

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	PL/5/2013/0145
FULL APPLICATION DESCRIPTION	ERECTION OF A RETAIL BUILDING (A1 USE CLASS)
NAME OF APPLICANT SITE ADDRESS	PEVERIL SECURITIES & DALTON PARK LTD DALTON PARK MURTON SR7 9HU
ELECTORAL DIVISION CASE OFFICER	Barry Gavillet 03000261958 dmcentraleast@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSAL

Site:

1. The application site is located east of Murton, approximately 3 miles south west of Seaham and 5 miles north of Peterlee. The total Dalton Park site area extends to 10.3 ha (25.4 acres) of previously developed land. The site forms part of a wider development occupied by an Outlet Shopping Park, restaurants and associated car parking, which comprises 15,164 sq m of retail floorspace with over 80 outlets ranging from 67 sq m to 1020 sq m. Outline planning permission has recently been granted for a foodstore, hotel, cinema, food and drink units and a petrol filling station. This application site sits within the footprint of the previously consented foodstore.
2. The site, along with the rest of Dalton Park, is presently accessed from the B1285 Church Street. Pedestrian and cycle routes permeate the site providing links to Murton and other areas beyond. The surrounding area is a mix of residential development, retail and open space. To the south of the shopping outlet and car park is a community parkland (part of the original scheme); allotments are located to the south west, beyond which are residential properties, and to the north is a new residential development ranging from two to four storeys built after the existing retail outlet. The A19 lies to the east at a lower elevation to the site. The site is barely visible from the southbound carriageway and not visible at all from the north bound carriageway.
3. The site was formerly a colliery waste tip known as Dalton Flatts, a brownfield site that was remediated as part of the redevelopment of the site for Phase 1. The site does not fall into a designated Conservation Area, it is not close to any listed buildings nor any environmental designations.

Proposal:

4. This application seeks full planning consent for 1589sqm of non-food retail unit. This proposal requires no change to the physical form of the outline approval for phase 2 but merely the substitution of use from food to non-food retail.
5. The outline approval provides for a foodstore of 8,454sqm, this proposal seeks permission for 1589sqm of non food retail in the same building. The non-food retail building is proposed on an area of the site benefitting from planning permission for a foodstore as part of the outline planning permission. The proposals are entirely within the approved scale of retail development and will result in no net increase in floorspace.
6. The applicant considers this proposal integral to the second phase of development at Dalton Park (with the remainder of Phase 2 being brought forward via forthcoming Reserved Matters Applications).
7. The proposed development will use the infrastructure proposed as part of the Phase II outline permission, namely the parking, servicing, highways access and utilities which will come forward through forthcoming Reserved Matters applications pursuant to the aforementioned outline planning permission.
8. This application is being reported to committee as it represents a major development.

PLANNING HISTORY

9. Since the opening of the shopping outlet at Dalton Park there have been numerous minor planning applications for the change of use from A3 (Food and Drink) units to A1 units (factory outlet retail), advertisement consents and other minor alterations. However, the most relevant planning history relates to the development of the factory outlet site itself.
10. The site is a former colliery spoil heap located on the edge of Murton, which was subject to a coal recovery and remediation exercise in the mid 1990's. On 23rd November 1998 planning permission was granted by the District of Easington Development Services Committee for a mixed use development comprising of factory outlet shopping, a multiplex cinema, ten-pin bowling, a hotel, petrol station and car showroom, a pub and restaurants. As a major departure to the development plan, the application was referred to Government Office North East who decided to call the application in for a public local inquiry. This inquiry took place between the 18th and 23rd May 1999, the Inspector's decision was to refuse planning permission on the basis that there would be adverse impacts on town centres and there were sequentially preferable sites available.
11. However, the Secretary of State did not agree with the Inspector's conclusions and recommendation and decided to grant outline planning permission. In deciding this application, the Secretary of State considered that, on that particular occasion, the primary considerations were the exceptional economic and social characteristics of East Durham, and there was a consistency with the proposal with the then government's commitment to the regeneration of the coalfields. The Secretary of State's view was that this constituted very special circumstances, which justified the grant of permission in that case.

12. The factory outlet shopping element of the scheme which was initially meant to financially anchor the leisure developments was commenced and has been on site for some ten years; however the leisure developments of the approval were never commenced.
13. Since then, the applicant has successfully argued that a further food store was needed to anchor some of the leisure developments which were previously proposed. Hence an outline planning permission for a food store, hotel, cinema, food and drink units and a petrol filling station has recently been approved.

PLANNING POLICY

NATIONAL POLICY:

14. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
15. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve ‘core planning principles’

The following elements are considered relevant to this proposal:

16. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
17. *Part 2 – Ensuring the vitality of town centres.* Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.
18. *Part 4 – Promoting sustainable transport.* Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
19. *Part 7 – Requiring good design.* The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
20. *Part 10 – Meeting the challenge of climate change, flooding and coastal change.* Planning plays a key role in helping shape places to secure radical reductions in

greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>

LOCAL PLAN POLICY:

District of Easington Local Plan

21. *Policy 1 – General principles of development.* Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
22. *Policy 35 – Design and layout of development.* The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
23. *Policy 36 – Design for access and the means of travel.* The design and layout of development should ensure good access and encourage alternative means of travel to the private car.
24. *Policy 37 – Design for parking.* The design and layout of development should seek to minimise the level of parking provision (other than for cyclists and disabled people).
25. *Policy 101 – Protection and promotion of town centres.* Peterlee and Seaham town centres will be protected and promoted as the main retailing centres. Permission will be granted for further town centre uses and the improvement of the town centre through redevelopment and environmental and transport infrastructure improvements.
26. *Policy 104 – Major out-of-centre retail development.* Major new retail development should be located within the defined town centres of Peterlee and Seaham followed by edges of those centres, locations at local centres within those towns, sites elsewhere within those built up areas and finally local centres of larger villages. Detailed justification will be required for development outside the town centres of Peterlee and Seaham.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=7534>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

27. The Highways Agency has no objections to the development subject to conditions attached to the approval of the outline consent being adhered to.

INTERNAL CONSULTEE RESPONSES:

28. The Council's Highways Officer has no objections to the proposals and states that the non-food store would result in fewer traffic movements than a food store, this is welcomed as the car parking provision would be the same as previously approved.
29. Planning Policy Officers have concluded that the principle of the development has already been agreed by the Council through the granting of the outline planning permission. This application is considered an amendment to that scheme and no additional harm would be caused.

PUBLIC RESPONSES:

30. Northumbrian Water have no comments to make on the application.
31. The application has been advertised by way of a site notice, press notice and individual letters to nearby occupiers. No responses have been received.

APPLICANTS STATEMENT:

32. The non-food retail building amounting to 1,582 sqm is proposed on an area of the site benefitting from planning permission for a foodstore (extending to 8,361 sqm GIA 91,000 sq ft gross), as part of the mixed use outline planning permission.
33. The foodstore operator has confirmed that they require a smaller foodstore than that approved in the outline planning permission, consequently leaving a residual area of the consented floorspace for an additional retail building.
34. These proposals are integral to the second phase of development at Dalton Park (with the remainder of Phase 2 being brought forward via forthcoming Reserved Matters Applications). The nature of this proposal (i.e. a non-food building) requires full planning permission on a technical basis only.
35. The proposals are entirely within the approved scale of retail development and will result in no uplift in floorspace. The proposed development will use the infrastructure proposed as part of the Phase II outline permission, namely the parking, servicing, highways access and utilities which will come forward through forthcoming Reserved Matters applications pursuant to the aforementioned outline planning permission. A condition "tying" the two schemes is anticipated.
36. The proposed non-food retail element will create in the order of 14 full time equivalent jobs. Retail employment offers part time and flexible working hours. This type of employment is ideal for those who find it difficult to get on to the employment ladder, i.e. school leavers, long term unemployed, working mothers and elderly citizens. In the order of 500 additional jobs will be provided for the other elements of the second phase of development which includes the cinema, foodstore, hotel and food and drink units.
37. Indirect jobs will also be created, including maintenance and cleaning contracts, employment agencies, training firms and local suppliers. There will also be temporary jobs created during the construction phase of the development.

38. The net total jobs created by the second phase of development will generate a gross value added of approximately £1,285,200.
39. The previous scheme attracted significant local support, with over 2,000 letters in support for new jobs, physical upgrade of the site and leisure facilities.
40. The site is well located and highly accessible. It is within easy walking and cycling distance of a wide residential population and is accessible by a range of modes of transport, including public transport.
41. The proposed scheme satisfies the Main Town Centre Use tests of the NPPF. The sequential test had been satisfied in the previous application, and the proposal will not have a significant adverse impact on any existing committed or planned investment or on the vitality or viability of the town centres within the catchment area.
42. This is a case where the benefits are clear i.e. new jobs, physical upgrade and will increase investment in the area, and claw back trade leaking outside the area. There are no significant adverse consequences of development to suggest that the proposals do not attract the NPPF's policy presumption in favour of sustainable development.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://planning.easington.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=122741>

PLANNING CONSIDERATION AND ASSESSMENT

43. Local planning authorities (LPA's) must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. If the Development Plan contains material policies or proposals and there are no other material considerations, the application should be determined in accordance with the Development Plan. Where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision.
44. In this instance the main relevant considerations are the principle of the development, the scale and design of the development and highways issues. Of particular relevance is the accordance with the saved policies from the District of Easington Local Plan and the Governments recently published National Planning Policy Framework (NPPF).

Principle of the development

45. The outline planning application was subject to the saved local plan policies in the District of Easington Local Plan. These policies identified that major retail proposals would be directed to the main town centres of Peterlee and Seaham. In this instance, the overriding regeneration benefits that the proposed retail and leisure scheme would bring were felt to provide an exceptional circumstance as to not locate the proposed retail and leisure facilities within Seaham and/or Peterlee centres. The original proposal was also subject to national policy, the impact and sequential tests

in the then PPS4. In the approval of the original application these tests were satisfied.

46. For clarity, the application was approved on the basis it would bring about significant regeneration, and complete the redevelopment programme for Dalton Park, it was considered that the development was much needed, that the proposal would protect and increase the vitality of the area and that Dalton Park was a “standalone” scheme, from the other 3 applications for foodstores that were reported that day, as it met the needs of East Durham.
47. The principle of retail development upon this site has been established by the approved outline application and therefore no objection on these grounds is possible. It is necessary to consider the change in the type of retailing, the increase in the levels of non-food floorspace and potential implications this would have and subsequently whether further retail tests are required to be satisfied through the application.
48. Similarly, it would normally be appropriate to consider whether construction on this site would have an impact upon features of environmental value. However, since the permission has been granted in principle no objection is permissible on these grounds. In any case, these matters were considered during the planning process relating to the outline planning approval.
49. Paragraph 23 of the NPPF states that Local Planning Authorities (LPAs) should recognise town centres and pursue policies to support their vitality and viability. Paragraph 24 states that LPAs should apply a sequential test to applications for main town centre uses; only if more suitable sites (town centre, then edge-of-centre) are not available should out-of-centre sites be considered. Draft Policy 26 of the Durham Local Plan Preferred Options establishes a retail hierarchy, and states that retail and other town centre uses within the hierarchy of centres should be consistent in scale with the size and function of the centre. It states that Dalton Park and Tindale (Bishop Auckland) will not be designated within the retail hierarchy; they are recognised as out-of-centre locations and further development will be subject to a sequential test.
50. In this instance the principle of retail development has been accepted within this location. The application is a minor alteration to previously approved retail floorspace. Pre-application discussions agreed that there had been no material change in circumstance since the previous approval and a sequential assessment was therefore not required.
51. Paragraph 26 of the NPPF states that LPAs should require an impact assessment for large developments; if there is no locally set threshold, the default threshold is 2,500 sq m. Since this development is below this threshold this does not apply. An impact test is therefore not required.
52. The application proposes an amendment to the original approved scheme, this is relatively minor in so far as the application will increase the level of non-food retail agreed by 590m². This would fall under the national threshold for an impact test and with no adopted local threshold the application does not require an impact test. A sequential test has not been carried out, the scheme forms part of a wider approved proposal and is a minor modification to an approved scheme. Pre-application discussions agreed that there had been no material change in circumstance since the previous approval and an assessment was therefore not required.

53. In light of the above the principle of the development has already been established and accepted by the Council.

Scale and design

54. The surrounding area is a mix of residential development, retail and open space. Vacant previously developed land lies to the south and east of the site, open greenspace and allotments fall to the west of the site. To the north beyond the existing Dalton Park Factory Outlet centre is Church Street and residential development and open greenspace.
55. The scale and design of the development is identical to the food store as it is an integral part of the same building. It would be constructed of a mix of double glazed units and coloured glass panels, aluminum panels, curtain walling and brickwork. The structure would have a flat roof and a main entrance located on the eastern elevation facing the car parking area. It would measure approximately 71 metres wide by 24 metres deep and would have a height of approximately 8.2 metres. The store would be well screened from longer distance views by areas of landscape bunding created by material displaced from the site. The signage on the store would be subject to a further application for advertisement consent as the store operator is still unknown.
56. Given the surroundings of the proposed development, including the existing factory outlet shopping and the approved food store, cinema, hotel, pub and food outlets, and given that it is constrained by its attachment to the food store. It is considered that the scale and design of the proposed non food retail unit is acceptable and would be in accordance with saved policies 1 and 35 of the District of Easington Local Plan and part 7 of the NPPF.

Highways

56. Highways Officers have been consulted as part of the application process and have raised no objections to the scheme. Moreover, they conclude that a non food retail use would generate less traffic than a food retail use and given that the level of car parking provision would remain the same, this is welcomed.
57. The Highways Agency have also not raised concerns regarding the proposals with regard to the impact on the A19. This is subject to conditions attached to the outline approval being adhered to by this proposal. As such, it is recommended that the conditions attached to the outline consent are also attached to this application should it be approved.

CONCLUSION

58. There has been no material change in circumstances since the grant of outline planning permission in March 2012.
59. The proposal comprises the erection of a non-food retail building with a maximum gross external area of 1,590 sqm on an area of the site benefiting from planning permission for a food store as part of the mixed use Dalton Park Phase II outline

planning permission (LPA Ref: PL/5/2009/0548). The proposals are entirely within the approved scale of development and would result in an increase in floorspace.

60. The scheme would deliver employment and regeneration benefits to the area. Paragraph 14 of the NPPF states that there should be a presumption of sustainable development and this should prevail unless the benefits of the proposal are significantly outweighed by any adverse impacts. As discussed earlier, the Council have already accepted the principle of retail development in this location and therefore the application is recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions;

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: 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. The development hereby approved shall be carried out in strict accordance with the following approved plans. Plan References; Phase 2 - Non food unit, Site Location Plan, AL(D)002. Phase 2 - Full Planning, Elevations: Non food area, AL(D)103. Phase 2 - Full planning, Floor Plan: Non-food area, AS(D)102, Phase 2 - Full Planning, Roof Plan: Non food building, AL(D)104.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35, 36, 37, 101 and 104 of the District of Easington Local Plan and parts 1, 2, 4, 7 and 10 of the NPPF.

3. The net sales floor area of the non-food retail building hereby approved shall not exceed 1600 square metres.

Reason: In order to safeguard the vitality and viability of nearby town and local centres in accordance with saved District of Easington Local Plan Policies 101 and 104 and part 2 of the NPPF.

4. The development hereby approved shall not be brought into use until the development of the access has been carried out in accordance with condition 4 attached to planning permission PL/5/2009/0548 (or any subsequent variations of that permission).

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

5. The non-food retail unit hereby approved shall be operated in accordance with the Travel Plan as detailed in planning condition 4 attached to planning permission PL/5/2009/0548 (or any subsequent variations of that permission).

Reason: To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

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

Reason: In the interests of the amenity of nearby residents and the appearance of the area in accordance with saved policies 1 and 35 of the District of Easington Local Plan.

7. No development shall begin until detailed designs of the highway improvements to the B1285/Moor View junction, as required to facilitate the development, have been submitted to and approved in writing by the Local Planning Authority. These highway improvements shall be carried out in accordance with the approved details prior to any of the development hereby approved being brought into use.

Reason: In the interests of highway safety and to comply with Policy 36 of the District of Easington Local Plan and of part 4 of the NPPF.

8. The development shall not be brought into use until an independent Stage 1 Road Safety Audit (S1 RSA), including associated Designer's Response, for the A19/A182 /East Durham Link Road / B1285 junction improvements shown in principle on JMP drawing D081004/01 Revision A, dated March 2008, has been prepared, submitted to and approved in writing by the Local Planning Authority. The S1 RSA shall be carried out in accordance with current Design Manual for Roads and Bridges (DMRB) Standards and Advice Notes.

Reason - To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

9. Development shall not commence until the full design and construction details of the required improvements to the A19/A182 /East Durham Link Road / B1285 junctions as shown in principle on JMP drawing D081004/01 Revision A, dated March 2008, have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include:

- How the scheme interfaces with the existing highway alignment, details of the carriageway markings and lane destinations;
- Full signing and lighting details;
- Confirmation of full compliance with current DMRB Standards (or approved relaxations / departures from standards);
- An independent Stage 2 Road Safety Audit (Stage 2 to take account of any Stage 1 Road Safety Audit recommendations) carried out in accordance with current DMRB Standards and Advice Notes;

The development shall not be brought into use until the agreed highway improvements are completed and opened to traffic.

Reason: To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

10. The development hereby approved shall not be commenced until such time as a scheme for the highway improvement works at the A19 Northbound On Slip/B1285 junction, as shown in principle on Jacobs Babbie drawing 10780/P/T/02 Revision A is submitted to and approved in writing by the Local Planning Authority. Construction of the agreed highway improvement works at the A19 Northbound On Slip/B1285 junction must be completed prior to the development hereby approved being brought into use.

Reason - To ensure that the A19 trunk road continues to serve its purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980, part 4 of the NPPF and saved policy 36 of the District of Easington Local Plan by minimising disruption on the trunk road network resulting from traffic entering and emerging from the application site and in the interests of road safety.

11. Notwithstanding the information submitted with the application, no delivery or service vehicles shall use the new approved access off Moor View Road outside the hours of 07.00 hours to 23.00 hours on any day of the week.

Reason: In the interests of residential amenity and to comply with saved policies 1 and 35 of the District of Easington Local Plan.

12. No development shall take place until a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of energy from renewable or low carbon sources provided on-site, to a minimum level of at least 10% of the total energy demand from the development, or an equivalent scheme that minimises carbon emissions to an equal level through energy efficient measures. Thereafter the development shall be carried out in complete accordance with the approved scheme and retained so in perpetuity.

Reason: In the interests of sustainable construction and energy generation in accordance with the aims of part 10 of the NPPF.

13. No construction and/or demolition works shall take place outside of the following time periods: Monday to Friday 0800hrs to 1830hrs, Saturday 0830hrs to 1300hrs, with no site activities on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers, and to comply with policies 1 and 35 of the District of Easington Local Plan.

14. Prior to commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with

contamination of the site shall each be submitted to and approved in writing by the local planning authority:

1) A site investigation scheme, based on the previously agreed Phase 1 Geo Environmental Assessment CBRE 2008 and Phase II Environmental Investigation CBRE 2008 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2) Based upon the site investigation scheme a detailed risk assessment referred to in (1) and, based on this assessment, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. Murton Colliery, coke works and colliery waste tip. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone Aquifer, a principal aquifer and is located within Zone II of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment. In accordance with part 11 of the NPPF.

15. No development shall begin until a verification report demonstrating completion of the measures set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, and for the reporting of this to the local planning authority. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: The information provided with the planning application indicates that the site has been subject to a potentially contaminative land-use i.e. Murton Colliery, coke works and colliery waste tip. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone Aquifer, a principal aquifer and is located within Zone II of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment. In accordance with part 11 of the NPPF.

16. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and

obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The amended strategy shall be implemented as approved.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters, in accordance with part 11 of the NPPF.

17. The development hereby approved shall not be brought into use until the car parking and service yard associated with the foodstore consented by planning permission PL/5/2009/0548 (or any subsequent variations), have been constructed and made available for use.

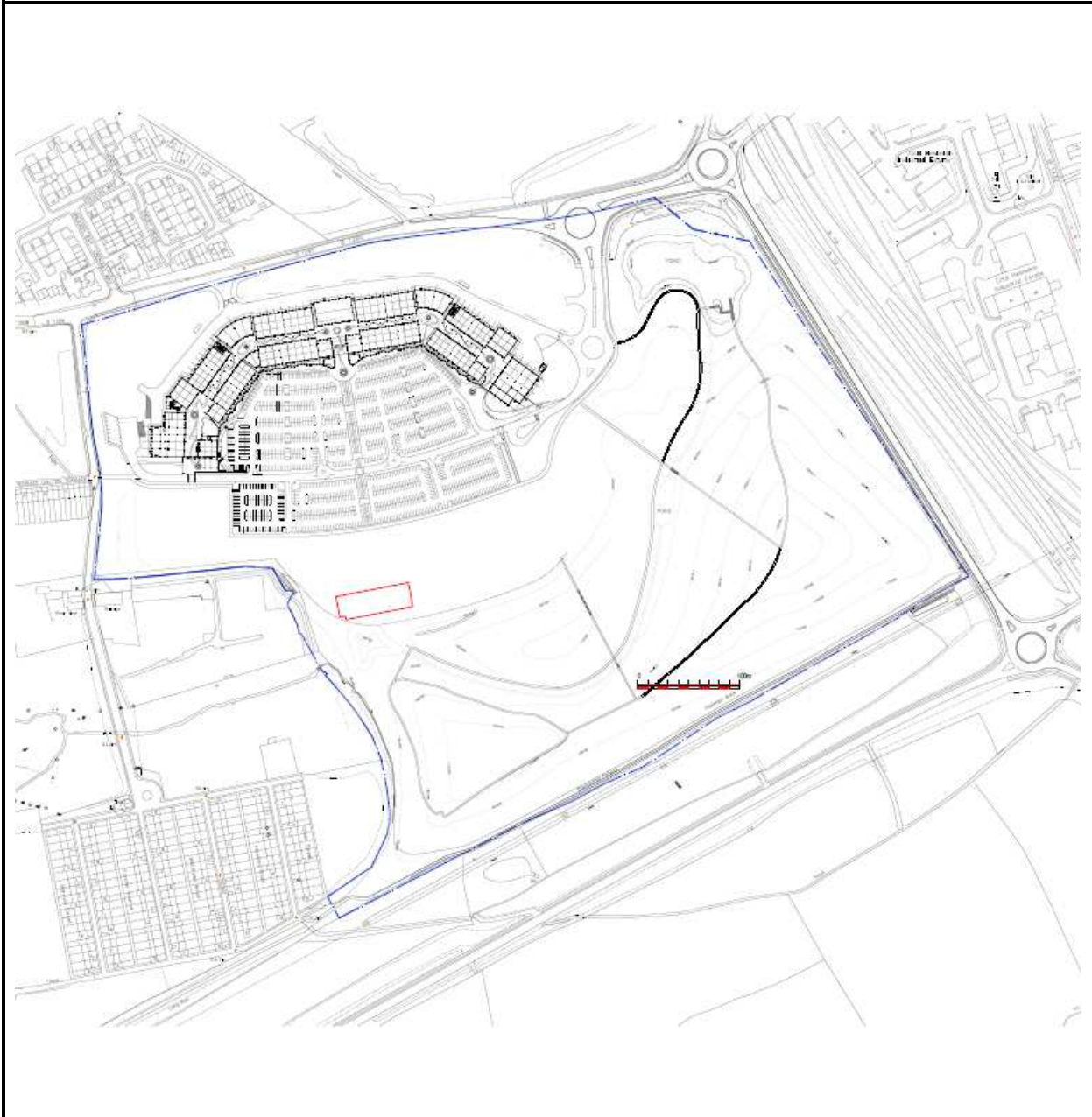
Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policies 1, 35 and 36 of the District of Easington Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. The decision has been made within the target provided to the applicant on submission and in compliance with the requirement in the National Planning Policy Framework to promote the delivery of sustainable development.

BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- District of Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



Planning Services

Proposed ERECTION OF A RETAIL BUILDING (A1 USE CLASS) at DALTON PARK, MURTON, SR7 9HU, PL/5/2013/0145

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Comments

Date July 2013

Scale