

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION NO:</b>	DM/16/01356/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Proposed retail store and associated works.
<b>NAME OF APPLICANT:</b>	Aldi Stores Ltd Site Of Peterlee Building Supplies
<b>ADDRESS:</b>	Yoden Way Peterlee SR8 4RD
<b>ELECTORAL DIVISION:</b>	Peterlee East/ Hordon
<b>CASE OFFICER:</b>	Steven Pilkington. Senior Planning officer, 03000 263964 <a href="mailto:steven.pilkington@durham.gov.uk">steven.pilkington@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application site measures 0.85ha in area and is located around 1km east of Peterlee town centre. The part brownfield site consists of a concrete hardstanding, formally occupied by Peterlee Building Supplies and an area of undeveloped land with a mixture of scrub and mature vegetation. Site access is currently provided by two access points off Yoden Way, while there is ready public access across the site. Parts of the site have experienced anti-social behaviour with the dumping of waste materials, littering and un-authorized access to residential properties directly to the north of the site. There is a level change across the site where the most northern point is approximately 2m lower than the most southern point; the site also falls away by approximately 2.3m from the Yoden Way in the most southern corner.
2. The site is bounded to the south east by the adopted highway B1320 Yoden. To the north west residential dwellings situated on Edendale Terrace are present along with commercial properties and Hordon Spiritualist Church to the north. To the west the residential terrace of Edenvale Estate is located separated by a mature landscaped area which also extends to the south west.
3. No statutory or locally designated landscape or ecological sites are located within or immediately adjacent to the application site. However, Castle Eden Nature Reserve lies approximately 53m to the south of the site. No recorded public rights of way are contained within the application site, however Footpath No. 1 (Horden) is located directly adjacent to the northern boundary of the site. There are no heritage asset that would be directly affected by the proposal.

## Proposal

4. Planning permission is sought for the erection of retail store that would provide 1,741sqm of floor space. The building would measure a maximum of 68m in length by 34m in width and the flat roof would have a maximum height of 7.8m. The building would be rendered white with a glazed entrance feature on the corner of the eastern and northern elevation. High level windows would be located on the east elevation, along with a projecting canopy feature which would also wrap around to the northern elevation.
5. The proposed development would create a new access to the north of the existing vehicular access, which would allow two way vehicular flow and accessibility for HGV's and to serve 103 car parking spaces. A vehicle loading and servicing area would be provided to the south west. Landscape planting is proposed around the perimeter of the site along with a security fence to the existing woodland and amenity area. In order to accommodate the level change on the site and provide a serviceable car park, the most north eastern park of the car park would be elevated at a maximum of 1.9m on relation to surrounding land.
6. This application is being reported to the Central and East Planning Committee as it is classed as a major development due to the floor area proposed and is under 10,000sqm and less than 2ha.

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## **PLANNING HISTORY**

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7. In 2015 planning permission was granted for a 56 bed care home on the previously developed part of the site, this planning permission has yet to be implemented (DM/14/03833/FPA).

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

8. 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. 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'.
9. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below. The following elements of the NPPF are considered relevant to this proposal;

10. *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 a low carbon future.
11. *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.
12. *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.
13. *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.
14. *Part 8 – Promoting Healthy Communities.* The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
15. *Part 10 – Climate Change.* 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.
16. *Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

## **LOCAL PLAN POLICY:**

District of Easington Local Plan

17. *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.
18. *Policy 14 – Special Area of Conservation* – Sets out that developments which are likely to adversely affect a designated special area of conservation will only be approved where there is no alternative solution, there are imperative reasons of over-riding national interest, it is necessary for public safety or the beneficial consequences of nature conservation importance arise.
19. *Policy 18 – Species and Habitat Protection* - Development which adversely affects a protected species or its habitat will only be approved where the reasons for development outweigh the value of the species or its habitat
20. *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.
21. *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.
22. *Policy 37 – Design for Parking* - The design and layout of parking should seek to minimise the level of parking provision.
23. *Policy 38 – Designing out Crime* - The design and layout of development will be required to have due regard to personal safety and the security of property, particularly in the hours of darkness
24. *Policy 101 – Main Town Centres* – Sets out that Peterlee and Seaham are the main retailing Centres in the district and will be protected and promoted.
25. *Policy 102 – Local Shopping Centres* – Sets out that outside of the defined centres of Peterlee and Seaham new retail development will be approved within or on the edge of local or neighbourhood Shopping Centres subject to assessing the developments impact.
26. *Policy 104 – Town Centres* – Sets out that where there is an identified need for new major retail development proposals these should be located within the defined town centres of Seaham and Peterlee. If it can be demonstrated that suitable sites are unlikely to be made available within a reasonable period, then proposals may be located on the edges of those centres, followed by locations at local shopping centres within those towns and finally by sites elsewhere within those built up areas. This is provided that the proposal would not cumulatively undermine the vitality and viability of the main town, the proposal makes provision for access, the proposal is likely to facilitate multipurpose trips and would not have serious impact on the amenity of surrounding land users.
27. *Policy HO11 – Horden Shopping* – Sets out that the local shopping centre for Horden will consist of: i) both sides of Blackhills Road and the east side of Fifth Street, between

Thorpe Street and Dene Street, and ii) the north side of Cotsford Lane East of the Co-operative building, and both sides of the Coast Road between Hawthorn Crescent and Sunderland Road.

*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/article/3269/Easington-Local-Plan>*

## **RELEVANT EMERGING POLICY:**

28. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

29. *Highways Authority* – Offers no objection advising that the submitted Transport Assessment is considered sound while agreeing with the conclusion that the majority of trips to the store would not be new to the network but will be existing shopping trips pass by, diverted or transferred. The proposal to introduce a protected right turn into the site supported with ‘Keep Clear’ road markings is welcomed. A facility for pedestrians to cross Yoden Way close to the public transport infrastructure to the front of the development is considered necessary in the form of a pedestrian refuge crossing point. Subject to the implementation of this crossing the Highways Authority advises that the development can be served by an appropriate means of access and the development would have an acceptable impact on the wider highway network. Conditions in relation to the implementation of the travel plan, bike parking and electric vehicle (EV) charging points are recommended.
30. *Drainage and Coastal Protection* – Offer no objection to the proposed methods of surface water attenuation set out in the Flood Risk Assessment.

### **INTERNAL CONSULTEE RESPONSES:**

31. *Spatial Policy* – Offer no objections advising that the requirements of the sequential assessment have been met by the applicant. The site is an edge of centre site and whilst other in centre and edge of centre sites exist there are logical reasons as to why they can be discounted. Whilst not strictly required, the applicants have also provided an impact assessment of the proposed store. This concludes that the proposal would not have a significant adverse impact on the vitality and viability of nearby centres and also on any investment. The conclusions of this assessment are again accepted. It is also worth noting the significant regeneration benefits that this proposal can bring in terms of investment and job creation.
32. *Ecology* – Raise no objections, subject to securing an appropriate mechanism to deliver the proposed off site habitat enhancement, to mitigate the biodiversity loss of Durham Biodiversity Action Plan (DBAP) species.

33. *Environment, Health & Consumer Protection (Air Quality)* – Raise no objections, advising that the application has considered potential air quality impacts, which are found to be satisfactory and no further consideration is required on this matter. It is however, recommended that a condition requiring the implementation of a travel plan is attached to any approval.
34. *Environment, Health & Consumer Protection (Land Contamination)* – Advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.
35. *Environment, Health & Consumer Protection (Noise Action Team)* – Raise no objections advising the submitted noise impact assessment is considered sound. While noise generated from the movement of cars would be within acceptable levels there would inherently be some disturbance due to the proposed late opening times. Concerns are raised regarding the proposed 24 hour delivery model given the low back ground noise levels of the site which may lead to sleep disturbance. A condition limiting the delivery hours is recommended. In relation to light pollution a lighting assessment has been produced, however further clarification is sought in relation to the calculation of light spill, it is recommended to address this matter by condition. Further conditions in relation to the specification of plant to be installed, the implementation of a proposed acoustic fence and to control construction related impact are recommended.
36. *Landscape* – Advise that the existing landscape features should be incorporated into the site layout, including the hedgerow onto Yoden Way. It is also advised that a greater separation distance should be provided between the proposed parking and the adjacent highway. Overall it is advised that the proposal would have some adverse landscape and visual effects that would need to be weighed up against relevant planning policies.
37. *Landscape (Arboriculture)* – Offer no objections, advising that a number of mature trees will need to be removed to facilitate the development. While these trees do offer some aesthetic benefit, they are supplemented by other trees behind them which would remain unaffected by the development and as such, their removal will not be significantly detrimental to the area. However protection measures should be put in place.
38. *Design and Conservation*– Raise no objections, given the lack of sensitivity in relation to heritage issues.
39. *Travel Planning*– Offer comments on the submitted travel plan, advising these should be addressed through a conditional approach.
40. *Access and Rights of Way* – Advise that there are no recorded rights of way across or adjoining the application site, however there is an unregistered path crossing the site. The provision of a pedestrian link from the east of the site is welcomed.
41. *Climate Change and Sustainability* – Offer no objection support the measures to reduce emissions demonstrated by the applicant.

**NO STATUTORY EXTERNAL CONSULTEE RESPONSES:**

42. *Northumbrian Water* – Request a conditional approach to deal with waste and surface water, restricting run off to appropriate discharge rates.

**PUBLIC RESPONSES:**

43. The application has been advertised by means of individual notification letters, site notice and press notice. 3 letters of objection have been submitted and 113 letters of support (the majority of which were completed at a recent pre application consultation event) as summarised below.

Objection

- Impact on existing retail businesses within local centres.
- Loss of green space and vegetation extending away from the footprint of the existing building.
- Proximity to existing residential properties.
- Loss of amenity generated by loss of privacy, noise and light pollution.
- Impact of the development on existing health conditions.
- Loss of security of existing residential properties.
- Impact on ecological interests of the site.
- Traffic impact and resultant impact on highway safety.
- The Council should not sell off its land.
- Impact on price of properties.
- There are more appropriate locations for the store.

Support

- The regeneration and economic benefits of the developments are highlighted.
- Benefits of providing competition and range of goods,
- Proximity to existing residential areas and accessibility.
- Job opportunities in construction and operation phases.

**APPLICANTS STATEMENT:**

44. The proposed store will create up to 30 new jobs for local residents as well as additional employment during the construction phase. The development brings new investment into the area with the redevelopment of a brownfield site which will enhance the overall image of the area. The assessment included with the application has considered the impacts of the proposed development on both the Local Centre of Horden, and Peterlee Town Centre. It is concluded that the development will not result in any significant detrimental impact and, regeneration of the site will in fact bring additional shoppers to the Horden Local Centre.
45. The proposed food store is accessible by a choice of means of transport other than the car and has good accessibility for pedestrians and cyclists. The Transport Assessment demonstrates the development is acceptable in highways terms and no road safety problems have been identified. In response to comments received, the access to the store from Yoden Way has been further improved with the provision of a central island in the road to aid people crossing the road.
46. The design and layout of the proposed development has been carefully considered to ensure it sits comfortably within the surrounding residential context and landscaped area. The applicant has responded to comments received during the application determination to reduce any potential impacts on neighbouring properties, including removal and reorientation of car parking spaces, provision of additional landscaping and fencing to protect amenity.

47. There is strong local support for a new Aldi Neighbourhood Foodstore which has been demonstrated through the public consultation exercise with 95% of respondents either supporting the proposals outright or with some minor comments.
48. In conclusion, the proposed development is a sustainable development, located within the local community close to nearby residential areas, with overwhelming support for the scheme. The construction and operation of the food store will be undertaken in a sustainable manner and deliver jobs and investment in the local community. In line with Aldi's standard store development, the store will create 100% of its heating requirements through reuse of energy otherwise lost from refrigeration. The company also adopts LED lighting throughout the store as standard and provides photovoltaic panels on the roof to minimise electricity requirements.
49. Overall, it has been clearly demonstrated that the proposed new Aldi store is sustainable development and therefore should be granted planning permission, being in accordance with the local policies of the development plan and the NPPF.

*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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=O68O1OGDH6S00>*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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50. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with Paragraph 212 of the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to the principle of development, layout and design, residential amenity, highway safety, ecology, flooding and drainage and other issues.

### Principle of Development

51. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The Easington District Local Plan (EDLP) remains a statutory component of the development plan and the starting point for determining applications as set out at paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.



52. EDLP Policy 101 identifies the role of Peterlee and Seaham town centres as the main retailing centres within the former district of Easington, where the majority of major and retail developments should be located. Outside of these defined centres EDLP Policy 102 sets out that new retail development will be approved within or on the edge of local shopping centres, this is provided that, it is compatible with the scale and character of the centre. EDLP Policy 104 seeks to protect local centres by ensuring retail development is located within established centres as a first matter of course and when no appropriate sites are available out of centre locations can be considered, providing the development would not impact on the vitality or viability of the town or local centre. These Policies are considered broadly consistent with the NPPF which also seeks to protect the role and function of established town centres under Part 2. It is however recognised that the NPPF sets a threshold for the requirement of an impact test, rather than the default position described in Policy 104. It is however considered that substantial weight can be afforded to these Policies in the decision making process. Concerns have been raised by local business in relation to the impact on existing centres and retail units advising that there are more appropriate locations for the store.
53. The application site is located 1km away from Peterlee Town Centre and although there are two Local Centres within Horden, as defined by Policy HO11, the application site is outside of these areas, with the nearest 60m to the north. Paragraph 24 of the NPPF requires local planning authorities to apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. In line with EDLP Policy 104 and as refined by the more up to date guidance in the NPPF of the NPPF a sequential test is required to be undertaken. The applicant has complied with this requirement and the submitted assessment concludes that there are no suitable, viable or available sites within sequentially preferable locations that could accommodate the proposed store. In reviewing the sequential assessment the Council's Spatial Policy Section advise that the scope, methodology and conclusions of this assessment are sound, and there are no other reasonable suitable sites that could reasonably accommodate the proposal. Other considered sites included Castle Dene Shopping Centre, Former East Durham and Houghall Community College, Burnhope Way, Land north of North Blunts Primary School and Former Easington Colliery Junior and Infant School.
54. The NPPF advises that when assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500sqm). Although not required under the NPPF given the application is for 1,741sqm an impact assessment has been submitted which considers the impact on the development on existing centres. The assessment identifies that the retail units that would experience the greatest impact are like for like food stores such as the Aldi and Lidl stores in Peterlee, Asda in Peterlee, and Tesco at Dragonville. However, in each case the assessment concludes that the impact would not be significantly adverse. In reviewing this assessment the Council's Spatial Policy officers again advise that the scope, methodology and conclusions of this assessment are sound. It is also highlighted that through the Council's own Retail and Town Centre Study the existing Peterlee Asda store was found to significantly over trade and the impact of the proposed Aldi would not undermine the viability of this store. The assessment also considers impacts on the neighbouring local centre in Horden and the wider benefits for that town. Again the conclusions that the Aldi store would be complementary to the existing retailers in Horden are considered sound.

55. There is currently an Aldi store operating within Peterlee town centre and the applicant advises that this store would run in addition to the proposed, serving a different catchment. It is also advised that the existing Aldi store is currently operated on a long lease and is unlikely to close as a result of this proposed development. Despite there not being a requirement to undertake an impact assessment, overall, the requirements of the sequential and impact assessment have been met as required by EDLP Policies and Part 2 of the NPPF.
56. The NPPF sets out that there are three dimensions to sustainable development, the economic, social and environmental roles and these roles should not be taken in isolation because they are mutually dependant. In relation to the economic and social roles it is recognised that there are regeneration benefits associated with the proposal. This includes the physical regeneration benefits of development of a vacant site, and also the new provision of food retail facilities in an area where there are currently very limited facilities of this type. It is recognised that Horden has some of the lowest levels of car ownership within the County (40.3% of households without a car). Further to this the job creation benefits should be afforded weight in an area of the County that suffers from high levels of unemployment. The applicant states that the equivalent of 30 full time employment positions would be created once the store is operational. The development would therefore contribute to the economic and social dimensions of sustainable development. However full consideration needs to be given to the potential environmental effects of the development and these are assessed below.

#### Layout and design

57. EDLP Policy 1 sets out that development should achieve a high standard of landscaping which relates well to the natural and built environments, while Policy 35 requires development to reflect the scale and character of the surrounding area. Further to this DELP Policy 104 states that retail developments should not have a serious adverse visual intrusion into the surrounding area. These Policies are considered compliant with the NPPF which also requires that development contributes to and enhance the natural and local environment under Part 11, while Part 7 states that good design is a key aspect of sustainable development and is indivisible from good planning. Significant weight can therefore be afforded to relevant EDLP policies in this respect.
58. In considering the impact of the development in this policy context it is noted that in order to facilitate the proposed store a significant amount of vegetation would need to be removed. This includes a mature hedgerow lining Yoden Way, mature trees bordering the site and scrub vegetation. This vegetation helps gives the site a green feel and is an important part of the character of Yoden Way and the approach into Peterlee. It is however recognised that parts of the site are visually in poor condition with the existing hard standing areas, access gates and the dumping of rubbish which negatively impacts on the surrounding area, particularly in winter months when there is less leaf cover. Concerns have been raised regarding the potential visual impact of the development.
59. Whilst noting the potential redevelopment benefits of the site, the Council's Landscape officers raise concerns regarding the visual impact of the development, particularly in relation to the vegetation loss and the relatively limited low level planting proposed and the resultant prominence of the building. However, this is considered to be a balancing exercise between securing an appropriate frontage and presence for the store, while allowing the filtering of views. An amended plan has been submitted in an attempt to address these concerns. This revises the site layout by increasing the landscape buffers to Yoden Way and introducing additional tree planting along Yoden Way. A reworked 3D model has also been submitted to reflect site levels. Nonetheless, concerns are still raised by the Landscape Section on the level of landscaping proposed and the resultant impact.

60. An Arboricultural Impact Assessment has been submitted highlighting that some mature trees along through western boundary of the site would be lost to accommodate the development. The Council's Arboricultural officers advise that while these trees offer some aesthetic benefit, they are supplemented by other trees behind them which would remain unaffected by the development and as such, their removal would not be significantly detrimental to the area. However, protection measures should be put in place during construction.
61. In relation to the design of the building, the proposal represents a standard Aldi store design, comprising a large rectangular building rendered white, with the mass broken up with glazing and a heavy canopy on the eastern and northern elevations. Although the building would not be reflective of any existing developments in this area, which are typically dominated by two storey terraced properties, it would not be incongruous in its context and is considered to represent good design. No objections are raised by the Council's Design and Conservation officers.
62. Overall, the re-development of the site would address its untidy condition and anti-social behaviour, and while recognising that there would be some negative effects associated with the loss of vegetation and change in character of the site, this is not considered sufficient to warrant refusal of the planning application on its own. In general it is considered that the development would comply with EDLP Policies 1, 35 and 104 of the EDLP and Parts 7 and 11 of the NPPF.

#### Residential Amenity

63. EDLP Policies 1 and 35 requires the design and layout of development to have no serious adverse effect on the amenity of those living or working in the vicinity of the development site. This is replicated in EDLP Policy 104 which sets out that new retail development should have no serious effect on the amenity of people nearby in terms of privacy, noise, pollution and car parking. Policy 37 of the EDLP requires that design and layout of development are be required to have regard to personal safety and the security of property. These Policies are considered NPPF compliant with a core planning principle at Paragraph 17 of the NPPF stating that planning should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Part 8 of the NPPF amongst other guidance advises on the need to create safe and accessible environments where crime and disorder and the fear of such are considered. Part 11 of the NPPF seeks to avoid noise from giving rise to significant new impacts. Objections have been raised in relation to the potential impact of the development on the residential amenity of neighbouring properties.
64. In this respect the proposed retail store would be located a minimum of approximately 39m from the main elevations of the residential properties of Edenvale Estate to the west. This distance is considered sufficient to prevent any significant overbearing impact arising, while views are also filtered by retained vegetation. To the west the store would be located a minimum of approximately 32m from the residential properties of Edenvale Terrace. Again while views of the proposed store would be achievable, the separation distance and the combination of existing vegetation in the form of a mature hedge would prevent a significant loss of amenity in terms of overbearing impact from arising from the store, this existing arrangement is proposed to be secured by a planning condition.

65. The proposed car park as originally submitted would be located a minimum distance of approximately 10m from the rear elevation of no. 11 Edendale Terrace. Due to the site levels, this element of the car park at its most extreme point would be 1.9m higher than the level of this property. Objections have been raised by the occupiers of this property, in relation to the impact of the development, and in particular the car park. Following this, the applicant has revised the site layout and has offset the parking slightly from the rear elevation to give an effective separation distance of approximately 14.5m. It is also proposed to induce a mixture of shrub and new trees to help screen the development and introduce a 2m high wire mesh fence to address security concerns raised by the resident. A 1.2m high solid timber fence would be erected to prevent car headlights shining back towards the property.
66. In considering this element of the scheme, it is recognised that the development, due to the proximity of the car parking would lead to a loss of amenity over the current situation for this resident. However, following the amendments made to the scheme, it is considered that this reduction in amenity would not, in the context of EDLP Policies 1 and 35, be so serious so as to warrant refusal of the planning application while noting concerns on existing health conditions. It is considered that weight should also be given the existing site circumstances where members of the public have ready access to rear of the boundary of no.11 Edendale Terrace where there is evidence of antisocial behaviour. Further to this the separation distance of the car park is in excess of the minimum of the 13.5m rear to gable separation distance advocated in the EDLP. While it is recognised that the car park would span across the rear elevation it is considerably lower than a two storey dwelling.
67. A noise impact assessment has been submitted that assesses the impact of the development on neighbouring residents. This has been reviewed by the Council's Environmental Health and Consumer Protection officers and it is advised that the conclusions and methodologies are sound. Whilst it is advised that the noise generated from the movement of cars would be within acceptable levels there would inherently be some disturbance, particularly due to the proposed late opening times (22:00 Monday – Saturday).
68. The submitted noise assessment concludes there would be an acceptable impact from the proposed 24 hour delivery model with the erection of acoustic fencing around the delivery area. However, concerns are raised by Environmental Health and Consumer Protection officers due to the low background noise levels of the site and the likely noise generated with deliveries, such as reversing lorries, doors slamming and unloading, which may lead to sleep disturbance. Officers therefore recommended that a condition limiting the delivery hours is imposed should planning permission be granted. However the applicant has advised that the ability to accept 24 hour delivery's is critical to their business model, where a number of stores would be served by the same vehicle providing similar goods; this allows costs to be controlled. The applicant has provided a night-time management plan setting out mitigation methods to reduce noise, including controlling working practices. On balance, it is considered that applied properly this would mitigate the impact of noise generated from the site to acceptable levels and this arrangement is proposed to be secured by a planning condition.
69. The applicant has submitted a lighting scheme indicating that there would minimal light spillage from the site. However, the site layout has changed since it was submitted and Environmental Health and Consumer Protection officers seek clarification on how the light spillage is calculated. It is therefore recommended that a condition is attached to any approval requiring the submission of a new light management scheme, to agree the finer details. However, it is considered that an acceptable lighting scheme can be achieved on site.

70. While recognising that the Environment, Health and Consumer Protection officers have additional controls outside of planning that deal with noise nuisance and other construction related disturbances, given the proximity of neighbouring residential properties some form of control is necessary. The issues raised by Environment, Health and Consumer Protection officers could however all be dealt with under a single condition requiring a Construction Management Plan detailing measures to minimise the impact of construction activities on the neighbouring properties.
71. Public objections reference a loss of property value, however weight should not be attached to this matter as it is not a material planning consideration.
72. Overall, whilst it is recognised that there would be some reduction in the level of amenity experienced by surrounding residential properties in relation to the proximity of the development and its operation, this is not considered to be at a level sufficient to warrant refusal of the planning application on its own. No objections are raised by Environment, Health and Consumer Protection officers subject to appropriate conditions. The development is therefore considered to comply with EDLP Policies 1, 35 and 104 and Parts 8 and 11 of the NPPF in this respect.

#### Access and highway safety issues

73. EDLP Policies 1, 36 and 37 require that development proposals achieve a satisfactory means of access onto the wider highway network, seek to protect highway safety in terms of vehicle movements and traffic generation and also requiring an appropriate level of car parking. These policies are considered compliant with the NPPF which also seeks to promote accessibility by a range of methods while ensuring that a safe and suitable access can be achieved and therefore can be given full weight in considering the application. Concerns over highway safety, including the capacity of the road network to accommodate additional flows and the resultant impact on highway safety have been raised by local residents.
74. The proposed development would create a new access to the north of the existing vehicular access, which would allow two way vehicular flow and accessibility for HGV's. Parking would be laid out to the front of the store, providing 103 spaces, including 2 electric vehicle charging points, 6 disabled spaces and 9 parent and child spaces.
75. A Transport Assessment has been submitted that considers the impact of the development on the surrounding road network, including the adjacent junction of Yoden Way and Coast Road. The Highways Authority advise that the assessment is considered sound while agreeing with the conclusion that the majority of trips to the store would not be new to the network but will be existing shopping trips pass by, diverted or transferred. The proposal to introduce a protected right turn into the site supported with 'Keep Clear' road markings is welcomed by the Highways Authority. It is identified that in order that a facility for pedestrians to cross Yoden Way close to the public transport infrastructure to the front of the development is necessary in the form of a pedestrian refuge crossing point. This can be accommodated within the highway with a minor realignment, as demonstrated on revised plans received from the applicant. Subject to the implementation of this crossing the Highways Authority advise that the development can be served by an appropriate means of access and the development would have an acceptable impact on the wider highway network. It is also recommended that conditions are attached on any planning approval to secure the provision of electric vehicle charging points and cycle parking as annotated on the submitted site plan.

76. Access & Public Rights of Way officers advise that there is an unregistered path across the site linking Yoden Way with the properties of Eden Vale Estate to the West. This path is well used, although it does create antisocial behaviour problems. The proposed scheme replicates this east – west access across the site with a proposed footpath link from the western boundary to the corner of Eden Vale Estate. This link is considered necessary to achieve suitable connectivity into surrounding developments and to discourage car use to the site. A condition requiring the implementation of this footpath link and lighting is recommended to be attached to any planning approval. Footpath No. 1 (Horden) is located close to the northern boundary of the site, the development would have no impact on this, while it appears that this footpath is not unrestricted with other development blocking its route. Restriction.
77. Travel Planning officers have reviewed the submitted Framework Travel plan, which is largely considered to be sound, subject to minor amendments. It is considered that this matter can be dealt with by condition, along with securing the implementation of a travel plan coordinator to secure sustainable travel objective.
78. Environment, Health and Consumer Protection officers (Air Quality) have reviewed the submitted Air Quality Assessment and confirm that the conclusions or the report are sound. It is recommended that a condition requiring the implementation of the travel plan as mitigation is attached.
79. Overall, based on the advice of the Highways Authority the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network. The internal layout is considered acceptable, while sufficient car parking is provided across the scheme. Subject to the recommended conditions the proposal is considered acceptable in highways terms and complies with EDLP Local Plan Policies 1 and 36 and Parts 4 and 8 of the NPPF.

## Ecology

80. Part 11 of the NPPF seeks to ensure that developments protect and mitigate harm to biodiversity interests. In this respect an ecology survey has been submitted with the application, highlighting that no species that are afforded legal protection under the Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 (as amended) or any other legislation have been recorded within the site. The report therefore concludes that the risk of protected species being on the site, with the exception for the potential for foraging bats and breeding birds, or the development being a risk to the protected species is low or negligible.
81. The submitted report and conclusions are considered sound by the Council's Ecology officers. Officers advise that Durham Biodiversity Action Plan (DBAP) species are present on site, including Broadleaf Woodland, Scrub and Hedgerow. It is advised that these habitats would be lost as a result from the development and the proposed landscaping is unlikely to offer any benefit for biodiversity and will not compensate for the loss of DBAP Priority Habitats. Objections have been raised regarding the potential ecological impact of the development.

82. The NPPF states that planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains for biodiversity where possible. In order to address this matter, the applicant proposes an offsite contribution of £10,000 to enhance biodiversity on an existing area of Council owned open space. Given the application site constraints it is considered the most viable solution to address the policy criteria and enable the development be acceptable in planning terms. The contribution would enable new trees to be planted to diversify the woodland canopy, diversify the scrub layer to provide bird breeding opportunity and the planning of additional wildflower species. This contribution would need to be secured by a section 106 agreement. The submitted ecology report also proposed erection of three no. bat boxes on the western wall of the development to replace any potential overnight roosts to compensate for the trees to be removed. A condition to this effect is recommended.
83. A number of European Protected Sites are within a 15km radius of the application site. These sites are the Castle Eden Dene Special Area of Conservation (SAC), Durham Coast SAC, Northumbria Coast Special Protection Area (SPA), European Marine Site and Ramsar Site and Teesmouth and Cleveland Coast SPA and Ramsar site. These sites vary in distance from the site from between 500m to 9Km.
84. In considering whether the application requires an appropriate assessment under The Habitats Regulations an assessment for the potential for significant effects on the relevant sites is required. In this instance those relevant sites are the abovementioned SACs and SPAs. The Habitats Regulations assessment also applies to the special features of the Ramsar sites identified above. Key potential effects of the development proposal upon these sites are; the degree of habitat and species disturbance through an increase in recreational pressure; potential for detrimental impacts on air quality; potential for detrimental impacts on water quality; and potential hydrology impacts.
85. The judgement of Durham County Council as competent authority is that the effects of the development would not be significant upon the potentially affected sites and as a result an appropriate assessment under The Habitats Regulations is not required. It is also advised by the Council's Ecology officers that the land associated with the application site is not allocated as mitigation in relation to these sites.
86. Overall, as a result of the mitigation secured the development is not considered to have an adverse impact on ecological interests and the development is considered compliant with EDLP Policies 1, 14, and 18 and Part 11 of the NPPF in this respect

#### Flooding and Drainage

87. EDLP Policy 1 sets out National advice within the NPPF and PPG with regard to flood risk advising that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

88. The application is accompanied by a flood risk assessment (FRA), which highlights that the application site is within flood zone 1 with a low flood risk probability. The FRA identifies that the development would result in the raising of ground levels within the development site that would impede overland flows from the south. However these would be retained in the woodland to the south until such time as flows would pass around the store and follow the same route to the north. The FRA suggest that this would reduce the risk of flooding to the existing dwellings to the north as flows would be retained to the south over a longer period of time. It is proposed that surface water would be directed to the existing public water sewer within the site with flows restricted to greenfield discharge rates of 5.2 litres per second. Surface water attenuation would also be utilised to accommodate a 1 in 100 year flood event. Foul water would discharge into the existing foul water sewer crossing the site.
89. The Council's Drainage and Coastal Protection officers offer no objection to the proposed methods of surface water attenuation set out in the FRA subject to a review of the proposed drainage scheme. Northumbrian Water also offers no objections subject to the implementation of the proposed drainage scheme, it is recommend to secure this by condition. The development is therefore considered to comply with Policy 1 of the EDLP and Parts 10 and 11 of the NPPF in this respect.

#### Other Issues

90. In relation to land contamination the applicant has submitted a phase 1 desk top study report which identifies that there is a low risk of contaminants being present on site, but site investigation work is recommended. After reviewing the submitted report the Council's Environment, Health and Consumer Protection officers (Contaminated Land) advise that the submitted Phase 1 Assessment is acceptable and recommend a conditional approach to further land contamination investigations.
91. Planning plays a key role in helping to reduce 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. The development would be expected to achieve a proportion of its energy supply from renewable resources, or through an equivalent level through energy effect measures. The applicant has submitted a sustainability statement setting out how this would be achieved, including reducing energy demand, the recovery of waste heat of chiller units and utilising sustainable building materials. The Council's Sustainability and Climate Change officers have reviewed this statement and offer no objections to the development. A condition to ensure this strategy is implemented is recommended.
92. Objections have been raised stating that the Council should not sell off its land, however this is not considered a matter for the Planning Authority to consider, it remit is to consider the planning merits of a development proposal.

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## **CONCLUSION**

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93. The NPPF sets out that there are three dimensions to sustainable development, the economic, social and environmental roles and these roles should not be taken in isolation because they are mutually dependant.
94. The scheme would protect the vitality and viability of existing centres while providing new food retail facilities in an area where there are currently very limited facilities of this type. The scheme would also create the equivalent of 30 full time employment positions once the store is operational in an area which has high unemployment. The development would therefore contribute significantly to the economic and social dimensions of sustainable development.



95. In relation to the environmental effects, the re-development of the site would address its untidy condition and anti-social behaviour, while recognising that there would be some negative effects associated with the loss of vegetation and change in character of the site.
96. Whilst it is recognised that there would be some reduction in the level of amenity experienced by surrounding residential properties in relation to the proximity of the development and its operation, this is not considered to be at a level sufficient to warrant refusal of the planning application on its own
97. Subject to the attached conditions the proposal would be served by an appropriate means of access and would have an appropriate impact on the wider highway network. The scheme would not increase the risk of flooding elsewhere.
98. As a result of the mitigation secured the development is not considered to have an adverse impact on ecological interests. It is considered that the planning obligation to secure a £10,000 payment for offsite ecological mitigation meets the three planning tests set out in paragraph 204 of the NPPF and Section 122 of The Community Infrastructure Levy Regulations 2010. These being that matters specified are necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development.
99. The proposal has generated some public interest. Concerns expressed regarding the proposal have been fully taken into account, along with those in support, and carefully balanced against the scheme's wider social, economic and environmental benefits. However, they are not considered to raise issues that justify planning permission being withheld.
100. In the planning balance the scheme is considered to represent sustainable development when considering its three dimensions in accordance with the NPPF, whilst complying with relevant Easington District Local Plan policies.

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## **RECOMMENDATION**

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That the application is **APPROVED** subject to the completion of a Section 106 Legal Agreement to secure a contribution of £10,000 to enhance biodiversity on land adjacent to the application site, and 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 and documents:

Proposed Site Plan, Drwg 0369 –AL(0)04 Rev C  
Proposed Floor Plan, Drwg 0174 –AL(0)05 Rev C  
Proposed Landscaping, Drwg 0369 –AL(0)09 Rev C  
Proposed Separation Distances, Drwg 369-AL(0)10 Rev D  
Proposed Elevations, Drwg 0369 – AL(0)07  
Proposed Roof Plan – Drwg 0369 – AL90)06  
Sustainability Statement Ref 0369

*Reason: To define the consent and ensure that a satisfactory form of development is obtained.*

3. Prior to the retail store hereby approved being brought into use, the protected right hand turn lane and pedestrian island on the B1320 Yoden Way indicated on the Proposed Site Plan, Drwg 0369 –AL(0)04 Rev C shall be constructed in accordance with engineering details that shall have first been submitted to and approved in writing by the Local Planning Authority .

*Reason: In the interests of highway safety in accordance with Policies 1 and 36 of the Easington District Local Plan and Parts 4 and 8 of the NPPF*

4. Prior to the retail store hereby approved being brought into use the proposed footpath link detailed on the Proposed Site Plan, Drwg 0369 –AL(0)04 Rev C shall be constructed in accordance with engineering details that shall have first been submitted to and approved in writing by the Local Planning Authority . The submitted details shall make appropriate provision for the lighting of the footpath link.

*Reason: In the interests of promoting sustainable development in accordance with Policy 1 of the Easington District Local Plan and Parts 4 and 8 of the NPPF*

5. Prior to the retail store hereby approved being brought into use, the 2 no. electric vehicle charging point car parking spaces depicted on the Proposed Site Plan, Drwg 0369 –AL(0)04 Rev C shall be created and be fully operational. The spaces thereafter shall only be solely for the use for the charging and parking of electric motor vehicles.

*Reason: In the interests of promoting sustainable travel in accordance with Policy 1 of the Easington District Local Plan and Parts 4 and 8 of the NPPF*

6. Prior to the retail store hereby approved being brought into use , the on-site cycle parking facilities depicted on the proposed site plan Proposed Site Plan, Drwg 0369 –AL(0)04 Rev C installed and all general car parking spaces shall be made available for use.

*Reason: In the interests of highway safety and the promotion of sustainable transport in accordance with Policies 1 and 36 of the Easington District Local Plan and Parts 4 and 8 of the NPPF*

7. Prior to the retail store hereby approved being brought into use, a Framework Travel Plan 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.

*Reason: In the interests of promoting sustainable travel in accordance with Policy 1 of the Easington District Local Plan and Parts 4 and 8 of the NPPF*

8. Within 6 months of occupation of the retail store hereby approved, a final Travel Plan, conforming to The National Specification for Workplace Travel Plans PAS 500:2008, Bronze Level, shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: In the interests of promoting sustainable travel in accordance with Policy 1 of the Easington District Local Plan and Parts 4 and 8 of the NPPF*

9. The retail store hereby approved shall only be open to members of the public between the hours of 08:00 and 22:00 Monday to Friday and 10:00 and 16:00 Sunday and Bank Holidays.

Deliveries to the store shall not be undertaken outside of these operational hours, unless in strict accordance with the night time service yard management plan detailed in appendix 3 of the Noise Impact Report compiled by Environmental Noise Solutions Limited dated 14<sup>th</sup> march 2016.

*Reason: In the interests of residential amenity in accordance with policies 1, 35 and 104 of the Easington District Local Plan and parts 8 and 11 of the NPPF.*

10. Prior to the store hereby approved being brought into use the acoustic fencing adjacent to the delivery bay detailed in the Noise Impact Report compiled by Environmental Noise Solutions Limited dated 14<sup>th</sup> March 2016 shall be installed. The fencing shall thereafter be retained for the life time of the use.

*Reason: In the interests of residential amenity in accordance with Policies 1, 35 and 104 of the Easington District Local Plan and Parts 8 and 11 of the NPPF.*

11. Prior to the installation of any plant, a detailed noise impact assessment and scheme of sound attenuation measures shall be submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07:00-23:00 and 0dB LAeq (15 mins) between 23:00-07:00. The measurement and assessment shall be made according to BS 4142: 2014. The plant and any required attenuation measures shall be installed in accordance with the approved details thereafter.

*Reason: In the interests of residential amenity in accordance with Policies 1, 35 and 104 of the Easington District Local Plan and Parts 8 and 11 of the NPPF.*

12. Prior to the commencement of any part of the development hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include as a minimum but not necessarily be restricted to the following:

1. Overall strategy for managing environmental impacts which arise during construction;
2. Measures to control the emission of dust and dirt during construction;
3. Contractors' compounds, materials storage and other storage arrangements, cranes and plant, equipment and related temporary infrastructure;
4. Designation, layout and design of construction access and egress points;
6. Directional signage (on and off site);
9. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
10. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
11. Routing agreement for construction traffic.
12. Storage of plant and materials used in constructing the development;
13. The erection and maintenance of security hoarding/fencing including decorative displays and facilities for public viewing, where appropriate;

The approved Construction Management Plan shall be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

*Reason:- In the interests of residential amenity and highway safety in accordance with policies 1, 35 and 104 of the Easington District Local Plan and Parts 4, 8 and 11 of the NPPF.*

13. Notwithstanding the submitted information, prior to the installation of any external lighting, a lighting strategy shall be submitted and thereafter approved in writing with the Local Planning Authority. This strategy shall include :-
- A description of the proposed lighting units including height, type, angling and power output for all lighting
  - Drawing(s)/contour plans showing the luminance levels both horizontal and vertical of the lighting scheme to demonstrate that no light falls into the curtilage of adjacent neighbouring properties;
  - Details of the Sky Glow Upward Light Ratio, Light Intrusion (into windows of relevant properties) and Luminaire Intensity.
  - Operational times of lights

The limits for the relevant Environmental Zone relating to Sky Glow Upward Light Ratio, Light Trespass (into windows) and Luminaire Intensity, contained in Table 2 (Obtrusive Light Limitations for Exterior Lighting Installations) of the Institute of Lighting Professionals Guidance on the Reduction of Obtrusive Light shall not be exceeded.

*Reason: In the interests of residential amenity in accordance with Policies 1, 35 and 104 of the Easington District Local Plan and Parts 8 and 11 of the NPPF.*

14. The development shall take place in strict accordance with the Mitigation detailed in Section 6 of the Bat Survey Report, including the installation of bat and bird boxes (All about trees, February 2016)

*Reason: To conserve protected species and their habitat in accordance with Paragraph 109 of the NPPF.*

15. No development approved by this permission other than preliminary site excavation and remedial works shall commence until a detailed scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be based on the principles of surface water management highlighted in the Flood Risk Assessment ref 15632/FPA dated April 16. The development shall be carried out and implemented in accordance with the approved scheme and timings thereafter.

*Reason: In the interest of the adequate disposal of foul and surface water in accordance Parts 10 and 11 of the NPPF.*

16. The landscaping detailed on the Proposed Landscaping, Drwg 0369 –AL(0)09 Rev C and Proposed Separation Distances, Drwg 369-AL(0)10 Rev D shall be implemented in the first planting season following the substantial completion of the development. Trees, hedges and shrubs part of the approved scheme shall not be removed without agreement within five years.

*Reason: In order to mitigate the visual impact of the development and to protect residential amenity in accordance with Policies 1 and 35 of the Easington District Local Plan and Parts 7, 8 and 11 of the NPPF.*

17. Prior to the store hereby approved being brought into use the proposed 1.2m high Solid timber fence and the weld mesh security fence depicted on the Proposed Site Plan, Drwg 0369 –AL(0)04 Rev C and Proposed Separation Distances, Drwg 369-AL(0)10 Rev D shall be erected on site. The fencing shall thereafter be retained for the lifetime of the development.

*Reason: In the interests of residential amenity in accordance with Policies 1, 35 and 104 of the Easington District Local Plan and Parts 8 and 11 of the NPPF.*

18. Prior to the commencement of development the tree protection measures detailed within the Tree Protection Plan and Method Statement Ref AMS TPP Revision B, shall be implemented on site and retained thereafter during the construction period. No Tree or hedge shall be removed unless detailed within the Arboriculture Impact Assessment revision B (All About Trees dated 7<sup>th</sup> January 2016)

*Reason: In order to mitigate the impact of the development in the interest of visual amenity in accordance with Policies 1 and 35 of the Easington District Local Plan and Part 11 of the NPPF.*

19. No development approved by this permission other than preliminary site excavation, remedial works and highway engineering works shall commence until a scheme to deal with potential land contamination has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the following, unless the Local Planning Authority is satisfied that the site is suitable for the proposed use and dispenses of any such requirements, in writing:

#### **Pre-Commencement**

- (a) A Phase 2 Site Investigation and Risk Assessment is required and shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications.
- (b) If the Phase 2 identifies any unacceptable risks, remediation is required and a Phase 3 Remediation Strategy detailing the proposed remediation and verification works shall be carried out by competent person(s). No alterations to the remediation proposals shall be carried out without the prior written agreement of the Local Planning Authority. If during the remediation or development works any contamination is identified that has not been considered in the Phase 3, then remediation proposals for this material shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any amended specification of works.

#### **Completion**

- (c) Upon completion of the remedial works (if required), a Phase 4 Verification Report (Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works detailed in the Phase 3 Remediation Strategy shall be submitted to and agreed in writing with the Local Planning Authority within 2 months of completion of the development.

*Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with NPPF Part 11.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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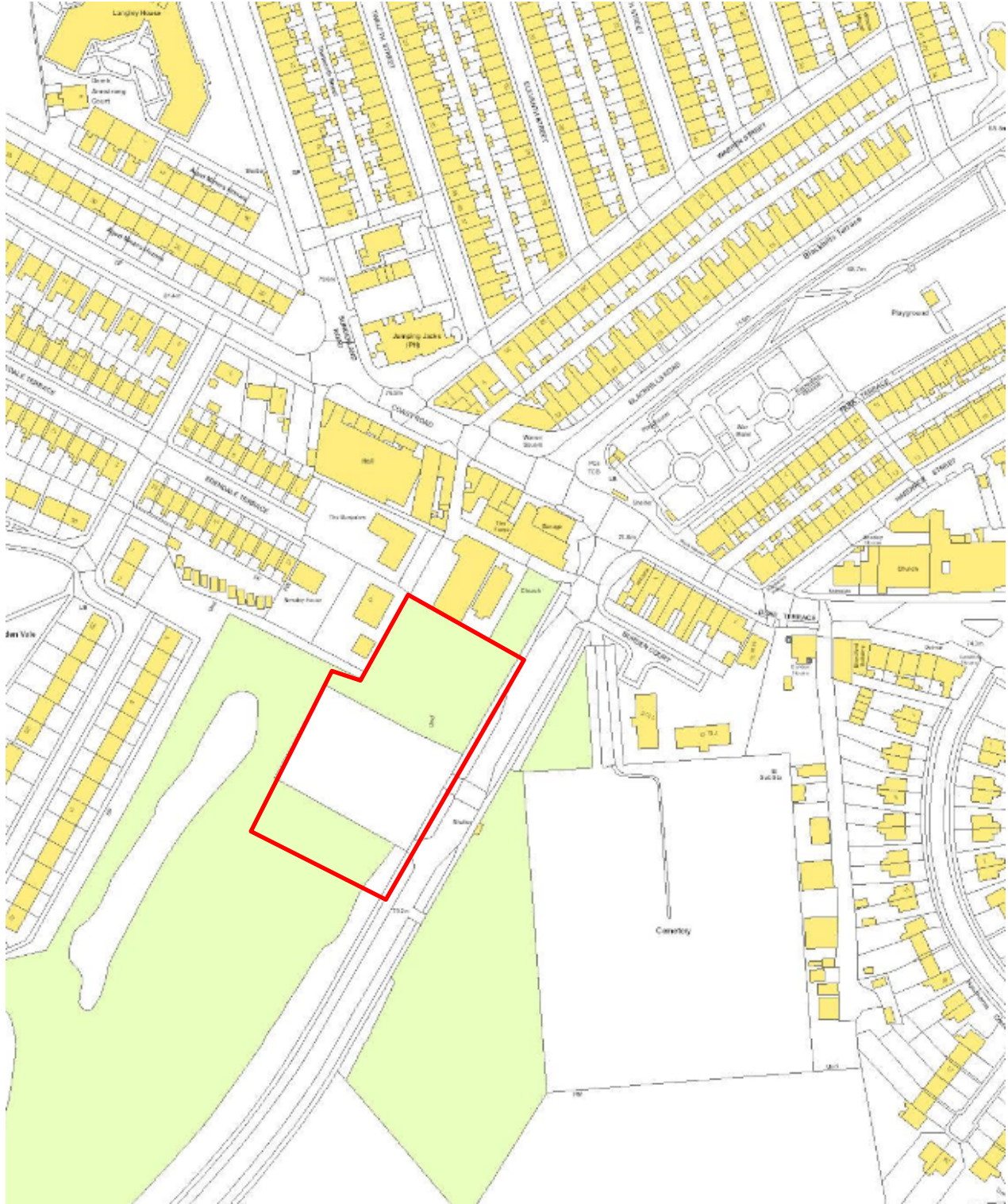
The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2012)
- National Planning Practice Guidance notes.
- District of Easington Local Plan 2001.
- Statutory, internal and public consultation responses.
- Retail and Town Centre Study 2013



**Planning Services**

Proposed retail store and associated works, Site of Peterlee Building Supplies, Yoden Way, Peterlee, SR8 4RD (DM/16/01356/FPA)

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**Comments**

**Date** 1<sup>st</sup> July 2016

**Scale** 1:2500