

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in Committee Room 1B, County Hall, Durham on **Monday 29 July 2013 at 10.30 a.m.**

Present:

Councillor G Bleasdale in the Chair

Members of the Committee:

Councillors D Bell, H Bennett, O Gunn, D Hicks, K Hopper, O Milburn, S Morrison, N Martin, R Ormerod, J Robinson, P Stradling, J Turnbull and R Young.

1 Apologies

Apologies for absence were received from Councillors C Kay, J Allen, B Armstrong, I Geldard, D Hall and R Todd.

2 Substitute Members

Councillor N Martin was substituting for Councillor M Wilkes.

3 Declarations of Interest

4 Appropriation of Belle Vue site, Consett to facilitate redevelopment as an education Academy and leisure centre

The Committee considered a report of the Head of Spatial Policy, Planning, Assets and Environment to consider the appropriation of an area of land at Belle Vue, Consett, to facilitate the redevelopment of the site as an education academy and leisure centre (for copy see file of Minutes).

The BSF Project Director provided the Committee with a brief presentation showing the location and boundary of the site, the existing open space area to be redeveloped, the public office area to be redeveloped and the open space which was to remain.

On 19 March 2013 outline planning consent was granted for the proposed demolition of the leisure centre, Council offices, football and rugby club facilities and for the construction of new leisure facilities and a new education academy. On 13 March 2013 reserved matters were approved including details as to the layout, external appearance and landscaping of the site.

The redevelopment would result in some reconfiguration and loss of available open space, however that in so far as practicable had been minimised, retaining much of the existing open character of the site.

The Planning and Development Solicitor confirmed that the majority of the site was acquired by Consett Urban District Council in 1936 and three smaller parcels were acquired at a later date. The Council was the owner of the Site as the statutory successor.

The land included in the statutory conveyance in 1936 was acquired and held for the purposes of public walks or pleasure grounds under section 164 of the Public Health Act 1875. In 1949 part of that land was appropriated for public offices.

The Council had sought to integrate open space as part of the redevelopment and the benefits of the replacement multi-functional leisure facility and the provision of a new academy, would contribute to the economic, social and environmental wellbeing of the area and outweigh the loss of part of the open space.

Appropriation was an executive function under the Local Government Act 2000. However, the Highways Committee is to make a recommendation in respect of the proposed appropriation to officers who would then make the final decision.

The objections received during the statutory notice period were detailed in the report and addendum and summarised by the Planning and Development Solicitor.

Councillor Temple addressed the Committee as a local member and spoke for both himself and Councillor Watson who was unable to attend the meeting. Both Councillors were opposed to the appropriation of the land for any other purpose. Councillor Temple commented that everyone in Consett wanted an Academy and the benefits associated with the development, but not at the chosen site. The legal issue the Committee were dealing with was whether or not the area of land in question was surplus to requirements or whether the area of land described as Consett's Town Moor, should cease to exist, be fenced in, and result in the existing greenery, being inaccessible. They felt that no case had been made as to why the land was no longer required by the public for its use as public walks and pleasure grounds, or alternatives provided to the users whose existence had been proven and accepted at both a public inquiry and in the Courts. In summary, it was the view of both local Councillors that the land was not surplus to requirements and urged the Committee not to appropriate the land.

The Planning and Development Solicitor responded that the current facilities were not fit for purpose. A refurbishment would be insufficient – the playing fields were at the end of their life span and the facilities needed the benefit of vast improvement which could only be facilitated by redevelopment.

Councillor Stradling commented that there had been much debate and discussion about the Academy and the chosen site. The development would see the replacement of existing facilities to a high standard and the land would be accessible by the public would be much more satisfactory.

Councillor Martin sought reassurance that the land was not held in trust for enjoyment by the public with a formal agreement, of which the Planning and Development Solicitor confirmed that she was not aware that any such agreement was in place.

Councillor Robinson was of the opinion that the gains for Consett would far outweigh any negative aspects of the development and he felt there was a vast amount of space retained for the public to access at all times.

Councillor Bennett explained his surprise about the objections of the proposed facilities given that the existing area had deteriorated over time, leaving it in a state of disrepair and the scheme offered was superior in comparison.

Resolved

That the Committee recommend the appropriation of land proceed as outlined in the report and appendices.