

Item No: 5.1
Application No: 19/00706/OUT
Date valid: 23 May 2019
Target decision date: 22 August 2019
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Ward: Collingwood

Application type: outline planning application

Location: Land to the Rear Of Cobalt Exchange, Abbey Road, Wallsend, Tyne And Wear

Proposal: Outline planning permission with all matters reserved for the siting of shipping containers to create a two storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation and event space including pop up market space, erection of stairs and lift, provision of external decking/walkways and refuse storage

Applicant: Crate Park Ltd, Crate Park Northern Office Front Street Bebside NE24 4HW

Agent: Planning Online Uk, Mr A Miller 113B Front Street Blyth NE24 4HN

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- Whether the principle of a business-led mixed use start-up/incubator development is acceptable;
- Whether there are any sequentially preferable sites;
- Impact on the character and appearance of the site and the surrounding area
- Impact on the amenity of surrounding occupiers
- The impact on biodiversity;
- The impact on traffic, parking and highway safety; and
- Other issues.

1.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The application site refers to a southeast section of the Cobalt Exchange car park, towards the southern end of the Cobalt Business Park.

2.2 The site would be immediately adjoined by the wider car park to the north, northwest and southwest, with a landscaping buffer and Middle Engine Lane along the southeast boundary.

2.3 Outside of the immediate boundary, the application site is located with the Cobalt Exchange building and a large pond approximately 180m to the northwest, car dealerships to the north and the Silverlink to the east and southeast. The A19 is raised and runs north-to-south to the west of the site, separating the Cobalt Exchange and its car park from a residential housing development.

3.0 Description of the Proposal

3.1 This application seeks outline planning permission with all matters reserved for the shipping containers to create a two-storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation and event space including pop up market space, erection of stairs and lift, provision of external decking/walkways and refuse storage.

3.2 Based on the most recent sequential assessment, the proposal would have a gross floor area of 3,280 square metres, with a net internal floorspace of 2,636 square metres broken down as follows;

Use	Floor Area (Square Metres)
B1(a) – Office (other than A2)	1,700
A1 – Shops and Retail	312
A2 – Financial and Professional	142
A3/A4 – Restaurants and Cafes/Drinking Establishments	340
D2 space (exclusively for occupiers)	142
Total	2,636

3.3 The proposal is a business incubator development with units leased out to start-up and new businesses on short term contracts with start-up support and mentoring services.

3.4 The indicative layout places all of the proposed containers on the hard-standing of the current car park. The applicant stated that the car park is disused with only car storage for the adjoining car showrooms.

4.0 Relevant Planning History

06/03949/OUT - Development of one car dealership and B1 office accommodation.
Permitted 30.08.07.

08/02245/FUL - Removal of conditions 23 and 25 on grant of outline planning permission for the development of one car dealership and B1 office accommodation (06/03949/OUT)

Permitted 10.11.09.

11/00444/FUL – Proposed permanent outdoor car sales area with temporary sales office (revised description)
Permitted 01.08.11.

5.0 Development Plan

5.1 North Tyneside Local Plan 2017

6.0 Government Policy

6.1 National Planning Policy Framework (February 2019)

6.2 Planning Practice Guidance (As amended)

PLANNING OFFICERS REPORT

7. Main Issues

7.1 The main issues for Members to consider are:

- Whether the principle of a business-led mixed use start-up/incubator development is acceptable;
- Whether there are any sequentially preferable sites;
- Impact on the character and appearance of the site and the surrounding area;
- Impact on the amenity of surrounding occupiers;
- The impact on biodiversity;
- The impact on traffic, parking and highway safety; and
- Other issues.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix of this report.

7.3. Principle of Development

7.4 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These relate to economic, social and environmental objectives. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. At the heart of the Framework is a presumption in favour of sustainable development.

7.5 The NPPF paragraph 11 states that for decision making development proposals that accord with an up-to-date development plans should be approved without delay.

7.6 Paragraph 80 of NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

7.7 Policy S1.1 'Spatial Strategy for Sustainable Development' seeks to ensure North Tyneside's requirements for homes and jobs can be met with adequate provision of infrastructure, and in a manner that enables improvements to quality of life, reduces the need to travel and responds to the challenges of climate change, the Spatial Strategy for the location and scale of development is that:

a. Employment development will be located:

i. within the main urban area; and,

ii. at areas easily accessible to residents by a range of sustainable means of transport; and,

iii. where businesses may benefit from the Borough's excellent national and international transport connections - including the strategic road network and opportunities provided by the River Tyne.

c. Most retail, and leisure activities will be focused:

i. within the main town centres of Wallsend, North Shields and Whitley Bay, as well as Killingworth town centre, taking advantage of the excellent accessibility, services and infrastructure invested in those locations.

7.8 Policy DM1.3 'Presumption in Favour of Sustainable Development' states the Council will work pro-actively with applicants to jointly find solutions that mean proposals can be approved wherever possible that improve the economic, social and environmental conditions in the area through the development management process and application of the policies of the Local Plan. Where there are no policies relevant to the application, or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole; or

b. Specific policies in the NPPF indicate that development should be restricted.

7.9 Policy S2.1 'Economic Growth Strategy' states proposals that make an overall contribution towards sustainable economic growth, prosperity and employment in North Tyneside will be encouraged. This includes supporting economic growth as follows:

c. Office and business investment;

v. Support investment opportunities for regional and national scale office, research and development and manufacturing in the A19 Economic Corridor, as shown on the Policies Map, which includes the former Enterprise Zone area.

vi. Strengthen the Borough's important contribution to the economy of the Tyne and Wear conurbation with multi-national firms choosing quality business park accommodation in Cobalt, Quorum, Balliol and Gosforth Business Parks for national headquarters and major customer service centres.

7.10 Policy S2.2 'Provision of Land for Employment Development' seeks to ensure an attractive and flexible supply of employment land is available to deliver the Council's strategy for economic prosperity and job growth and investment a total of 822ha of currently occupied or available employment land is recognised of particular value to the economy and the following land will be available for development to 2032:

7.11 Policy DM2.3 'Development Affecting Employment Land and Buildings' states the Council will support proposals on employment land, as shown on the Policies Map, for new or additional development for uses within use classes B1, B2 or B8 or that which is deemed ancillary.

7.12 Policy AS2.6 'A19(T) Economic Corridor' states the Council will promote and support further development and investment in a range of B1, B2 and B8 employment activities across the A19(T) Economic Corridor, as identified on the Policies Map, and the continued diversification of North Tyneside's economy through delivery of small, medium and large scale office developments.

7.13 An objection has been received on the grounds of design, stating that the proposal would not in keeping with the character and appearance of the surrounding area. It is important to note that appearance is a reserve matter and therefore is not subject to approval as part of this application. The applicant has however provided indicative images of what the proposal is likely to look like. If this proposal is approved Members will have an opportunity to seek to agree the reserve matters, which would include the detailed appearance of the units.

7.14 The objection further states that the proposed development would reduce the amount of high quality office space available in the Cobalt Business Park. The site is an existing car park and hence would not result in the physical loss of any existing office space. Furthermore, the proposal targets new and start-up businesses rather than large and multinational businesses referred to within the objection and would just provide more choice.

7.15 The proposed business start-up/incubator units for B1(a) is supported by policies S2.1, S2.2, DM2.3 and AS2.6. The proposed units would be short term easy-in, easy-out office spaces designed to accommodate new start-up businesses and businesses moving out of home working to establish themselves before moving into larger and more permanent accommodation.

7.16 The proposal seeks to construct a business-led mixed use start-up/incubator development within an area allocated for employment use. This would bring additional jobs and investment into the borough and as NPPF advises this carries significant weight. The other uses would be ancillary to the main business use and help in creating a vibrant start-up business park. It is officer advice that the proposal is acceptable in principle and would accord with the advice in NPPF and policies S2.1, S2.2, DM2.3 and AS2.6. Members need to consider whether they agree.

7.17 Whether there are any sequentially preferable sites

7.18 NPPF paragraph 86 stipulates that local planning authorities should apply a sequential test to planning applications for main town centre uses, which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

7.19 Paragraph 90 of NPPF states that where an application fails to satisfy the sequential test it should be refused.

7.20 National Planning Practice Guidance (NPPG) advises that the application of the test will need to be proportionate and appropriate to any given proposal. NPPG also states that there is a requirement to demonstrate flexibility. If there are no suitably sequentially preferable locations, the sequential test is passed.

7.21 Policy DM3.4 'Assessment of Town Centre Uses' states that proposals for main town centre uses on sites not within the town centres will be permitted where they meet the following criteria:

- a. In order of priority, there are no sequentially preferable sites in-centre, then edge of centre, and then existing out-of-centre development sites previously occupied by appropriate main town centre uses that are readily accessible to Metro stations or other transport connections to the town centres and then finally existing out-of-centre locations;
- b. The suitability, availability and viability of sites should be considered in the sequential assessment, with particular regard to the nature of the need that is to be addressed, edge-of-centre sites should be of a scale that is appropriate to the existing centre;
- c. There is flexibility in the business model and operational requirements in terms of format; and
- d. The potential sites are easily accessible and well connected to town centres. Proposals for retail development outside a town centre will require an impact assessment where they would provide either:
 - e. 500m² gross of comparison retail floorspace, or more; or
 - f. 1,000m² gross of retail floorspace for supermarkets/superstores, or more. The proposal would be supported when the necessary Impact Assessment has shown that:
- g. The proposal would have no significant adverse impacts, either individually or cumulatively, on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- h. The proposal would have no significant adverse impact on the vitality and viability of a town centre, including consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

7.22 The proposed development would be designed to provide a high level of physical integration between the occupied units to provide an array of shared services, such as mentoring and business support, and shared facilities such as meeting rooms. The high level of integration fundamental to the function of the proposal makes it difficult to locate within existing town centre sites.

7.23 New River Ltd have submitted an objection to the proposal stating that they are broadly supportive of the proposal, however they do object to its location outside of the existing town centres, where they consider it may draw footfall away from the existing centres.

7.24 The applicant has submitted a revised Sequential Assessment discounting sites within the Wallsend, North Shields, Killingworth and Whitley Bay town centres. The applicant states that they require the following:

- Total site size approx. 8,100sqm including car parking.
- A developable area of 2,500-3,000 sqm
- Direct vehicle access.
- Independent car parking.
- Retail, leisure and offices with independent access.
- Delivery loading area.

7.25 The applicant has given an approximate size of the required development as 8,000sqm with 2,500-3,000sqm in developable area, providing a total of breakdown of 2,636 sqm net floor space of the proposed uses.

7.26 The applicant is agreeable to a conditioning restricting the non B2 (office) and non A2 (financial and professional) to uses to maximum of 25% of the total net floor space of the development. This is so that the non-business uses remain ancillary to the development and do not adversely affect the borough's town centres.

7.27 It is noted that the proposal contains 142 square metres of D2 (assembly and leisure) to be used as a gym and shared rooms for meetings and training, to be used solely by the occupiers of the units and would be ancillary. A condition is recommended to secure this.

7.28 The applicant has carried out a sequential assessment and looked at the following town centres;

- North Shields;
- Wallsend;
- Whitley Bay; and
- Killingworth.

7.29 NPPG does state that there is a requirement to demonstrate flexibility. NPPG also states that promoting new development on town centre locations can be more expensive and complicated than building elsewhere and that local planning authorities need to be realistic and flexible in applying the test. The applicant states that with its proposal there is a specific requirement for small starter units of a mixed nature with a critical massing. In order to create a vibrant business hub, it requires a specific massing and scale. Reducing its size would not provide this scale and hence would not be viable.

7.30 There are no sites within existing town centres, which are suitable, available and viable. Of the available sites identified none are large enough to be able to accommodate the proposed development and therefore are not suitable. The Council's Regeneration Team has specifically asked for the applicant to consider Elton Road in Wallsend. However, this site is also not large enough and therefore is not suitable.

7.31 The applicant has looked at whether the scheme can be split into smaller parts (disaggregation). The applicant has considered this, but states that the viability of the scheme is subject to the scale and massing of the mix of uses

coming together to form a cohesive business park. Therefore whilst in principle the individual units could be accommodated within existing town centres, the whole of the development could not. Therefore it is officer advice that the sequential test is passed.

7.32 Subject to conditions to ensure that the non-business uses remain ancillary to protect the existing town centres it is officer advice that the proposal would comply with the advice in NPPF, NPPG and policies S1.1, DM1.3, S5.1, S2.2 and DM3.4 of the North Tyneside Local Plan 2017. Members need to consider whether they agree.

7.33 Impact on the character and appearance of the site and the surrounding area

7.34 NPPF paragraph 127 states that planning decisions should ensure that developments amongst other matters will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development

7.35 Paragraph 130 of NPPF states that permission should be refused for development of poor design that fails take the opportunities for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

7.36 Policy DM6.1 'Design of Development' states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area.

7.37 The Council has produced an SPD on design quality. It states that the Council will encourage innovation in design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and attractive external appearance.

7.38 The application is outline with all matters including appearance reserved for subsequent approval. However, an objection has been received on the ground that the character of the shipping container design would be out of keeping with the surrounding area, particularly relating to the existing Cobalt Business Exchange offices and the car dealerships to the north.

7.39 Further concerns have been raised with the quality and longevity of the proposed build, particularly relating to similar developments within Newcastle and Sunderland which have temporary planning permissions. The applicant has advised that the proposed containers are modular and can be treated with a number of different finishes and that the intention is to provide a high quality, permanent finish. They have also said that the buildings would be fully compliant with Building Regulations. The applicant has said that a temporary planning permission would render the scheme unviable, as they would not be

able to secure the necessary investment and that a higher quality scheme would be delivered by a permanent planning permission.

7.40 The concerns of the applicant are acknowledged; the proposed design and indicative appearance is of a different character to the Vertu car show room with its curved roof, however the Aston Martin showroom, Jaguar Landrover showroom and Cobalt Business Exchange offices are large, flat-roofed, grey-clad squared buildings with large sections of glazing. It is the view of the case officer that the design of the proposal could be adequately controlled by the reserved matters application.

7.41 It is officer advice that the proposal would comply with paragraphs 124 and 127 of the NPPF and policy DM6.1 of the North Tyneside Local Plan 2017.

7.42 Impact on the amenity of surrounding occupiers

7.43 Policy S1.4 'General Development Principles' Proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met, additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change;
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses;
- c. Make the most effective and efficient use of available land;
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements

7.44 Policy DM2.3 states that proposals on identified employment land or other buildings in use-class B1, B2 or B8, for uses that could conflict with the development and regeneration of sites for economic development, will be permitted where these proposals would not amongst other matters have an adverse impact upon the amenity and operation of neighbouring properties and businesses.

7.45 Policy DM5.19 states that development proposals that may cause pollution either individually or cumulatively will be required to incorporate measures to reduce their pollution so as not to cause nuisance or unacceptable impacts on the environment.

7.46 An objection has been received on the grounds of amenity to the neighbouring occupiers, raising particular concerns regarding the proposed late night A3 and A4 uses, which the applicant has given a 2300hrs closing time. The objector raises concerns that the late night uses would have a detrimental impact

on the amenities of the adjoining occupiers, due to noise and litter, with further concerns are raised for the security concerns of the surrounding properties. Due to these potential impacts the objector questions the whether the business park is an appropriate area for drinking establishments.

7.47 While the development has the potential to impact on the amenities of the neighbouring occupiers these are not residential and therefore cannot reasonably expect the same level of amenity that would normally be found in a quite residential area. There is a drinking establishment within the Village Hotel within the Cobalt Business Park and therefore a principle of a drink establishment as an ancillary use has been established.

7.48 The Manager of Environmental Health (Pollution) has stated that they have no objection to the principle of the development; however they do have concerns regarding the potential impact of noise and light during the construction and operation of the development. As such, the Environmental Health (Pollution) team have requested a series of conditions to avoid any adverse impacts.

7.49 It is officer advice that subject to conditions the proposal would avoid adverse impacts upon neighbouring occupiers and would comply with the advice in NPPF and policies S1.4 and DM2.3 of the North Tyneside Local Plan 2017.

7.50 Impact on biodiversity

7.51 Paragraph 170 of NPPF states that decisions should minimise impacts on and provide net gains for biodiversity.

7.52 Policy DM5.2 'Protection of Green Infrastructure' states the loss of any part of the green infrastructure network will only be considered in exceptional circumstances:

7.53 Policy S5.4 'Biodiversity and Geodiversity' states the Borough's biodiversity and geodiversity resources will be protected, created, enhanced and managed having regard to their relative significance.

7.54 Policy DM5.5 'Managing effects on Biodiversity and Geodiversity' states all development proposals should amongst other matters protect the biodiversity and geodiversity value of land, protected and priority species and buildings and minimise fragmentation of habitats and wildlife links.

7.55 Policy DM5.7 Wildlife Corridors states that proposals within a wildlife corridor, as shown on the Policies Map, must protect and enhance the quality and connectivity of the wildlife corridor.

7.56 Policy DM5.9 'Trees, Woodland and Hedgerows' states that where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the Borough.

7.57 It is acknowledged that the original plans had structures sited within the existing landscaping buffer raising significant concerns from Landscape Architect and Biodiversity Officer regarding the potential impact of the proposal wildlife

corridor due to the loss of trees and habitat that the development would entail. The applicant has since submitted revised plans reducing the size of the development to ensure that all of the proposed buildings are located on the existing hard-surfacing and has submitted a Preliminary Ecological Appraisal.

7.58 The Preliminary Ecological Appraisal has investigated and assessed the application site in relation to the potential impact of the proposal on protected species and habitats.

7.59 The report has recommended working procedures, mitigation measures and compensation measures for nesting birds, great crested newts and bats. It is the recommendation of the case officer that conditions area attached to any approval to ensure that all the construction works are carried out in accordance with the avoidance and mitigation measures identified within the Preliminary Ecological Survey, including a restriction on vegetation clearance works, the great crested newt precautionary working method statement, and the submission of a bat sensitive lighting scheme.

7.60 The application would still require the removal of some ornamental planting within the existing car park to facilitate the proposal. An objection has been received on the lack of ecological information with the application and the potential impact on the biodiversity. While the loss of the planting within the car park is acknowledged, the loss of this vegetation would not result in the loss of wildlife links across the site, particularly due to the higher quality of the habitat and wildlife links surround the site. The re-siting of the proposal onto the hard-surfacing and conditions to ensure the ecological improvements in line with the Preliminary Ecological Survey would ensure that the Wildlife Corridor is adequately protected and improved in DM5.7 of the north Tyneside Local Plan 2017.

7.61 In addition to the mitigation measures, the Preliminary Ecological Survey has recommended a scheme of bird boxes, a replacement vegetation scheme and the installation bat boxes. The Landscape Architect and Biodiversity Officer do not object subject to conditions.

7.62 It is officer advice that with the mitigation measures identified within the Preliminary Ecological Survey subject to conditions the proposal would be acceptable in terms of biodiversity. As such it is the view of the case officer that proposal would comply with policies S5.4, DM5.5, and DM5.9 of the North Tyneside Local Plan 2017. Members need to consider whether they agree.

7.63 Impact on traffic and highway safety

7.64 NPPF Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.65 Local Plan Policy DM7.4 'New Development and Transport' states the Council and its partners will ensure that the transport requirements of new development, commensurate to the scale and type of development, are taken

into account and seek to promote sustainable travel to minimise environmental impacts and support residents health and well-being:

7.66 Local Development Document (LDD) 12 'Transport and Highways' sets out the parking and cycle standards for new developments. With regards to this development the proposal would require 1No space per 50sqm of retail floor space; 1No space per 10sqm for public floor area plus 1No disabled space per 20No spaces for A3 and A4 uses; and 1No space per 30sqm and 1No disabled space per 20 spaces for B1 uses.

7.67 As the proposed development is an outline application with all matters reserved, the layout is not for consideration as part of this application. The final car and cycle parking, and electric vehicle charging points are to be finalised with any subsequent application for reserved matters, should Members be minded to approve this application.

7.68 The Highways Network Manager been consulted and raises no objection to the principle of the development based on the outline nature of the application and the submitted Transport Assessment and Framework Travel Plan. The Highways Network Manager has recommended several conditions to be handled through the reserved matters stage, including detailed car parking layouts and cycle parking provision in accordance with LDD12; a scheme for pedestrian and cycle links; a car parking management strategy; a scheme for the provision of electric vehicle charging point; a refuse management strategy; and the submission of full Travel Plan (notwithstanding the submitted Framework Travel Plan).

7.69 Having regard to the above, there are no objections to the application on transport or highways grounds, subject to the submission of suitable details at the reserved matters stage and the conditions requested by the Highways Network Manager. It is officer advice that the proposal complies with the advice in NPPF, policy DM7.4 and LDD 12: Transport and Highways SPD and Members need to consider whether they agree.

7.70 Other issues

7.71 Contaminated Land

7.72 Paragraph 179 of NPPF states that where are site is affected by contamination of land stability issues, responsibility for securing safe development rests with the developer and/or landowner.

7.73 Policy DM5.18 'Contaminated and Unstable Land; states that where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by a report.

7.74 The application site falls within a Contaminated Land Buffer Zone however, the Contaminated Land Officer has raised no objection to the development. As such it is officer advice that if members are minded to approve the application, no conditions area required in relation to contaminated land or land stability.

7.75 Having regard to the above, it is officer advice that the proposal complies with policy DM5.18 of the Local Plan 2017.

7.76 Flooding

7.77 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

7.78 Policy DM5.12 of the Local Plan states that all major developments will be required to demonstrate that flood risk does not increase as a result of the development proposed, and that options have been undertaken to reduce overall flood risk from all sources, taking into account the impact of climate change over its lifetime.

7.79 Policy DM5.14 states that applicants will be required to show, with evidence, they comply with the Defra technical standards for sustainable drainage systems (unless otherwise updated and/or superseded). On brownfield sites, surface water run off rates post development should be limited to a maximum of 50% of the flows discharged immediately prior to the development where appropriate and achievable. For greenfield sites, surface water run off post development must meet or exceed the infiltration capacity or the greenfield prior to development incorporating an allowance for climate change.

7.80 The site is an existing area of hardstanding car park, it would therefore not increase the amount of hardstanding. The site is within Flood Zone 1, which is the lowest risk. It is not within a Critical Drainage Area. The applicant has also stated that the proposal is not within 20m of a watercourse and would not increase the flood risk elsewhere. The surface water would be disposed of via the mains sewer.

7.81 Northumbrian Water has been consulted and do not object subject to a condition.

7.82 Subject to a condition, it is officer advice that the proposal would not have an adverse impact in terms of flooding and would accord with the advice in NPPF and policies DM5.12 and DM5.14. Members need to consider whether they agree.

7.83 Local Financial Considerations

7.84 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received, or will or could receive in payment of the Community Infrastructure Levy (CIL). The proposal would result in additional business rates being received by the Council and this is a benefit of this proposal.

7.85 S106 Contributions

7.86 Paragraph 54 of NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through

the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

7.87 Paragraph 56 of NPPF states that planning obligations must only be sought where they meet all of the following tests;

Necessary to make the development acceptable in planning terms;

Directly related to the development; and

Fairly and reasonably related in scale and kind to the development.

7.88 Paragraph 64 of NPPF expects affordable housing to be provided unless the proposed development provides specialist accommodation for a group of people with specific needs such as purpose built accommodation for the elderly. The housing would provide specialist accommodation and therefore there is no requirement to provide affordable housing.

7.89 Policy DM7.2 states that the Council is committed to enabling a viable and deliverable sustainable development. If the economic viability of a new development is such that it is not reasonably possible to make payments to fund all or part of the infrastructure required to support it, applicants will need to provide robust evidence of the viability of the proposal to demonstrate this. When determining the contributions required, consideration will be given to the application's overall conformity with the presumption in favour of sustainable development.

7.90 The Council's adopted SPD on Planning Obligations (2018) states that the Council takes a robust stance in relation to ensuring new development appropriately mitigates its impact on the physical, social and economic infrastructure of North Tyneside. Notwithstanding that, planning obligations should not place unreasonable demands upon developers, particularly in relation to the impact upon the economic viability of development. The Council will consider and engage with the applicants to identify appropriate solutions where matters of viability arise and require negotiation.

7.91 The Council's Employment and Training Manager has sought to secure employment and training opportunities. This can be secured via a condition. Subject to this condition, it is officer advice that the proposal would accord with the advice in the Planning Obligations SPD.

7.92 Conclusions

7.93 The application site is an existing car park, within an existing employment area. The site is allocated for employment use in the Local Plan and the proposal would be in accordance with its allocation. The proposal would secure additional economic growth and this carries significant weight. There are no sequentially preferable sites and therefore the sequential test is passed. The proposal would not have an adverse impact on biodiversity or highway safety. It is officer advice that that outline planning permission should be granted subject to conditions.

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 Forms
- Site Location Plan, Drawing No. EX-001 Rev A
- Revised Site Layout, Drawing No. DP-006 Rev A
- Sequential Assessment received 18th August 2019
- Schedule of Accommodation received 18th August 2019

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

2. Approval of the details of access, scale, layout, appearance and landscaping hereafter called the "reserve matters" shall be obtained from the Local Planning Authority before any development is commenced.

Reason: That your application is expressed to be an outline application only.

3. Application for approval, of reserve matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserve matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Notwithstanding the detail contained within the application hereby approved, no more than 25% of the gross internal floor area of the development shall be used for purposes falling within Use Classes A1 (Retail), A3 (Food & Drink) or A4 (Drinking Establishments) of the Use Classes Order 1987 (as amended) unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not give rise to levels of alternative uses in a location that would otherwise be unacceptable for higher levels of A1, A3 and A4 uses and which would be prejudicial to the vitality and viability of local town centres, in accordance with policy DM3.4 of the North Tyneside Local Plan 2017

5. Notwithstanding the requirements of Condition 4 no more than 12% of the gross internal floor area of the development hereby permitted shall be used for any use falling within Use Class A1 (Retail) of the Use Classes Order 1987 (as amended or any Order revoking or re-enacting that Order) unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not give rise to levels of retail uses within the park in an area which would otherwise be unacceptable and would be prejudicial to the local retail economy, in accordance with Policy DM3.4 of the North Tyneside Local Plan 2017.

6. Notwithstanding the detail contained within the application hereby approved, no individual unit falling within Use Classes A1 (Retail), A3 (Food & Drink) and A4 (Drinking Establishments) of the Use Classes Order 1987 (as amended or any Order revoking or re-enacting that Order) shall have a gross internal floor area exceeding 29m² unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not result in the creation of large retail units in an area which would otherwise be unacceptable and which would be prejudicial to the vitality and viability of local town centres, in accordance with Policy DM3.4 of the North Tyneside Local Plan 2017.

7. Notwithstanding the detail contained within the application hereby approved, no more than 6% of the gross internal floor area of the development shall be set aside for uses falling within Classes D1 (Non-Residential Institutions) or D2 (Assembly & Leisure) of the Use Classes Order 1987 (as amended or any Order revoking or re-enacting that Order) unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority. Any gym or leisure space, and any function or event space, falling within the above Use Class shall be reserved solely for use by the site owners, management and other persons employed at the site, tenants of the development, their employees and their visitors. Any gym and leisure facilities shall not be used, and shall not be made available for use, by members of the general public. Any function or event space shall not be made available for hire to the general public unless an application for planning permission has first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the development does not generate significant additional traffic movements and to avoid the creation of leisure and business facilities for use by the general public in a location which would otherwise be unacceptable, in accordance with Policy DM3.4 of the North Tyneside Local Plan 2017.

8. Altered Access Access Alt Prior to Occ ACC01 *
5

9. No part of the development shall be occupied until an area has been laid out within the site for refuse vehicles to turn in accordance with details to be approved pursuant to condition 2 and that area shall not thereafter be used for any other purpose.

Reason: To enable vehicles to draw off and turn clear of the highway thereby avoiding the need to reverse onto the public highway having regard to policy DM7.4 of the North Tyneside Local Plan (2017).

10. Construction Method Statement - Minor SIT006 *

11. No development above ground level shall take place until a detailed parking layout designed in accordance with LDD12 has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.

12. No development above ground floor level shall commence until a scheme for the provision of Electric Vehicles (EV) charging points has been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any part of the development is first occupied.

Reason: In the interests of promoting sustainable transport in accordance with policy S7.3 of the North Tyneside Local Plan 2017.

13. No part of the development shall be occupied until a refuse management strategy for the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the management of refuse shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.

14. Notwithstanding the Framework Travel Plan submitted, the full Travel Plan shall be developed as set out and implemented in accordance with the agreed details.

Reason: In the interests of promoting sustainable transport in accordance with policy S7.3 of the North Tyneside Local Plan 2017.

15. No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in anyway or removed during the development phase other than in any way or removed during the development phase other than in accordance with the approved plans or without the prior consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of a similar size and species until the Local Planning Authority give written consent to any variation.

Reason: In order to ensure the retention of trees and landscaping in accordance with policy DM5.9 of the North Tyneside Local Plan 2017

16. Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval an Arboricultural Impact Assessment and Tree Protection Plan showing the type, height and position of protective fencing to be erected around each tree or tree group within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No site clearance works or the development itself shall be commenced until a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Reason: This condition needs to be pre-commencement to ensure that suitable protective measures are in place to protect the trees that are to be retained and overhang the site in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

17. All works within the Root Protection Areas (RPA's) of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with an Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and the Maintenance of Utility Apparatus in Proximity to Trees.'

Reason: Reason: In order to ensure the retention of trees and landscaping in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

18. Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Scheme shall include details of proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (replacement trees to be a minimum 12-14cm girth). All hard and soft landscape works shall be carried out in accordance with the approved details and to the standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved by the end of the first planting season thereafter.

Reason: To ensure a satisfactory standard of landscaping in accordance with policy DM5.9 of the North Tyneside Local Plan 2017.

19. Prior to the installation of any floodlighting or other form of external, lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Lighting must be designed to minimise light spill and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site. This shall include the following information:

- a. A statement of frequency of use, and the hours of illumination;
- b. A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
- c. Details of the number, location and height or proposed lighting columns or other fixtures;
- d. The type number, mounting, height and alignment of the luminaries;
- e. The beam angles and upward waste ratio for each light;
- f. An isolux diagram showing the predicted luminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone; and

g. Where necessary, the percentage increase in luminance and predicted luminance in the vertical plane (in lux) at key points

The lighting shall be installed and maintained in accordance with the approved scheme.

Reason: In the interest of biodiversity and neighbouring amenity in accordance with policies DM5.19 and DM5.5 of the North Tyneside Local Plan 2017.

20. A Great Crested Newt Working Method Statement shall be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan.

Reason: This condition needs to be pre-commencement to ensure that adequate measures are in place to protect Great Crested Newt in accordance with policy DM5.5 of the North Tyneside Local Plan 2017.

21. No development above ground level shall take place until details of the height, position, design and materials of any chimney or extraction vent to be provided in connection with the development have 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: In order to safeguard the amenities of adjoining properties having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

22. No development above ground level shall take place until details of the air ventilation systems have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented before the development is first occupied in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan 2017

23. No vegetation removal shall take place during the bird nesting season (March - August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

Reason: In the interests of biodiversity and in accordance with policy DM5.5 of the North Tyneside Local Plan 2017.

24. No development above ground level shall take place until details of any refrigeration plant to be installed in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The plant shall thereafter only be installed in accordance with the approved details and permanently retained as such.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

25. No development above ground level shall take place until details of an odour suppression system for the arrestment of odours have been submitted to and approved in writing by the Local Planning Authority. The scheme shall

thereafter be implemented before the development or use commences in accordance with the approved details and permanently retained.

Reason: To protect the amenities of the neighbouring occupiers in the vicinity having regard to policy DM5.19 of the North Tyneside Local Plan 2017.

26. No sound reproduction equipment which is audible outside the curtilage of the premises shall be operated on the site.

Reason: In order to protect the amenities of occupiers of nearby properties having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

27. Prior to the construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any source in accordance with NPPF.

28. The premises shall not be open for business outside the hours of 06:00 to 23:00 on any day.

Reason: To safeguard the occupiers of adjacent properties from undue noise of other associated disturbance having regard to policy DM5.19 of the North Tyneside Local Plan (2017).

29. No development above ground level shall commence until a detailed scheme for safe pedestrian and cycle links within the site and lining into the site access have been submitted to and approved in writing by the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before any part of the development is first occupied.

Reason: In the interests of highway safety in accordance with policy DM7.4 of the North Tyneside Local Plan 2017.

30. Notwithstanding the approved details no business (business currently open/open within the last 12 months and trading/traded within a town centre as defined in the North Tyneside Local Plan 2017 within the administrative boundaries of North Tyneside) shall re-locate to the development hereby approved.

Reason: To prevent existing/former businesses from re-locating to the proposed new development in the interests of protecting the existing town centres of North Tyneside in accordance with policy S3.1 of the North Tyneside Local Plan 2017.

31. No development above ground floor level shall commence until 2 bat boxes (Schwegler 2F or similar) have been installed on two mature trees in the south west corner of the site. The bat boxes shall be maintained and retained thereafter.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

32. No part of the development shall be first occupied until 4 bird boxes (Schwegler 1SP Sparrow terrace nest boxes or similar) have been installed on the rear elevation of four of the two storey containers. They shall be maintained and retained thereafter.

Reason: In the interests of biodiversity in accordance with advice in National Planning Policy Framework (2019).

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 Paragraph 38 of the National Planning Policy Framework.

Informatives

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Highway Inspection before dvlpt (I46)

Free and full access to the Public Rights of Way Network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or diver an existing route during development this should be agreed with the Council's Public Rights of Way Officer.

Prior to the commencement of works and upon completion of the development the developer shall contact the Council's Public Rights of Way Officer to enable a full inspection of the route affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

The developer is advised to contact the Council's Public Rights of Way officer to discuss connectivity to the site and the surrounding Public Rights of Way Network.



Application reference: 19/00706/OUT

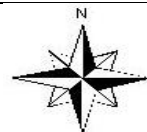
Location: Land To The Rear Of Cobalt Exchange, Abbey Road, Wallsend, Tyne And Wear

Proposal: Outline planning permission with all matters reserved for the siting of shipping containers to create a two storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation and event space including pop up market space, erection of stairs and lift, provision of external decking/walkways and refuse storage

Not to scale

Date: 22.08.2019

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**Appendix 1 – 19/00706/OUT
Item 1**

Consultations/representations

Internal Consultees

1. Highways Network Manager

1.1 This application is an outline application with all matters reserved for the siting of shipping containers to create a two storey mixed use development comprising of retail, restaurant/cafe, bars, office accommodation & event space including pop up market space, erection of stairs & lift, provision of external decking/walkways & refuse storage.

1.2 The site had previous outline permission for the development of a car dealership and B1 office accommodation (06/03949/OUT). Whilst the car dealership was implemented, the office element of the development did not go ahead.

1.3 A Transport Assessment (TA) was submitted as part of the planning application that compared network peak trip rates with the previous permission compared with the current application. Given the reduction in office space and the replacement of the permitted office space with retails & leisure uses, the impact in network peaks is reduced. Furthermore there have been significant improvements to the network in the interim period including the major scheme at Silverlink Interchange, Silverlink Retail Park & Silverlink Point, Addington Drive, Middle Engine Lane & New York Way and Holystone Interchange to Silverlink North.

1.4 A Framework Travel Plan (TP) has also been submitted as part of the application. As the TP is at its early stages given the outline nature of the application, it will be developed as part of reserved matters and targets will be determined at that stage.

1.5 An indicative layout is included, but will be revisited as part of the reserved matters application.

1.6 For the above reasons outlined above and on balance conditional approval is recommended.

1.7 Recommendation - Conditional Approval

1.8 Conditions:

ACC15 - Altered Access Access Alt Prior to Occ

ACC24 - Turning Areas: Laid out before Occ (OUT)

REF01 - Refuse Storage: Detail, Provide Before Occ

SIT06 - Construction Method Statement (Minor)

1.9 No development shall commence until a detailed parking layout designed in accordance with LDD12 has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of highway safety

1.10 No development shall commence until a detailed scheme for safe pedestrian & cycle links within the site and linking into the site access 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 before the development is occupied.

Reason: In the interests of highway safety.

1.11 No development shall commence until a scheme for the provision of secure undercover cycle storage has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of promoting sustainable transport.

1.12 No part of the development shall be occupied until a car park management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the car park shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

1.13 No development shall commence until a scheme for the provision of Electric Vehicles (EV) charging points has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of promoting sustainable transport.

1.14 No part of the development shall be occupied until a refuse management strategy for the site has been submitted to and agreed in writing by the Local planning Authority. Thereafter the management of the refuse shall be carried out in accordance with the agreed details.

Reason: In the interests of highway safety.

1.15 Notwithstanding the Framework Travel Plan submitted, the full Travel Plan shall be developed as set out and implemented in accordance with the agreed details.

Reason: To accord with Central Government and Council Policy concerning sustainable transport.

1.16 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't obstruct Highway, Build Materials

I46 - Highway Inspection before dv/pt

1.17 Free and full access to the Public Right of Way network is to be maintained at all times. Should it be necessary for the protection of route users to temporarily close or divert an existing route during development, this should be agreed with the council's Public Rights of Way Officer.

1.18 Prior to the commencement of works and upon the completion of the development the developer shall contact the council's Public Rights of Way

Officer to enable a full inspection of the routes affected to be carried out. The developer will be responsible for the reinstatement of any damage to the network arising from the development.

1.19 The developer is advised to contact the council's Public Rights of Way Officer to discuss connectivity to the site into the surrounding Public Right of Way network.

2. Landscape Architect and Biodiversity Officer

2.1 There are significant woodland assets bordering the proposed development site along its eastern perimeter and within the existing car-parking bays, which currently provide important habitat areas for wildlife, which extend and contribute the bio-diversity and recreational balance of the overall wider area. These tree groups help serve, but also attenuate and mitigate, the views of the large car-parking areas and open aspect views associated with the adjacent business and retail environments.

2.2 The site is located within a wildlife corridor as defined by the Local Plan therefore the following policies apply:

S5.4 Biodiversity and Geodiversity

DM5.5 Managing effects on Biodiversity and Geodiversity

DM5.7 Wildlife Corridors

DM5.9 Trees, Woodland and Hedgerows

DM5.2 Protection of Green Infrastructure

2.3 However, any development proposal should meet the requirements of the NPPF in terms of providing a suitable landscape scheme that provides net gains for biodiversity (NPPF section 170) and provide opportunities to incorporate biodiversity improvements in and around developments (NPPF section 175)

2.4 A revised site plan has been submitted that shows that the development can be accommodated on the existing car park area, so the tree groups to the boundaries of the site will remain unharmed. Planting to the existing car park will be removed to accommodate the development comprising of ornamental trees and shrubs. The trees and shrubs, whilst ornamental, have a purpose by defining internal spaces therefore their removal is considered a loss in the context of the scheme. However, this loss can be mitigated with replacement planting as part of a landscape scheme and address the Local Plan policies. The request for an AIA is still required as this will define the type and location of the tree protective fencing which will be required to protect the tree groups to the boundary of the site. Therefore, whilst the principle of the development is acceptable the following conditions are to be applied:

2.5 No trees, shrubs or hedges within the site which are shown as being retained on the submitted plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed during the development phase other than in accordance with the approved plans or without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within three years from the completion of the development hereby permitted shall be

replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

2.6 Prior to the commencement of any site clearance works there shall be submitted to the Local Planning Authority for their approval an Arboricultural Impact Assessment and Tree Protection plan showing the type, height and position of protective fencing to be erected around each tree or tree group within or adjacent to and overhang the site to be retained. Unless otherwise agreed in writing by the Local Planning Authority this shall comprise a vertical and horizontal framework of scaffolding, well braced to resist impacts. No site clearance works or the development itself shall be commenced until such a scheme is approved by the Local Planning Authority and thereafter the development hereby permitted shall only be carried out in accordance with that scheme. The area surrounding each tree group within the approved protective fencing shall be protected for the full duration of the development and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

2.7 All works within the RPA of the retained trees that include (but not limited to) kerb installation, fence post installation, lighting and drainage, are to be carried out in complete accordance with an Arboricultural Method Statement, BS 5837:2012 and the National Joint Utilities Group (NJUG) 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity To Trees.'

2.8 Within one month from the start on site of any operations such as site excavation works, site clearance (including site strip) for the development, a fully detailed landscape plan shall be submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include details and proposed timing of all new tree and shrub planting and ground preparation noting the species and sizes for all new plant species (replacement trees to be a minimum 12-14cm girth). All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard 8545:2014. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

2.9 No development will take place outside of car parking/hardstanding areas associated with this scheme. Adjacent grassland and tree/shrub areas will be retained and adequately protected as part of any works that are undertaken.

2.10 Prior to the installation of any floodlighting or other form of external lighting, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Lighting must be designed to minimise light spill and any adverse impacts on adjacent woodland, scrub, grassland and hedgerow habitats within or adjacent to the site. This shall include the following information:

- A statement of frequency of use, and the hours of illumination;

- a site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features;
 - details of the number, location and height of the proposed lighting columns or other fixtures;
 - the type, number, mounting height and alignment of the luminaires;
 - the beam angles and upward waste light ratio for each light;
 - an isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties or the public highway to ensure compliance with the institute of lighting engineers Guidance Notes for the reduction of light pollution to prevent light glare and intrusive light for agreed environmental zone ; and
 - where necessary, the percentage increase in luminance and the predicted illuminance in the vertical plane (in lux) at key points.
- The lighting shall be installed and maintained in accordance with the approved scheme.

2.11 A Great Crested Newt Working Method Statement shall be submitted to the Local Planning Authority for approval prior to works commencing on site. All works on site will be carried out in accordance with the approved plan

2.12 No vegetation removal shall take place during the bird nesting season (March-August inclusive) unless a survey by a suitably qualified ecologist has confirmed the absence of nesting birds immediately prior to works commencing.

3. Regeneration and Economic Development

3.1 The Regeneration and Economic Development Team have assessed the planning submission for the Crate Park proposal at Cobalt Business Park and note the emphasis to provide cost effective, flexible, mixed use space for start ups utilising easy in / easy out leases, with the intention that the retail businesses locating there, will be offered business and mentoring support to grow and ultimately relocate to larger premises in the Boroughs town centres.

3.2 The potential investment in the 70 office units as part of the scheme is welcomed, and is seen as a positive addition for the businesses to be part of the wider Cobalt Business Park community.

3.3 The current economic climate is seen as a challenging time for North Tyneside's town centres and the Council have prioritised investment in the town centres through its Regeneration Strategy approved by Cabinet on the 26th November 2018. The Regeneration and Economic Development team aims to support any developments that will assist town centres to become more resilient, adaptable and vibrant places and resist developments which could have a negative impact upon them.

3.4 The sequential assessment submitted as part of the planning application is brief and does not appear robust as we consider it does not cover all of the available sites located in the Boroughs town centres.

3.5 It is noted that there has not been an attempt made to disaggregate the retail uses or to consider how these could be accommodated into our existing town

centres. North Shields and Wallsend in particular, have higher than the national vacancy rate of 11.5%, and 25 new retail businesses in these towns would add vibrancy and vitality to the offer in our towns.

3.6 If approved, we would request that the level of retail and food and drink uses provided as part of the development is kept below the 25% threshold as set out within planning policy, in order to minimise any negative impact upon the Boroughs town centres and particularly North Shields, being the closest of all the Boroughs centres.

3.7 We would also note that the quality of container type developments can vary significantly and that care will need to be taken by the developer to ensure that the design quality of the development reflects that of the wider Cobalt Business Park. These are not intended to be permanent installations and as such we would suggest that a condition be attached for temporary consent only and requiring the remediation of the site once the project ends. We would be particularly concerned if the project was not a success and was subsequently abandoned resulting in blight to wider Cobalt Business Park. This may also allow the potential impact on North Tyneside's town centres to be assessed once the development is operational.

3.8 A condition should be attached ensuring that all retail businesses locating to the Crate Park are start-ups only, so as not to pull retail uses from the Boroughs existing town centres.

3.9 Conditions should also be attached minimising external noise and music as well as relevant time restrictions on the operation of the site. The availability of public transport services from the site may not be good after 11pm, so thought needs to be given about dissipation of customers and transport provision in this respect.

4. Manager of Environmental Health (Pollution)

4.1 I have no objection in principle to the proposal. I have concerns regarding dust generation from construction, the potential impact from lighting and odour / noise nuisance from the units proposed for A3 / A4 use.

Therefore I recommend the attachment of the following conditions:

EPL01

EPL02

EPL03

EPL04

NOI002

LIG001

SIT007

5. Manager of Environmental Health (Contaminated Land Officer)

5.1 No objection.

External Consultees

6. Northumbrian Water Ltd

6.1 The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian

Water to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

6.2 CONDITION:

Prior to construction above ground floor level, a detailed scheme for the disposal of foul and surface water from the development hereby approved must be submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

REASON:

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Representations

2 letters of objection have been received raising the following issues;

7. Highbridge Properties

7.1 Barton Willmore are acting on behalf of our client Highbridge Properties, have submitted an objection statement on the following grounds:

7.2 The proposed development will only serve to reduce the amount of high-quality office space available within Cobalt Business Park, an employment area allocated to attract multi-national firms who want to choose high quality business park accommodation under Policy S2.1;

7.3 The application has not provided a coherent and up to date floorspace split against which the application can be assessed accurately against the Development Plan;

7.4 The proposed development, by virtue of the amount of non B1, B2 and B8 uses, is contrary to NTLP policy DM2.3, and it proposes incompatible uses within the Cobalt Business Park;

7.5 The sequential assessment of the town centres is inadequate and fails to full consider all available properties currently available;

7.6 The development, due to the amount of town centre uses proposed, would have a detrimental impact on the vitality and viability of town centres, particularly North Shields and Wallsend, where vacancy rates are significantly higher than the national average.

7.7 The supporting information admitting that the B1 office provision is required to make the retail provision viable;

7.8 The development, by virtue of its design, would not be in keeping with the locality, and neighbouring built form, and does not represent sustainable or high-quality design;

7.9 The proposed development would have a detrimental impact on the amenity of neighbouring uses, with significant impact through noise, air quality and security;

7.10 The application has failed to consider impacts on trees and protected species, which are material considerations in the determination of the application, with further information required to be provided in order to fully assess the development's impact.

8. New River

8.1 Objection – Out of keeping with the surrounding area.

8.2 We are wholly supportive of this sort of development but strongly feel that it should be in a town centre location with North Tyneside. North Shields and Wallsend are both in need of further regeneration initiatives to ensure the towns attract and retain new customers.

8.3 This exciting model of shipping containers being used for retail and leisure uses is an established and successful one hence it will attract people to visit it. Having it on a business park draws people, particularly younger people away from the existing town centres where they are badly needed. Finally public transport provision is greater in town centres thereby ensuring more people can enjoy the facility if it is centrally located.