BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 for the following reasons:

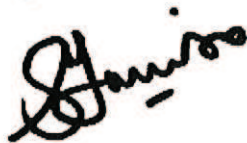
1. The proposal would not harm the character or appearance of the Conservation Area.
2. The proposal would not be detrimental to the setting of the Grade II Listed building.
3. The proposal would not be detrimental to the vitality or viability of the town centre.
4. The proposal would not result in harm to archaeological remains.

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## SIGNATURE

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Signed:



Date: 28<sup>th</sup> September 2010

Stuart Timmiss  
HEAD OF PLANNING SERVICES

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## INFORMATIVES

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### Informative 1

The formal consent of the Highway authority is required under the Highways Act 1980 for anyone to trade within the highway. Consent must be obtained from Network Management, Regeneration and Economic Development, Durham County Council, Durham, DH1 5UQ. The applicant must contact Vicki Erskine, 0191 3834111 prior to carrying out any work.

### Informative 2

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.



- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

## **IMPORTANT NOTICE**

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



# DELEGATED REPORT

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## APPLICATION DETAILS

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APPLICATION NO: 3/2010/0323

SITE LOCATION: 5 MARKET PLACE, BISHOP AUCKLAND, DL14 7NJ

PROPOSAL: CHANGE OF USE OF PART OF PAVEMENT IN FRONT OF THE  
PUB FOR USE AS A PAVEMENT CAFE SEATING AREA

DATE(S) OF 09/09/2010

AMENDED PLANS:

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## DESCRIPTION OF THE SITE AND PROPOSAL

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**SITE:**

The application site is an area of pavement to the front of the Stanley Jefferson public house at 5 Market Place, Bishop Auckland. The pavement is approximately 6-9m wide in this location and abuts the edge of a Taxi Rank and the Market Place parking area. The Stanley Jefferson public house is a Large Grade II Listed brick built building with a prominent curved bay projection adjacent to the entrance.

**PROPOSAL:**

The application seeks planning permission for the change of use of part of the pavement to the front of 5 Market Place, Bishop Auckland. The application proposes the installation of an outside seating area immediately to the frontage of the existing public house. The seating area would be comprised of a single table seating four people and six tables seating two. The edge of the seating area would be defined by canvas screens suspended between stainless steel posts. No details of the content of these screens have been provided, although they are also the subject of an advertisement consent application that has been received by the Council and is currently invalid. An area of pavement measuring 1.8m wide would be retained.

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## PLANNING HISTORY

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3/2003/0818 – Change of use from office to A3 use. Approved 26/02/2004.

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## PLANNING POLICY

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NATIONAL POLICY:

PPS1 – Delivering Sustainable Development  
PPS4 – Planning for Sustainable Economic Growth  
PPS5 – Planning for the Historic Environment

LOCAL PLAN POLICY:

The following policies of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 are considered relevant to the consideration of this planning application:

- GD1 – General Development Criteria
- BE1 – Protection of the Historic Environment
- BE4 – Setting of a Listed Building
- BE5 – Conservation Areas
- BE17 – Areas of Archaeological Importance
- S1 – Town Centres

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## **CONSULTATION AND PUBLICITY RESPONSES**

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STATUTORY RESPONSES:

Highway Authority - There is an ongoing issue regarding the Environmental Enhancement scheme promoters as the area used for taxi's is some 60m long but the taxi's continue to queue beyond onto the No Waiting Restrictions and thus park on the area of widened footway causing problems to through traffic etc. This is a traffic management issue and will hopefully be resolved. It is possible that any resolution will impact on the area includes within the red line, this is a traffic management, not a planning issue. I have no objections to this proposal from the highways aspect subject to the following:

Please advise the applicant that formal consent of the Highway authority is required under the Highways Act 1980 for anyone to trade within the highway. Consent must be obtained from Network Management, Regeneration and Economic Development, Durham County Council, Durham, DH1 5UQ. The applicant must contact Vicki Erskine, 0191 3834111 prior to carrying out any work.

INTERNAL CONSULTEE RESPONSES:

Design/Conservation – No objections subject to further details of banners.

PUBLIC RESPONSES:

The application has been advertised on site. The occupiers of neighbouring properties have been notified individually in writing of the proposals. Three letters of representation have been received from the same respondent, the contents of which are outlined below:

1. The seating area would encroach onto the door of the neighbouring premises;
  2. The seating area would look messy ;
  3. The seating area would create rubbish and litter;
  4. Concern over the impact of people smoking, drinking and eating adjacent to front door of neighbouring property.
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## PLANNING CONSIDERATION AND ASSESSMENT

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The key issues for consideration are:

- Impact on the Character and Appearance of the Conservation Area
- Impact on the Vitality and Viability of the Town Centre
- Highway Issues

The application seeks planning permission to create an outside seating area on a relatively wide stretch of pavement immediately to the front of the existing public house. The proposal would involve the siting of chairs and tables which would be enclosed by a canvas screen suspended by stainless steel posts. These would all be removed when not in use and would be stored within the existing building. As the proposal would be temporary in the sense that the proposed seating area could be removed, it is not considered that there would be any concerns in principle in relation to the impact on the special architectural or historic character of the Grade II Listed building. As the existing building is a public house it is not considered that the outside seating area would appear out of place subject to the design of the canvas screens that would define the edge of the seating area. Although a means of enclosure of the pavement could be acceptable in principle, no details of these have been provided and as such it is considered that there is potential for their content and design to harm to the character of the Conservation Area. As such it is recommended that further details are provided through a planning condition. Advertisement consent would also be required for signage (including the banners shown on building on the proposed plan) which would allow the design to be carefully controlled in order to protect the character of the Conservation Area and the setting of the Listed building. Banners on the building would not be acceptable. Subject to a suitable design being agreed it is considered that the proposal would comply with policy GD1, BE4 and BE5 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

The application site is located in a prominent location within the town centre of Bishop Auckland. As such the proposal has the potential to impact on the vitality and viability of the town centre. Although there have been concerns expressed following the consultation response, it is not considered that the proposal would encroach on the doorway of the neighbouring property as there would be a 1m gap between the edge of the seating area and the doorway of the neighbouring property. It is not considered that the seating area would look untidy; indeed, it is considered that the provision of outside seating in this location would help to introduce a "café culture" that would enhance the provision of the town centre and benefit Bishop Auckland as a whole. The letters of objection also state that the proposal would lead to an increase in rubbish and litter in and around the site. It is considered that it is in the public house's interest to remove any litter and furthermore, it is not considered that a public house is likely to generate significant amounts of litter with glasses, crockery and leftover food being cleared away by staff. The objector is also concerned that smoking, drinking and eating would occur adjacent to the entrance of the neighbouring property. Although customers using the seating area could be smoking, drinking and eating, it is not considered that this would be to such a level as to result in a detrimental impact on the operation of the adjacent business premises. If problems with smells and noise do arise then this would be a matter for Environmental Health. It is considered that the proposal would not harm vitality or viability of the shopping area and as such would comply with policies GD1 and S1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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The proposal would retain a sufficient gap for pedestrians to continue using the pavement and as such it is not considered that the proposal would be detrimental to pedestrian or highway safety. The Highway Authority has no objections. The proposal would therefore comply with policy GD1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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## **RECOMMENDATIONS AND CONDITIONS**

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Recommendation that the application is:

### **APPROVED subject to the following conditions**

#### **Conditions:**

1. The development hereby approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the local planning authority:

<b>Plan Ref No.</b>	<b>Description</b>	<b>Date Received</b>
	Site Location Plan	06/07/2010
AL100 / A	Existing and Proposed Plans	09/09/2010
AV100	Proposed Elevations	06/07/2010

2. Prior to the commencement of the development full details of the proposed demountable canvas banners shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

#### **Reasons:**

1. To define the consent and ensure that a satisfactory form of development is obtained.
2. In the interests of preserving the character and appearance of the Conservation Area, the visual amenity of the Market Place and the setting of the Listed Building. In accordance with policies GD1, BE4, BE5 and S1 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007.

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## **REASONS FOR THE DECISION**

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The proposal would comply with policies GD1, BE1, BE4, BE5 and BE17 of the Wear Valley District Local Plan as amended by the Saved and Expired Policies September 2007 for the following reasons:

1. The proposal would not harm the character or appearance of the Conservation Area.
2. The proposal would not be detrimental to the setting of the Grade II Listed building.
3. The proposal would not be detrimental to the vitality or viability of the town centre.
4. The proposal would not result in harm to archaeological remains.

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## **ADDITIONAL MATTERS**

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i.e covering letters, enforcement, informatives

### **INFORMATIVE:**

The formal consent of the Highway authority is required under the Highways Act 1980 for anyone to trade within the highway. Consent must be obtained from Network Management, Regeneration and Economic Development, Durham County Council, Durham, DH1 5UQ. The applicant must contact Vicki Erskine, 0191 3834111 prior to carrying out any work.

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**SIGNATURES**

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Case Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

**To be Completed by the Authorising Officer:**

Have the correct neighbour consultations been initiated?	Y/N
Has the 21/14 day period for consultation responses expired (including weekly list)?	Y/N
Has the correct statutory publicity been initiated with copies of relevant Notices on file?	Y/N
Has the correct CLG PS1 Code been attributed to the application?	Y/N
Are all neighbour/statutory consultee comments properly appraised in the report?	Y/N
Do the stated conditions/reasons for approval/refusal meet the relevant tests?	Y/N
In the case of a delegated refusal is there an audit trail to demonstrate the applicant has been advised of refusal recommendation and invited to withdraw?	Y/N

Authorising Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

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**TARGET DATE**

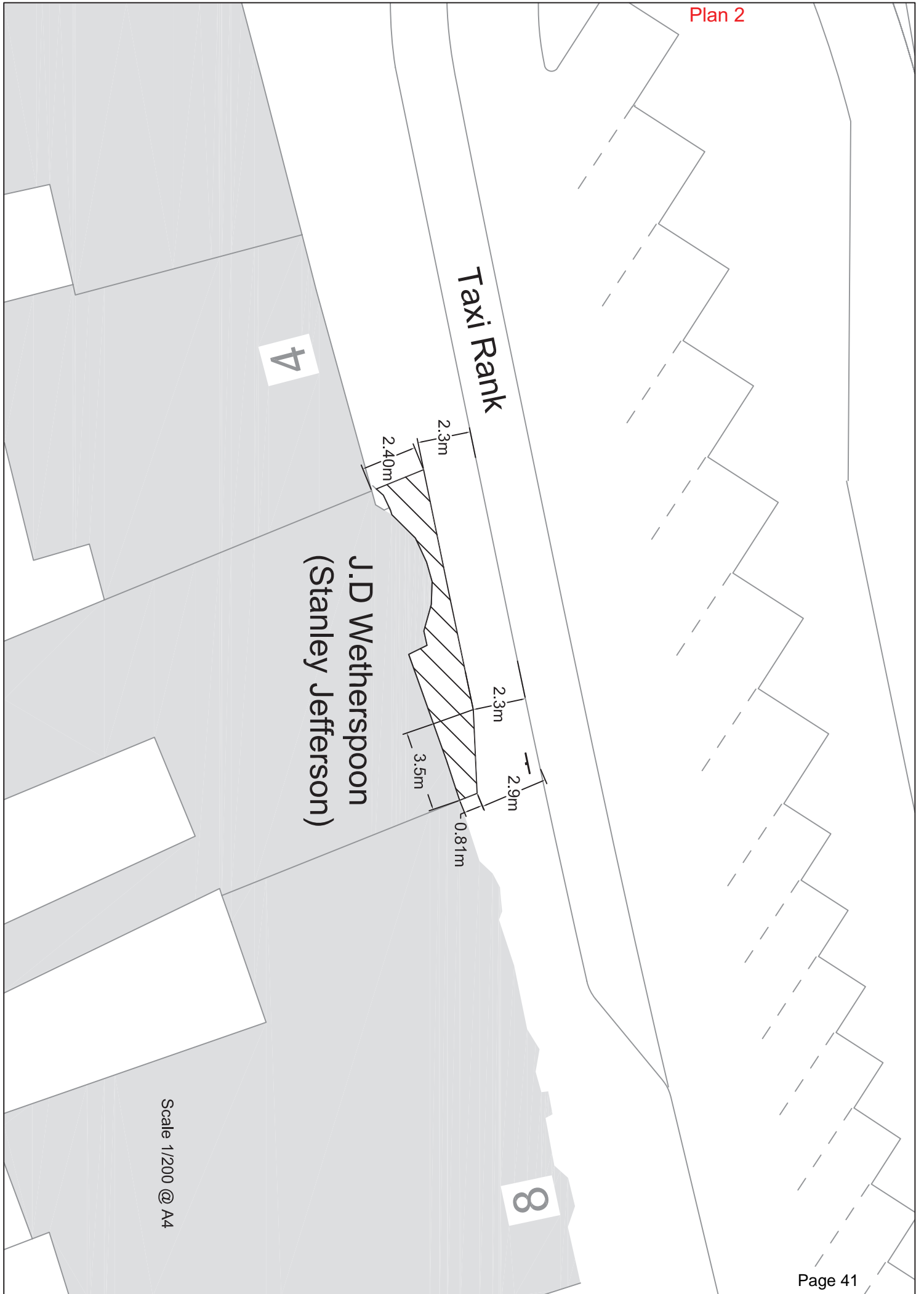
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Application report within target determination date:

YES       NO

If no please stipulate:

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Scale 1/200 @ A4

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## HIGHWAYS COMMITTEE

Date: 28<sup>th</sup> June 2011



### Stanhope Ford

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#### Report of Corporate Management Team

Terry Collins, Corporate Director for Neighbourhood Services

Councillor Bob Young, Cabinet Portfolio Holder for Strategic Environment and Leisure

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#### Purpose of the Report

1. To appraise Members of safety issues surrounding the continued use of Stanhope Ford and the responses received to a statutory public consultation exercise linked to the publication of a traffic order to permanently close the ford to vehicular traffic.
2. To inform the committee of a proposal to hold a non statutory public inquiry to consider the objections and representations received during the public consultation exercise and to receive the committees views on this proposal.

#### Background

3. Stanhope Ford is an unclassified road forming an optional crossing point on the River Wear in Weardale, linking the B6278 with the A689 (Appendix 2). The B6278 crosses the river upstream of Stanhope Ford by a road bridge known as 'Stonebridge' which has been assessed by Engineers as being suitable for typical 'B' road classification traffic flow.
4. The B6278 has a recorded 'Annual Average Daily Traffic Flow' (AADT) of 724 vehicles per day. In contrast, from surveys undertaken in January 2007, at the southern approach ramp to the ford, the 7 day average traffic flow for that particular week of vehicles using the ford is recorded as 60 vehicles per day. It is generally accepted that summer months will have increased traffic flows across the ford, but no traffic flow data is available to show this comparison.
5. The ford consists of a reinforced concrete slab bed 4 metres wide and some 50 metres long including approach aprons. It is one of only a few fords within the country which traverses a main river and is known to be a popular attraction to both locals and tourists during the summer months. To some extent, Stanhope Ford was utilised

by the local residents as a 'shortcut' between the A689 and B6278, saving the need to travel approximately three quarters of a mile if they were to follow the designated B6278 route. (Appendix 2)

6. Over the past ten years, this being the extent of the information available, there has been 23 reported incidents at the Ford. Motorists have become stranded when attempting to traverse the ford during adverse weather conditions. In some cases, this has necessitated rescues by the Emergency Services.
7. In 2007, following representations from the Emergency Services, the County Council considered the reports provided by them. It was possible to link these incidents with the hydrological (river flow) data supplied by the Environment Agency (Appendix 4). Following a number of management team meetings and public consultation, a report was taken to the Council's Highways Committee in 2007 to confirm a Traffic Regulation Order which would seasonally prohibit the use of the ford by vehicular traffic between the period of 1<sup>st</sup> October to 31<sup>st</sup> March each year. Based upon the historic incident/flow data research, this seasonal road closure period was aimed at significantly reducing the number of incidents that the Emergency Services were called to attend. During the "closed season", lockable barriers are brought into operation on both riverbanks and motorists continue their journey on the B6278 to cross the river bridge upstream of the ford.

### **Recent Incidents**

8. The Ford was closed under the seasonal closure order and re-opened on the 1<sup>st</sup> April 2008, to traffic. At this time, the river was in spate (flood condition following heavy rainfall) and unfortunately, once again, a motorist attempted to traverse the ford that same day, becoming stranded in rising water levels. This resulted in the Emergency Services attending and actioning a rescue of the vehicle's occupants. A number of previous Emergency Services rescues, have necessitated the assistance of an RAF helicopter the most recent of which was reported in the national press with TV coverage.
9. At the time the incident in April 2008 unfolded, the Police used their emergency powers to re-impose a road closure of the Ford, arising from their road safety concerns. The ford has remained closed to vehicular traffic since that incident. During this 38 month period of closure, that has now elapsed, there has been very few complaints from the general public other than representations by Stanhope Parish Council who have continually opposed the closure of the ford.

## **Current Situation**

10. In recent years, there has been a significant build-up of rocks and gravel downstream of the ford which has effectively acted as a natural dam to the rivers flow, causing increased water depth levels across the ford. The increased river depth combined with the velocity of the rivers flow across the ford is considered to be one of the primary reasons why vehicles are becoming stranded in the river. In particular, water enters the air in-take pipes on vehicle engines causing the engine to stall as it fills with water. It is further known that river levels can rise quickly as a result of “cloud breaks” up on the Pennine Hills which are known to create river bores at any time of the year.
11. It has become clear in recent years that the incidents are not confined to certain times of the year. Therefore, the seasonal traffic order does not afford the protection of the public. Following the concerns of the Police arising from the continued incidents at Stanhope Ford, and two recent fatal incidents elsewhere in the Country involving 4x4 vehicles being swept from fords, it has in the circumstances become necessary to implement a temporary road closure order which remains in place to this date.
12. The Police and Fire Services remain seriously concerned about overall public safety due to the behaviour of some motorists who continue to ignore warning signage regarding the ford conditions and proceed to cross the ford in spite conditions. Such behaviour not only puts motorists lives at risk but also the lives of emergency services personnel attempting to rescue stranded motorists and vehicles from the ford.

## **Consultations**

13. The County Council have published a traffic order to revoke the Seasonal order which closes the Ford between 1<sup>st</sup> October and 31<sup>st</sup> March each year and is proposing to implement a permanent ‘Prohibition of Driving’ Traffic Order. The existing lockable barrier either side of the ford would therefore be in its closed position permanently.
14. Arising from the statutory consultation, we have received thirteen responses of support, which have included support from the Police, the Fire Service, the Ambulance Service, the Environment Agency and some residential properties located near the ford access road.
15. Twenty-one objections, which include responses from members of the public, Stanhope Parish Council and Weardale Area Action Partnership were received.

16. In addition, we have received objections from three specialist motoring organisations including the organisers of The Beamish Reliability Rally who together with other motoring organisations have historically utilised the ford as a 'special stage' in their car rally routes.
17. A handwritten petition to 'Save Stanhope Ford' was received containing 82 signatures.
18. We also have non-statutory representations made via a 'Facebook' website created by campaigners that recorded 1,007 members resulting in 350 objections when viewed on 18<sup>th</sup> November 2010, being the end of the statutory objection period.
19. The Local Members, Councillor Shuttleworth and Councillor Savoury were both consulted and offered objections to the proposals believing Stanhope Ford to be essential to Stanhope's heritage and tourism.

### **Conclusion**

20. In the light of the volume of objections to this published traffic order, and the complexity of the evidence and legal issues involved, it is considered to be good practice to hold a non statutory public inquiry. In such circumstances an Inspector with expertise in these matters will be appointed. The inspector will produce a report and recommendation, having considered all the evidence, to the Corporate Director of Neighbourhood Services to implement.

### **Recommendation and Reasons**

21. It is **RECOMMENDED** that the Committee endorse the Director's proposal to appoint an inspector to hold a Public Inquiry to consider the objections received and thereafter provide a report and recommendation for the Corporate Director of Neighbourhood Services to implement.

### **Background Papers**

#### 22. Traffic & Community Engagement – Area 2:

- a. Stanhope Ford correspondence files.
- b. Stanhope Ford consultation files

#### 23. Structures Office

- a. Inspection files
- b. Maintenance files

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**Contact: Steve Keetley, Head of Technical Services 0191 383 3465**

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**Appendix 1: Implications**

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**1. Finance**

There will be a cost involved appointing an inspector to hold the public inquiry and also staffing the public inquiry.

**2. Staffing**

A number of staff from Neighbourhood Services and Corporate & Legal Services will be directly involved for the duration of the public inquiry.

**3. Risk**           None**4. Equality and Diversity**

Equality Impact Assessment completed

**5. Accommodation**   None**6. Crime and Disorder**       None**7. Human Rights**       None**8. Consultation**

Completed in accordance with the Road Traffic Regulation Act 1984

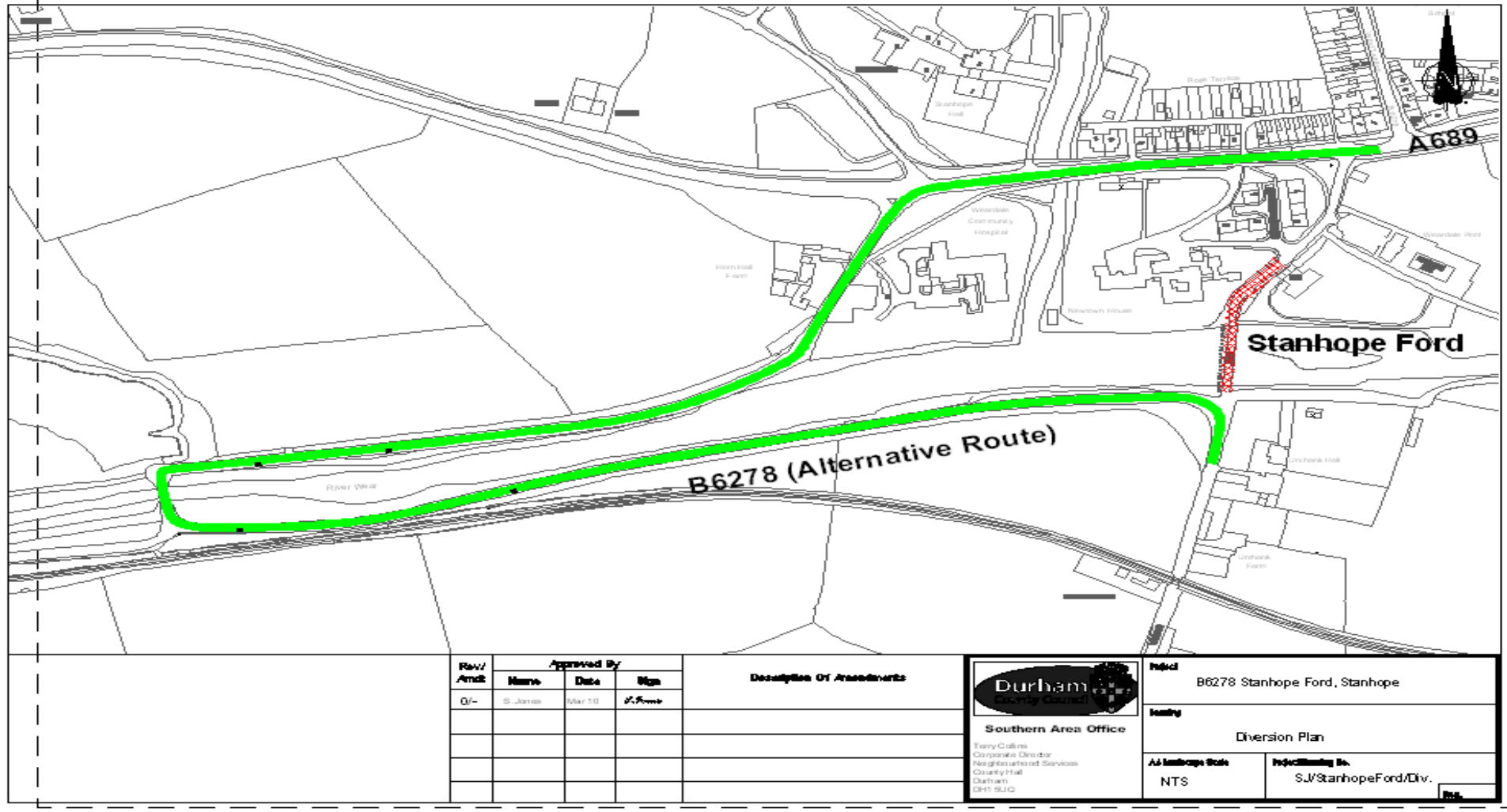
**9. Procurement**       None**10. Disability Discrimination Act**

Equality Impact Assessment completed

**11. Legal Implications**

The non statutory public inquiry is a recognised means of dealing with Traffic Regulation Orders and is considered a democratic means of determining the number of objections and representations received during the public consultation exercise.

**APPENDIX 2 – Location Plan of the Ford**



Rev/ Amend	Approved By			Description Of Amendment
	Name	Date	Sign	
0/-	S. James	Mar 10	<i>S. James</i>	

**Durham**  
Southern Area Office  
Terry Collins  
Corporate Director  
Neighbourhood Services  
County Hall  
Durham  
DH1 1UG

<b>Project</b> B6278 Stanhope Ford, Stanhope
<b>Heading</b> Diversion Plan
<b>As Issued By</b> NTS
<b>Project/Issued By</b> S./StanhopeFord/Div. <i>[Signature]</i>



**APPENDIX 3 –Photographs of the Ford**



## **APPENDIX 4 – INCIDENT LOG & RIVER FLOW DATA ANALYSIS**

Durham Fire & Rescue Service provided the County Council with a list of incidents they had attended covering the period from 1<sup>st</sup> October 2001 to 31<sup>st</sup> December 2006, giving dates and times. The Council was made aware of a further two significant incidents post 2006, which have been recorded in the table below. The Council have been able to match the above incident data against Hydrograph records provided by Northumbrian Water / Environment Agency, who have a gauging station upstream of Stanhope Ford.

For the purpose of the exercise, the Mean Average Annual Flow Rate of the River is recorded as 3.72cubic metres per second at Stanhope Gauging Station.

Maximum Recorded Flow Rate reading 2001 to 2004 = 136 cu. m. per sec.

<b>Incident Date and Time</b>	<b>River Flow Rate (cu.m per sec)</b>	<b>Comments</b>
1 October 2001 : 1524hrs	20.30	
3 October 2001 : 1259hrs	5.61	
26 October 2001 : 0638hrs	4.37	
27 November 2001 :1348hrs	20.18	
29 December 2001 : 1631hrs	2.66	
17 January 2002 : 1739hrs	4.90	
16 March 2002 : 2014hrs	9.15	
24 May 2002 : 1844hrs	11.20	
29 December 2003 : 1511hrs	Vehicle Stuck on Ice	
19 January 2004 : 1228hrs	23.3	Mercedes Van Incident
18 August 2004 : 2050hrs	27.2	Mitsubishi 4x4 Incident
24 October 2004 : 1345hrs	17.12	Audi Car Incident
22 November 2004 : 14.22hrs	6.3	Flooded Engine
21 January 2005 : 1245hrs	5	Stand-by call
30 January 2005 : 1637hrs	No data available	4 people stranded in car
9 April 2005 : 1918hrs	No data available	Stand-by call
4 December 2005 : 1108hrs	4.8	Recovered with Landrover
17 December 2005 : 1302hrs	No data available	
17 February 2006 : 1934hrs	3.7	Recovered with Landrover
22 October 2006 : 1243hrs	11.7	RAF Helicopter Rescue
23 November 2006 : 1321hrs	10.5	Landrover & winch used
30 October 2007 : 0913hrs	>20	Argos Delivery wagon (Before TRO imposed)
01 April 2008 : 1027hrs	>20	Peugeot Car

It is known that increases in water depth on the River Wear can be rapid. For example, on 19<sup>th</sup> March 2004, during a typical period of rainfall, a depth reading at the ford taken at 7.50 a.m. measured 250mm. A further depth reading taken that same day at 1400 hrs measured 600mm.