

Item No: 5.5
Application No: 16/01968/FUL Author: Julie Lawson
Date valid: 21 December 2016 ☎: 0191 643 6337
Target 22 March 2017 Ward: Collingwood
decision date:

Application type: full planning application

Location: Land South of Data Centre 3, Cobalt Park Way, Wallsend, Tyne And Wear

Proposal: Erection of motor vehicle dealership, for the sale, service and MOT of motor vehicles (amended landscaping plan 06.02.17)

Applicant: Pendragon Property Holdings, Loxley House Annesley Nottingham NG15 0DR

Agent: Unwin Jones Partnership, Bridge Lane Studio Caldewgate Carlisle CA2 5SS

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Description of the Site

1.1 The application relates to a 1.5 hectare site situated at Cobalt Park Way, Wallsend. To the south and south west of the site are car showroom garages. To the west is the Cobalt Business Exchange, with an office to the east and data centre buildings to the north.

1.2 The site is a relatively flat area of grassed land facing Atmel Way and Enterprise Way. It is designated within the Unitary Development Plan as a Current Employment Area or Expansion Land for Employment.

2.0 Description of the Proposed Development

2.1 Permission is sought to construct a motor vehicle dealership, for the sale, service and MOT of motor vehicles. The application correspondence indicates that it is for Jaguar and Land Rover.

2.2 The building is 'L' Shaped and has two storeys. The ground floor has a display showroom, offices and a workshop area. To the first floor are offices. The building will have dark cladding and glass frontages. A wash and valet bay is proposed to the north west of the site. The vehicular entrance is to the east off Cobalt Park Way.

2.3 The proposal includes two sets of vehicle display areas to the eastern part of the site, with display for 155 vehicles to either side of the access. Landscaping is proposed to the southern, eastern and western boundaries of the site.

2.4 Palisade fencing up to 2.4m is proposed to the rear of the site and to the compound area.

2.5 The proposed hours of operation are from 8am to 7pm Monday to Friday, 8am to 6pm Saturdays and 10am to 4pm Sundays and Bank Holidays.

2.6 A secondary site is also proposed under a separate planning application. The sites are separate but they will work in tandem with regards to vehicle servicing.

2.7 A consultant for Highbridge, the owner of the site, has submitted the following information in support of the application:

“I have been involved in Cobalt since inception 20 years ago – initially as Head of Office Agency at Healey & Baker (now Cushman & Wakefield) and as a Director of Highbridge since 2009. I am firmly of the view that given the availability of very large volumes of high quality existing office accommodation at;

- Cobalt – in excess of 200,000 sq ft
- Quorum – in excess of 350,000 sq ft

there will be no demand for new build office accommodation in the foreseeable future.

This is principally due to the fact that all of the existing available office space can be acquired at very competitive rental levels combined with generous rent free periods and it is simply economically impossible to build new offices, at today’s construction costs, to compete with that space.

To put that in context – a prospective tenant could acquire first class office accommodation (never occupied since construction) at Cobalt or Quorum at net effective rents of less than half those any developer would be forced to charge to cover the cost of building the same offices today.

I believe that North Tyneside will be better served by the proposed car showroom development where 80 new jobs will be created in the immediate future.

Furthermore, the proposed use will not add additional peak time load to an already congested road network and will comprise an attractive, high quality entrance feature to Cobalt.”

2.8 The applicant has submitted the following in support of the application:

“Pendragon PLC is one of the UKs largest car dealership groups. Pendragon represents various manufacturers in the Newcastle region including Jaguar/Land

Rover (JLR). As part of a significant expansion and rebranding programme, JLR require the two dealerships in Newcastle to be amalgamated onto one new site. Cobalt offers a prestigious and accessible location for the new dealership.

The design of the property follows JLRs global branding and its new showroom will provide the same high quality appearance throughout the world. At Cobalt the new showroom will complete a trio of high quality buildings overlooking the main roundabout entrance (the others being Aston martin and Infiniti). The juxtaposition of the new building and landscaping will sustain the very high quality design of the new buildings at this important entrance.

The new development will employ at least 80 team members in the showroom and workshop. These jobs will be a mix of sales, administration and highly trained technicians. These will all be new to the North Tyneside Council area as some will relocate from elsewhere in Newcastle and others will be new positions.

Overall Pendragon will be investing in excess of £5 million in this location as well as the investment in the proposed preparation facility off Wallsend Road (which is the subject of a separate application).

We hope that the Council will approve this application for what will be a prestigious addition to the Silverlink area.”

3.0 Relevant Planning History

3.1 There is no relevant planning history.

4.0 Development Plan

4.1 North Tyneside Council Unitary Development Plan (adopted March 2002)
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to Town and Country Planning and Compulsory Purchase Act 2004 in respect of Policies in the North Tyneside UDP (August 2007)

5.0 Government Policy

5.1 National Planning Policy Framework (March 2012)

5.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

6.0 Main Issues

The main issues in this case are:

- Principle of the development;
- Impact on visual amenity
- Car parking and access;

- Impact on neighbouring amenity
- Other issues.

6.2 Consultation responses received as a result of the publicity given to this application are set out in the Appendix to this report.

7.0 Principle of the development

7.1 The National Planning Policy Framework states that the planning system should proactively drive and support sustainable economic development. The Government is committed to securing economic growth in order to create jobs prosperity, and it is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

7.2 The NPPF sets out the core planning principles which should underpin decisions and notes that planning should amongst other matters, proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

7.3 The site is allocated for employment purposes under policy LE1/4 of the UDP. This states that the local planning authority will seek to ensure that the physical base of the local economy is maintained and protected. Areas shown on the proposals map as currently used for use classes B1, B2, or B8, or allocated for these purposes under proposals LE1/1, and LE1/3 of the plan, will be protected from change of use to other purposes, except where one or more of the following exceptional circumstances can be clearly shown:

- (i) the proposal is essential to the council's aim of encouraging the regeneration of its older urban areas,
- (ii) there is no reasonable expectation of a site being used for the purpose allocated, and the benefits of its alternative use in relation to the other objectives of the plan have been demonstrated,
- (iii) the existing use does not conform with, and has had an adverse impact on, neighbouring uses.

7.4 Paragraphs 4.43 and 7.46 of the UDP acknowledge that some uses such as car showrooms are not included in general use classes and are not therefore allocated any particular sites. The UDP states that the characteristics of this type of use mean that sites allocated for a B1 use may be appropriate for this type of development and such proposals will therefore be considered on employment sites.

7.5 In the Local Plan Pre-submission Draft policy DM2.3 sets out that the Council will support proposals on Employment Land for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary. Proposals that would lead to a loss of identified Employment Land or other buildings in use-class B1, B2

or B8 will be permitted where these proposals would not:

- a. Harm the development and regeneration of identified Employment Sites for economic development; and
- b. Result in the unacceptable loss of operating businesses and jobs; and
- c. Result in an excessive reduction in the supply of land for development for employment uses, taking into account the overall amount, range, and choice available for the remainder of the plan period; and
- d. Have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

7.6 The Senior Manager for Regeneration has objected to the proposal stating that it will be a departure to Policy LE1/4, with Cobalt Park now at 90% capacity and that the site could house an office development which would provide significantly more employment than the proposed use.

7.7 Car showrooms are well established from the Silverlink to the Cobalt Business Park and this new application will act as a continuation of this existing development. It is also noted that this proposal will bring with it new employment opportunities. The development incorporates a workshop as well as a display area.

7.8 According to the Cobalt Park website, there are two buildings unoccupied on Cobalt Business Park with floorspaces of 63,507 and 125,874 sq ft. There are a number of small spaces in other occupied buildings yet to let totalling around 38,000 sq ft. This makes Cobalt 90% occupied with 14,000 people employed there.

7.9 A consultant for Highbridge, the owner of the site, has advised that there is in excess of 200,000 sq ft of office accommodation available at Cobalt and in excess of 350,000 sq ft at Quorum Business Park. The applicant has advised that the new showroom will complete a trio of high quality buildings overlooking the main roundabout entrance (the others being Aston martin and Infiniti) and that the new development will employ at least 80 people.

7.10 Members are advised to have regard to the characteristics of the proposed development and the provisions made within the UDP for car showroom type uses. There are also other car showroom uses in this area. The proposal would take up 1.5 hectares out of 149 hectares of available employment land in the borough. Whilst the concerns of the Regeneration Manager are noted, on balance it is not considered that the refusal of the development could be justified.

7.11 Members need to determine whether the principle of the proposed development is acceptable. Officer advice is that the use of employment land in this manner is not contrary to UDP policy or detrimental to the surrounding uses, and that on balance the principle of development is acceptable.

8.0 Impact on visual amenity

8.1 The NPPF attaches great importance to the design of the built environment. It states that high quality inclusive design should be promoted, whilst design which fails to improve the character and quality of an area should not be accepted. The planning system should also contribute to and enhance the natural and local

environment by minimising impacts on biodiversity. When determining planning applications the NPPF states that local planning authorities should refuse planning permission if significant harm resulting from development cannot be avoided, adequately mitigated or compensated for.

8.2 UDP policy E12/6 seeks to prevent development that will adversely affect the contribution of biodiversity to a wildlife corridor.

8.2 UDP policy E14 requires the LPA to seek to protect and conserve existing trees and landscape features within the urban environment and will encourage new planting in association with development and wherever possible in other suitable locations.

8.3 The Design Quality SPD provides guidance on the design of buildings, places and spaces in North Tyneside. It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected.

8.4 The site is on a key frontage into the Cobalt Business Park. The building is to the west of the site and the proposal includes a large area to the eastern part of the site for display vehicles. The unit has been designed with a flat roof, in keeping with neighbouring buildings. The south east elevation of the building will form the main entrance to the building, with large areas of glazing. The building is to be clad in grey cladding. It is officer advice that the design is in keeping with the surrounding units.

8.5 The application site is adjacent to a Wildlife Corridor. The Council's Ecologist and Landscaping Officer were not satisfied with the original landscaping scheme so it has been revised to address their concerns. A revised scheme has been submitted which contains more native planting. The Council's Ecologist and Landscaping Officer have been re-consulted on the revised plans. The Landscaping Officer has advised that additional planting is still required. Notwithstanding the amended scheme that has been submitted, a condition is proposed to ensure a revised landscaping scheme is submitted to ensure that an acceptable amount of landscaping and of appropriate species is provided on the site.

8.6 Members must determine whether the proposed development would adversely affect the character and appearance of this designated employment location. The scheme should also be considered in terms of its impact on the biodiversity of the area. It is Officer advice is that the proposed development is appropriate in terms of design and scale for this location.

9.0 Car parking and access

9.1 The Government clearly emphasises that transport policies have an important role to play in facilitating sustainable development. It further states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".

9.2 LDD12 'Transport and Highways' SPD provides guidance on the Council's planning policies relating to transport and highways considerations. The SPD

sets out the procedures that North Tyneside Council follows in order to ensure that the transport implications of new developments are rigorously and consistently assessed and appropriate measures secured.

9.3 UDP policy T7 states that development requiring improvements to the highway network will not be allowed unless amongst other matters appropriate contributions related directly to the impact of the proposal are obtained from developers and appropriate provision is made for public transport, pedestrians, cyclists and horse riders.

9.4 UDP policy T8 seeks to encourage cycling by amongst other matters ensuring cyclists' needs are considered as part of new development and providing parking facilities at appropriate locations.

9.5 UDP policy T9 states that the needs of pedestrians will be given a high priority when considering transport and development issues.

9.6 UDP policy T11 states that parking requirements will be kept to the operational maximum and should include adequate provision for people with disabilities and special needs.

9.7 The Highways Network Manager has been consulted. He is satisfied that the customer parking levels are adequate for the proposed amount of display vehicles. The applicant has advised that the level of parking for the servicing, repair, MOTs etc. is appropriate for the needs of the business.

9.8 Members need to determine whether the proposed development is acceptable in terms of parking provision and the impact on highway safety. It is Officer advice that it is.

10.0 Impact on neighbouring amenity

10.1 NPPF paragraph 123 states 'Planning policies should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise new development, including through conditions; recognise that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.

10.2 Policy E3 of the UDP seeks to minimise the impact of pollution on the environment including existing land uses and on proposed development.

10.3 Conditions have been recommended to address construction times and dust mitigation during construction.

10.4 Subject to these conditions it is not considered that the proposed development would impact upon existing occupiers within the business park due to its location away from neighbouring commercial buildings.

10.5 Members need to consider whether the impact on the amenity of the occupiers of nearby residential dwellings and existing businesses is acceptable. It is officer advice that the impact on amenity is acceptable subject to the suggested conditions.

11.0 Other issues

11.1 Contaminated Land

11.2 NPPF states that planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects of pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

11.3 Policy E3 seeks to maintain the impact of pollution on the environment including existing land uses and on proposed development and will support and encourage measures including monitoring of pollution to reduce it to the lowest practicable levels.

11.4 Policy E8 of the UDP provides that future dereliction or contamination should be prevented by imposing restoration and aftercare conditions on appropriate development permissions.

11.5 The Council's Contaminated Land Officer has recommended conditions.

11.6 Members must determine whether the proposal is acceptable in terms of land stability and contamination. Officer advice is that, subject to the suggested conditions, the proposal is acceptable in this regard.

12.0 Flood risk and drainage

12.1 The NPPF states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk.

12.2 The site is not located with flood zones 2 and 3 and it is not in a critical drainage area. A flood risk assessment has been submitted. The Local Lead Flood Officer has been consulted his comments are awaited.

12.3 Northumbria Water has no objections.

12.4 It is the advice of Officers that the proposal complies with the aims of the NPPF.

12.5 Members must decide whether the development complies with the NPPF in relation to flooding and drainage issues.

13.0 Financial Considerations

13.1 There are three threads of sustainability outlined in NPPF, these being the environment, economic and social threads, together with the policies in the NPPF as a whole.

13.2 Economically there would be benefits in terms of the provision of jobs associated with the proposed development.

14.0 Conclusion

14.1 In reaching a decision Members need to balance issues relating to new investment within North Tyneside against the impact of the proposal in terms of the principal of development, impact on visual amenity, car parking and access as well as the other issues raised.

14.2 It is Officer advice, that subject to the imposition of appropriate conditions the proposed development is acceptable.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:

- Application Form
- Location Plan2 2807/01
- Site Plan as Proposed 2807/20
- Elevations as Proposed 2807/23
- Ground Floor Plan 2807/21
- First Floor Plan 2807/22
- Site Details as Proposed 2807/31
- Wash and Valet Bay 2807/30
- Site Plan finishes as proposed 2807/25
- Flood Risk Assessment

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL MAN02 *

3. The building shall not be occupied until details of facilities to be provided for the storage of refuse at the premises have been submitted to and approved in writing by the Local Planning Authority. The facilities which should also include the provision of wheeled refuse bins shall be provided in accordance with the approved details, prior to the occupation of any part of the development and thereafter permanently retained.

Reason: In order to safeguard the amenities of the area having regard to policy T11 of the North Tyneside Unitary Development Plan 2002.

4. Altered Access Access Alt Before Devel ACC14 *T11
5. Veh Parking Garaging before Occ PAR04 *T11
6. Construction Method Statement SIT05 *E3

7. Prior to occupation of the development a scheme for covered, secure cycle parking shall be submitted to and agreed in writing by the Local planning Authority. Thereafter this scheme shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the district centre and in the interests of highway safety, having regard to policy T8 of the North Tyneside Council Unitary Development Plan 2002

8. Restrict Hours No Construction Sun BH HOU04 *

9. Notwithstanding any indication of materials which may have been given in the application, no development of the building shall take place until a schedule and/or samples of the materials and finishes for the development has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

10. Gas Investigate no Development GAS06 *

11. No other part of the development shall be commenced until:-

- a) A detailed site investigation has been carried out to establish:
 - i) If the site is contaminated;
 - ii) To assess the degree and nature of the contamination present, and whether significant risk is likely to arise to the occupiers and public use of land;
 - iii) To determine the potential for the pollution of the water environment by contaminants and;
 - iv) The implication for development of the site and the quality of the environment for future occupiers.

Such detailed site investigation to accord with a statement of method and extent which shall previously have been agreed in writing by the Local Planning Authority and

- b) The results and conclusions of the detailed site investigations referred to in (a) above have been submitted to and the conclusions approved in

writing by the Local Planning Authority. The Phase 2 Report should be written using the current government guidelines.

c) If remediation is required following the assessment of the chemical results under current guidelines, then a method statement should be provided for comment. This should provide details of exactly how the remediation works are to be carried out, detailed site location plan of where material is to be deposited and details including drawings of gas protection scheme should be included.

d) If remediation is carried out on the site then a validation report will be required. This should provide evidence of what remediation has been carried out over the site. This report should confirm exactly what remediation has been carried out and that the objectives of the remediation statement have been met. This report should verification of the type, source, depth, location and suitability (to include any test certificates for material to be imported on site to ensure it is not contaminated) of the imported materials for their use on site. This should include cross sectional diagrams for the site and detailed plans of the site. This report should be submitted before the contaminated land condition can be removed from the planning application.

e) If any unexpected contamination or hotspots are encountered during the investigation and construction phases it will be necessary to inform the Local Authority then cease development and carry out additional investigative works and subsequent remediation if any unexpected contamination or underground storage tanks are discovered during the development. Work should be ceased until any risk is assessed through chemical testing and analysis of the affected soils or waters.

Thereafter the development shall not be implemented otherwise than in accordance with the scheme referred to in c) above.

Reason: To ensure that the potential contamination of the site is properly investigated and its implication for the development approved fully taken in to account having regard to policy E3 of the North Tyneside Unitary Development Plan 2002.

12. A Great Crested Newt Working Method Statement must be submitted to and approved in writing by the Local Planning Authority prior to works commencing on the site. The development shall be carried out in accordance with the approved Statement.

Reason: This is required from the outset of the development in the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

13. Notwithstanding the approved plans, a detailed landscaping plan must be submitted to and approved by the Local Planning Authority prior to the occupation of the building. The scheme shall detail wildflower grassland areas around the boundary of the site and native trees and shrubs that are beneficial to biodiversity. The development shall be carried out in accordance with the approved plan.

Reason: This is required from the outset of the development in order to ensure sufficient provision is made for areas of landscaping on the site in the

interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

14. Landscape Scheme Implementation LAN06 *
 Period

15. 4no. bird boxes shall be provided on the buildings hereby approved. The type and location of these bird boxes shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the building hereby approved. The development shall be carried out in accordance with the approved plans.

Reason: This is required in the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

16. No vegetation removal shall be undertaken within the bird nesting season (March-August inclusive), unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to work commencing.

Reason: In the interests of ecology, having regard to Policy E12/6 of the North Tyneside Unitary Development Plan.

17. No vehicles being sold, stored, repaired or valetted are to be parked anywhere other than in designated areas as shown on the approved plans.

Reason: In the interests of visual amenity, road safety and the free flow of traffic on the highway having regard to policy T11 of the North Tyneside Unitary Development Plan 2002.

18. No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: This is required from the outset of the development in order to ensure that an appropriate scheme for surface water management is provided on the site.

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

Contact ERH Construct Highway Access (I05)

Contact ERH Works to Footway (I08)

No Doors Gates to Project Over Highways (I10)

Contact ERH Erect Scaffolding on Rd (I12)

Do Not Obstruct Highway Build Materials (I13)

Street Naming and numbering (I45)

Highway Inspection before dvlpt (I46)

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure

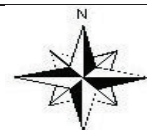


Application reference: 16/01968/FUL
Location: Land South of Data Centre 3, Cobalt Park Way, Wallsend
Proposal: Erection of motor vehicle dealership, for the sale, service and MOT of motor vehicles (amended landscaping plan 06.02.17)

Not to scale

Date: 02.03.2017

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**Appendix 1 – 16/01968/FUL
Item 5**

Consultations/representations

1.0 Internal Consultees

2.0 Highway Network Manager

2.1 This application is for the erection of motor vehicle dealership, for the sale, service and MOT of motor vehicles.

2.2 A Transport Assessment (TS) was submitted as part of the application, which examined the impact on the highway network in the vicinity of the site and it is considered that the impact will not be severe during network peaks. The site will be accessed from Cobalt Park way with a secondary exit to the unnamed access road to the west of the site.

2.3 Parking has been provided in accordance with current standards and a swept path analysis of appropriate service vehicles has been carried out. Furthermore the site has reasonable links with public transport. For these reasons conditional approval is recommended.

Recommendation - Conditional Approval

Conditions:

ACC14 - Altered Access Access Alt Before Devel

PAR04 - Veh: Parking, Garaging before Occ

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT05 - Construction management

Prior to occupation of the development a scheme for covered, secure cycle parking shall be submitted to and agreed in writing by the Local planning Authority. Thereafter this scheme shall be carried out in accordance with the agreed details.

Reason: To ensure adequate parking facilities for the district centre and in the interests of highway safety.

Informatives:

I05 - Contact ERH: Construct Highway Access

I08 - Contact ERH: Works to footway.

I10 - No Doors/Gates to Project over Highways

I12 - Contact ERH Erect Scaffolding on Rd

I13 - Don't obstruct Highway, Build Materials

I45 - Street Naming & Numbering

I46 - Highway Inspection before dvlpt

The site abuts adopted highway, if access to this highway is to be restricted during the works the applicant must contact Highway Network Management

Team: streetworks@northtyneside.gov.uk (0191) 643 6131 to obtain a temporary footpath closure.

2.4 Local Lead Flood Authority

2.5 There are no objections in principle to the applicant's surface water drainage proposals. The applicant will be discharging the surface water from the roofs into the existing attenuation pond located to the east of the site and the surface water from the external hard standing areas will discharge into existing twin 1800mm diameter pipes where the surface water will be attenuated and discharged into NWL network at an agreed controlled discharge of 292l/s. For these reason, conditional approval is recommended.

Recommendation - Conditional Approval

Condition:

No development shall commence until details of a surface water management scheme have been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details and before the development is occupied.

Reason: In the interests of surface water management

3.0 Manager of Environmental Health (Contamination)

3.1 As the proposed development is situated within 250 metres of the former Seaton Burn Waggonway and several Mine Shafts the following conditions should be applied:

GAS 06
CON 01

4.0 Landscape Architect

4.1 Existing Site Context

4.2 The proposed development site comprises of (approx.) 1.53 hectares of grassed space currently vacant of any use. The site is serviced to the east and south by the Cobalt Park Way and Atmel Way access roads, which lead to the Cobalt Business Exchange (CBX) and adjacent motor vehicle retail showrooms. The site perimeter incorporates a footpath, which borders the site, from the east and extending round to the south. The site is generally flat across its surface horizon, but also contains a series of gentle (grassed) terraced mounds formed from surplus deposited material, possibly from past uses. The northwestern extent of the site is bordered across most of its full length by a high security fence line belonging to the adjacent data collection facility (Data Centre 3) and an associated Electricity Sub Station to the west. The site is accessed from an adjacent roundabout that routes through to other industrial and commercial facilities as well as the Silverlink retail centre and the A19 road corridor.

4.3 There are no significant landscape features present on site, however great efforts have been made with the external spatial planning and landscape design of the surrounding commercial and industrial facilities, as a collective, over a number of years. The results of these activities support and showcase the frontage areas of the commercial environments that are presented. As a result of

this, the green infrastructure of the area has developed into an attractive, connected and successful landscape design. It is therefore important that the proposed landscape design seeks to extend and integrate its own planting design into the landscape structure of the immediate and wider business park area, whilst still retaining the unique 'sense of place' in terms of the individual retail brands.

4.4 Perimeter Landscape Design (Proposed Landscape Plan)

In terms of the boundary layout and content, this may be lacking within the context of what is expected in terms of the overall site biodiversity and the linkages with the adjacent landscape design components of the wider area. I can concur that the requests made by the Biodiversity Officer (NTC) are in alignment with what we would also require to provide a greater aspiration for the site. The perimeter landscape as a consequence should therefore be more substantial (wider) and in the process facilitate the wildlife presence, appropriate species and corridor that have been requested. Considering the amount of hard surfacing that is going to be laid out and the lack of internal landscape features it is the only element of the proposed layout that could support this.

4.5 Cotoneaster dammeri is detailed in the Planting Schedule on the Proposed Planting Plan and I note that, Schedule 9 of The Wildlife and Countryside Act 1981 (Variation of Schedule 9) (England and Wales) Order 2010 bans the planting of Cotoneaster Microphyllus on the grounds of it being an invasive rural species. I am aware that this is an urban location and a different (Cotoneaster) species but we would like a replacement considered for this species type in this instance.

4.6 The boundary landscaping proposals also inhabit areas which are immediately adjacent to trafficked areas, so it is very important in relation to the survival of the shrub planting to get the species range right in terms of hardiness and mature habit (size). Most of the planting will be subject to public access issues and salt exposure from the adjacent highway, pavement areas and access road(s), so the planting design needs to ensure that the species chosen is salt tolerant and robust enough for purpose, particularly along the frontal edge margins.

4.7 Proposed Tree Species

The proposed use of small-canopied trees to maximise views into the development to promote brand transparency is understandable. However without wanting to minimise the visibility of the commercial brand, we do also have a responsibility to mitigate the impact of large car parking areas and need to strike a balance with this. Some further thought may be given to this 'balance' and reflected in the overall planting design in relation to tree form and perhaps tree groupings.

4.8 Advisory Note: *Green Infrastructure: A Guide for Clients*, is a free Landscape Institute publication, on this subject and also other relevant Landscape Institute publications are also available.

5.0 Biodiversity Officer

5.1 Great Crested Newt

5.2 The above application will result in the loss of 1.5ha of poor semi-improved grassland and is within 250m of ponds that have historically supported breeding great crested newt along the silverlink waggonway to the east. The submitted ecology report states that there are no recent records for GCN in these ponds and therefore assumes that these ponds no longer support this species. However, recent records for ponds within Silverlink Biodiversity Park (2016) show relatively good populations and these ponds are connected by the waggonway to the ponds to the south which are within 250m of this development. Lack of recent survey information for these ponds does not mean they are not using these ponds and that there is no risk, particularly when they are less than 250m away from this development site. However, I do agree that the general absence of terrestrial habitat for this species in this general location, with roads and office buildings providing barriers to dispersal, makes the likelihood of GCN being on site negligible. However, there is still a residual risk, therefore, I want to see a Great Crested Newt Working Method Statement conditioned as part of this application.

5.3 Landscaping

5.4 Whilst the grassland on this site is regularly cut as amenity, the species composition indicates the grassland to be a poor semi-improved grassland. This area of grassland has also been used on occasion by waders. A bird assessment has not been undertaken as part of the ecological assessment and no comments made about the potential suitability of the site for either breeding or wintering birds. The loss of over 1 hectare of poor semi-improved grassland has not been adequately mitigated for through the proposed landscape plans. I would like to see a mixture of the following on this site to mitigate for the loss of grassland and to provide some good quality terrestrial linkages for amphibians moving around this area:-

- Wildflower grassland creation
- Native trees
- Native hedging
- Shrubs that are beneficial to biodiversity (bees and butterflies)

5.5 The current landscape plan shows very limited landscaping and it is primarily ornamental in nature. This is not acceptable and does not provide adequate mitigation for this scheme. Boundary planting should be increased and should be planted with wildflower grassland and native trees as indicated above, along with shrubs that are beneficial for biodiversity. If this cannot be agreed and re-submitted for consultation as part of this application, then this should be made a condition of the application.

5.6 Birds

5.7 Provision needs to be made for nesting birds, therefore, 4no. bird boxes need to be provided on the buildings. The details of these bird boxes and their location will need to be conditioned.

5.8 Conditions

- A Great Crested Newt Working Method Statement must be submitted to the Local Authority for approval prior to works commencing

- A detailed landscaping plan must be submitted to the Local Authority for approval prior to works commencing detailing wildflower grassland areas around the boundary of the site and native trees and shrubs that are beneficial to biodiversity.
- 4no. bird boxes must be provided on new buildings. The type and location of these bird boxes must be submitted to the Local Authority for approval prior to works commencing.
- No vegetation removal to be undertaken within the bird nesting season (March-August inclusive), unless a survey by a qualified ecologist has confirmed the absence of nesting birds immediately prior to work commencing.

6.0 Regeneration

6.1 This application gives us some concern from an employment perspective, and we wish to object.

6.2 This proposed *suis generis* use on allocated employment land in the UDP represents a departure to policy LE1/4. Given the success of the Cobalt Park which is now at 90% capacity, I fail to see how the applicants can demonstrate that there is no likelihood of the allocated use coming forward. I am not aware of any exceptional circumstances that would justify this proposal.

6.3 The planning application quotes 80 jobs for the dealership, however the future plans for the Cobalt Park site include a 100,000 sq ft office on this site which would house 1,200+ employees. This would represent a massive loss to employment potential to the borough, and one that BED cannot support.

7.0 Representations

1 letter of support

We would like to support this project however we would like the Case Officer to ask the applicants what their intention is when building the site. The main reason for this is we have a glass building that will be next to a large build project and will undoubtedly create dirt and dust over our building.

1 letter querying the address of the application site

8.0 External Consultees

9.0 Northumbrian Water

9.1 In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

9.2 Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

9.3 We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states that surface water from the site will discharge to the adjacent surface water sewer at a restricted rate of 292l/sec.

9.4 We would therefore request that the *Flood Risk Assessment* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

9.5 It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

9.6 For information only

We can inform you that a public sewer and water main cross the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.