



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION No:</b>	7/2011/0054/DM
<b>FULL APPLICATION DESCRIPTION:</b>	APPLICATION TO RENEW PLANNING PERMISSION 7/2007/0703/DM FOR THE CONSTRUCTION OF ACCESS AND REMEDIATION WORKS
<b>NAME OF APPLICANT:</b>	WOODFORD LAND
<b>ADDRESS:</b>	THE FORMER GREYHOUND STADIUM, MERRINGTON LANE, SPENNYMOOR
<b>ELECTORAL DIVISION:</b>	Spennymoor
<b>CASE OFFICER:</b>	Steve Teasdale Planning Officer 01388 816166 x7758 <a href="mailto:steve.teasdale@durham.gov.uk">steve.teasdale@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSALS

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1. The site lies between Merrington Lane and the A689 Spennymoor bypass. The former Greyhound Stadium was demolished several years ago after it became unused and dilapidated. The site benefits from a separate planning consent for residential development comprising 100 dwellings. The 2.35 hectare site is presently fenced, but has a generally untidy appearance due to remnants from its former use, such as concrete hard standings and rubble. A public right of way runs through the site, linking this area with the town centre via a pedestrian underpass.
  2. The proposal, for which this renewal of consent is sought, comprises the remediation of the site by removal of contaminants arising from earlier industrial uses and importation of clean soils to restore the existing site levels. An improved vehicular access to adoptable standard would then be constructed at the entrance to the site off Front Street.
  3. The current application does not propose any changes to the originally approved development.
  4. The application is presented to South & West Area Planning Committee because it concerns extending the time period for commencement of a major development.
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## PLANNING HISTORY

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- 7/2007/0704/DM Erection of 100 dwellings (Outline) – APPROVED
  - 7/2007/0703/DM Construction of access and remediation works - APPROVED
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## PLANNING POLICY

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### NATIONAL POLICY:

- **Planning Policy Statement 1:** Delivering Sustainable Development sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 23:** Planning and Pollution Control expresses policy considerations relating to making planning decisions on land affected by contamination.

### REGIONAL POLICY:

None applicable to this proposal.

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### LOCAL PLAN POLICY:

- **Policy D3** aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.

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*The above represents a summary of those policies considered most relevant in the Development Plan; the full text, criteria, and justifications of each may be accessed at [www.durham.gov.uk](http://www.durham.gov.uk)*

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## CONSULTATION AND PUBLICITY RESPONSES

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### STATUTORY RESPONSES:

Spennymoor Town Council – no objections

### INTERNAL CONSULTEE RESPONSES:

DCC Policy Section – The applicable policies have not changed since the original planning permission was granted, therefore there are no objections to the current proposal.

DCC Highways Development Control Section – There is no change to the previously approved highway details, therefore there are no objections to the proposal.

DCC Ecology Section – No objections to the proposal, subject to details of translocated grassland being submitted and approved before development commences.

DCC Environmental Health Section – No objections to the proposal. Comments made about attenuation of environmental pollution during development.

**PUBLIC RESPONSES:**

Local Residents – no response.

**APPLICANT'S STATEMENT:**

The applicants have commercial reasons for not progressing the development at this stage, but the scheme will progress when economic conditions are more favourable. We ask for an extension of the application for a minimum of three years.

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*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at [www.durham.gov.uk](http://www.durham.gov.uk) Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is contained below*

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**PLANNING CONSIDERATIONS AND ASSESSMENT**

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5. This is an application to extend the life of a planning permission, a facility made permissible from the 1 October 2009 via the Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009 (SI 2009 No. 2261). The proposal is a straightforward extension of time to planning permission 7/2007/0703/DM that expired on 31<sup>st</sup> March 2011.

6. The application draws on the change to the legislation that allows applicants to apply to their LPA for a new planning permission to replace an existing permission which is in danger of lapsing, in order to obtain a longer period in which to begin the development. The change in legislation has been introduced as a temporary measure in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic conditions improve. Only one such extension of time can be sought.

7. The Guidance on Greater Flexibility for Planning Permissions November 2009, explains that the procedure is for extension of time for the same development without changes. There can be no negotiation on alterations to the design, for example.

8. It is essential however to ensure that the development would still comply with any significant policy changes since the original consent was granted.

**Policy changes**

10. No regional policy was applicable to consideration of the original proposal, and it is therefore not applicable to this variation of the time limit for commencement.

**Policy D3 of the Sedgefield Borough Local Plan (saved policies)**

11. Policy D3 is applicable to the access element of the proposal. The policy requires developments to make satisfactory and safe provision for pedestrians, cyclists, public transport, cars and other vehicles. The access has been engineered to standards that satisfy the Council's highway engineers, incorporating adequate junction radii, carriageway

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width and pedestrian footpaths. Whilst it is not envisaged that public transport would enter the site, any future residential development would be accessible to pedestrians, cyclists and car drivers by virtue of the access design.

12. Other material considerations comprise national policy guidance, primarily contained in PPS23 against which the original proposal was considered. Extending the life of the planning permission would continue to accord with the principles contained in PPS23 subject to imposing similar conditions and informatives as set out more fully in the original report.

### **Other matters**

#### **Conditions**

15. Conditions attached to the original consent are generally repeated for the purposes of any extended consent granted by the Council. Where appropriate, amendments can be made to those conditions where something has changed. In this instance, an ecological risk assessment is included with the current application, and its reference has been added to condition 3 of the recommendation.

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## **CONCLUSION**

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16. This is an application to extend the time limit of planning permission 7/2007/0703/DM which is unimplemented and expired on 31<sup>st</sup> March 2011. The case for this development remains the same as in 2007.

17. The proposal meets the requirements of the development plan and national planning policy expressed in PPS23.

18. The scheme is acceptable and if implemented would pave the way for housing development at a later date.

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## **RECOMMENDATION**

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### **That the application be APPROVED subject to the following conditions:**

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
2. No development shall commence until details of the existing and proposed site levels have been submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved plans.
3. No development shall take place unless entirely in accordance with the conclusions of the *Penn Associates Report: Former Greyhound Stadium, Spennymoor Phase 1 Habitat Survey and Protected Species Risk Assessment March 2011*, and the mitigation detailed within the *Penn Associates Report: Former Greyhound Stadium, Spennymoor, Ecological Mitigation Feb 2008*. Prior to the commencement of development, the following reports shall be submitted to and approved in writing by the Local Planning Authority:
  - Biodiversity Aims and Objectives
  - Description of features to be retained, created and managed

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- Ecological trends and constraints that may influence design and management
  - Appropriate design and management for achieving aims and objectives
  - Prescription for the protection of retained features during construction
  - Prescription for management actions for all retained and created habitats
  - Work schedule
  - Details of personnel responsible for implementing the plan which shall include the appointment of a Project Ecologist for the duration of the construction period
  - Survey and monitoring standards
  - Remedial/contingency measures triggered by monitoring

The plans shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority

4. The development hereby approved shall take place entirely in accordance with the Geoenvironmental Appraisal carried out by Sirius (Report C2563) dated January 2008.
5. The highway construction and improvement works hereby approved shall take place entirely in accordance with, and shall be restricted to the details shown in Drawing No. QD182-01-01 Revision 'A', received on 13th January 2008.
6. Upon completion of the remediation and highway works hereby approved, lockable gates sufficient to prevent vehicular access shall be installed at the entrance to the site from Front Street, in accordance with details to be submitted to and approved beforehand by the Local Planning Authority. The installed gates shall be kept locked at all times that vehicle access is not required by the landowner or his agents.

#### INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal would provide a safe means of access to a future residential development site and would improve the environmental qualities of the area through remediation of contamination.

#### INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including PPS23 (Planning and Pollution Control).

#### POLICY D3 (DESIGN FOR ACCESS)

#### INFORMATIVE

Be a considerate developer. In order to minimise any disturbance to adjoining or nearby properties, it is recommended that:

Site works (including deliveries and temporary site generators) are only to be carried out during the following hours:

- Monday - Friday (08:00 to 18:00 hours)
- Saturday (09:00 to 14:00 hours)
- Sunday and Bank Holiday (Noisy work audible at site boundary should not be permitted).

#### INFORMATIVE

The Environment Agency recommends that the developer should follow the

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requirements of PPS23 (Planning and Pollution Control); and,

- Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
- Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.
- Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.

#### INFORMATIVE

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

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#### REASONS FOR THE DECISION

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1. The proposal is considered acceptable having regard to the following development plan policies:

D3 - Design for Access

2. In the opinion of the Local Planning Authority the proposal represents an acceptable form of development in terms of making safe and satisfactory provision of access to future development land, and in terms of environmental improvement by way of removal of contaminants.

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#### BACKGROUND PAPERS

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- Submitted Application Forms and Plans.
- Sedgefield Borough Local Plan 1996
- Planning Policy Statements / Guidance, PPS23
- Responses from Highways Authority, Ecologist, Environmental Health, Policy Section



